



**mineral resources**

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

**DRAFT**

**BASIC ASSESSMENT REPORT  
and  
ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT**

SUBMITTED FOR ENVIRONMENTAL AUTHORIZATIONS IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 AND THE NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT, 2008 IN RESPECT OF LISTED ACTIVITIES THAT HAVE BEEN TRIGGERED BY APPLICATIONS IN TERMS OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (MPRDA) (AS AMENDED).

<b>Name of Applicant</b>	K2018010850 (South Africa) (Pty) Ltd
<b>Project</b>	Hartebeestfontein Remainder Prospecting Right Project
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<b>File Reference Numbers SAMRAD</b>	NW 30/5/1/1/3/2/12737 PR

August 2020



## 1) IMPORTANT NOTICE

In terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002 as amended), the Minister must grant a prospecting or mining right if among others the mining “will not result in unacceptable pollution, ecological degradation or damage to the environment”.

Unless an Environmental Authorisation can be granted following the evaluation of an Environmental Impact Assessment and an Environmental Management Programme report in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA), it cannot be concluded that the said activities will not result in unacceptable pollution, ecological degradation or damage to the environment.

In terms of section 16(3)(b) of the EIA Regulations, 2014, any report submitted as part of an application must be prepared in a format that may be determined by the Competent Authority and in terms of section 17 (1) (c) the competent Authority must check whether the application has taken into account any minimum requirements applicable or instructions or guidance provided by the competent authority to the submission of applications.

**It is therefore an instruction that** the prescribed reports required in respect of applications for an environmental authorisation for listed activities triggered by an application for a right or a permit are submitted in the exact format of, and provide all the information required in terms of, this template. Furthermore, please be advised that failure to submit the information required in the format provided in this template will be regarded as a failure to meet the requirements of the Regulation and will lead to the Environmental Authorisation being refused.

**It is furthermore an instruction that** the Environmental Assessment Practitioner must process and interpret his/her research and analysis and use the findings thereof to compile the information required herein. (Unprocessed supporting information may be attached as appendices). The EAP must ensure that the information required is placed correctly in the relevant sections of the Report, in the order, and under the provided headings as set out below, and ensure that the report is not cluttered with un-interpreted information and that it unambiguously represents the interpretation of the applicant.



## **2) OBJECTIVE OF THE BASIC ASSESSMENT PROCESS**

The objective of the basic assessment process is to, through a consultative process—

- (a) determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;
- (b) identify the alternatives considered, including the activity, location, and technology alternatives;
- (c) describe the need and desirability of the proposed alternatives,
- (d) through the undertaking of an impact and risk assessment process inclusive of cumulative impacts which focused on determining the geographical, physical, biological, social, economic, heritage, and cultural sensitivity of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects to determine:
  - (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
  - (ii) the degree to which these impacts—
    - (aa) can be reversed;
    - (bb) may cause irreplaceable loss of resources; and
    - (cc) can be managed, avoided or mitigated;
- (e) through a ranking of the site sensitivities and possible impacts the activity and technology alternatives will impose on the sites and location identified through the life of the activity to—
  - (i) identify and motivate a preferred site, activity and technology alternative;
  - (ii) identify suitable measures to manage, avoid or mitigate identified impacts; and
  - (ii) identify residual risks that need to be managed and monitored.



## Table of Contents

<b>1) IMPORTANT NOTICE .....</b>	<b>ii</b>
<b>2) Objective of the basic assessment process .....</b>	<b>iii</b>
<b>PART A: SCOPE OF ASSESSMENT AND BASIC ASSESSMENT REPORT .....</b>	<b>1</b>
<b>1) Contact Person and correspondence address .....</b>	<b>1</b>
a) Details of;.....	1
(1) The qualifications of the EAP .....	1
(2) Summary of the EAP's past experience .....	1
<b>2) Location of the overall Activity .....</b>	<b>2</b>
a) Locality map .....	3
<b>3) Description of the scope of the proposed overall activity .....</b>	<b>4</b>
a) Listed and specified activities .....	5
b) Description of the activities to be undertaken .....	5
c) Policy and Legislative Context .....	6
d) Need and desirability of the proposed activities.....	15
e) Motivation for the overall preferred site, activities and technology alternative .....	16
f) Full description of the process followed to reach the proposed preferred alternatives within the site. ....	17
<b>4) Details of the Public Participation Process Followed .....</b>	<b>18</b>
<b>5) The Environmental attributes associated with the alternatives.....</b>	<b>58</b>
a) Type of environment affected by the proposed activity.....	58
b) Description of the current land uses .....	71
c) Description of specific environmental features and infrastructure on the site. ....	71
d) Environmental and current land use map .....	76
<b>6) Impacts and risks identified including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts .....</b>	<b>77</b>
a) Methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks;.....	79
b) The positive and negative impacts that the proposed activity (in terms of the initial site layout) and alternatives will have on the environment and the community that may be affected. ....	83
c) The possible mitigation measures that could be applied and the level of risk. ....	84
d) Motivation where no alternative sites were considered. ....	84
e) Statement motivating the alternative development location within the overall site. (Provide a statement motivating the final site layout that is proposed).....	85
f) Full description of the process undertaken to identify, assess and rank the impacts and risks the activity will impose on the preferred site (In respect of the final site layout plan) through the life of the activity.....	85
g) Summary of specialist reports.....	87
h) Environmental impact statement.....	87
i) Proposed impact management objectives and the impact management outcomes for inclusion in the EMPr; ..	88
<b>7) Aspects for inclusion as conditions of Authorisation .....</b>	<b>89</b>
a) Description of any assumptions, uncertainties and gaps in knowledge.....	89
b) Reasoned opinion as to whether the proposed activity should or should not be authorised .....	89
c) Period for which the Environmental Authorisation is required .....	89
d) Undertaking.....	89
<b>8) Financial Provision.....</b>	<b>90</b>
a) Explain how the aforesaid amount was derived. ....	90



b)	Confirm that this amount can be provided for from operating expenditure.....	90
<b>9)</b>	<b>Specific Information required by the competent Authority .....</b>	<b>90</b>
a)	Compliance with the provisions of sections 24(4)(a) and (b) read with section 24 (3) (a) and (7) of the National Environmental Management Act (Act 107 of 1998). the EIA report must include the:- .....	90
b)	Other matters required in terms of sections 24(4)(a) and (b) of the Act. ....	90
<b>PART B: ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT .....</b>		<b>91</b>
<b>1)</b>	<b>Draft environmental management programme.....</b>	<b>91</b>
a)	Details of the EAP .....	91
b)	Description of the Aspects of the Activity .....	91
c)	Composite Map .....	91
d)	Description of Impact management objectives including management statements.....	91
e)	Impact Management Outcomes.....	94
f)	Impact Management Actions .....	95
(1)	Determination of the amount of Financial Provision.....	96
g)	Mechanisms for monitoring compliance with and performance assessment against the environmental management programme and reporting thereon, including.....	97
h)	Indicate the frequency of the submission of the performance assessment/ environmental audit report.....	97
i)	Environmental Awareness Plan .....	97
(1)	Manner in which the applicant intends to inform his or her employees of any environmental risk which may result from their work. ....	97
(2)	Manner in which risks will be dealt with in order to avoid pollution or the degradation of the environment. ....	98
j)	Specific information required by the Competent Authority .....	98
<b>2)</b>	<b>UNDERTAKING .....</b>	<b>99</b>

## Appendices

Appendix 1:	Qualifications of EAP
Appendix 2:	EAP's Experience
Appendix 3:	Locality maps
Appendix 4:	Site sensitivity maps
Appendix 5:	Public Participation Information
Appendix 6:	Screening Report
Appendix 7:	Prospecting Works Programme
Appendix 8:	NEMA Application
Appendix 9:	Prospecting Right Application Acceptance



## List of Figures

	Page
Figure 1: Locality map .....	3
Figure 2: Satellite image of PR area .....	4
Figure 3: East-west elevation profile .....	58
Figure 4: North-south elevation profile .....	59
Figure 5: Geology of the Rustenburg Layered Suite present on the project area. ....	60
Figure 6: (left) Precipitation graph; (right) Temperature graph (Source: www.climate-data.org) .....	61
Figure 7: (left) Wind rose for the Marikana area; (right) Wind speed (Venter et al, 2012) .....	61
Figure 8: Groundwater level and flow direction in the Upper Crocodile Catchment (Alexander et al, 2017). ....	63
Figure 9: Quaternary catchment .....	64
Figure 10: Watercourses on the project site .....	64
Figure 11: Freshwater Ecosystem Priority Areas applicable to the project .....	65
Figure 12: Vegetation types of project area .....	67
Figure 13: Important Birding Areas .....	68
Figure 14: Magaliesberg Biosphere Reserve .....	69
Figure 15: Protected areas and conservation plan areas .....	69
Figure 16: Sensitivity map .....	72
Figure 17: Critical Biodiversity and Protected Areas .....	72
Figure 18: EMF Management ZONES for project site .....	75
Figure 19: Current land use map .....	76
Figure 20: Final site map indicating sensitive areas .....	87

## List of Tables

	Page
Table 1: Details of EAP .....	1
Table 2 Listed and Specified Activities .....	5
Table 3: Policy and Legislation .....	6
Table 2: Locality of Site Notices Placed .....	19
Table 4: General catchment sizes and major enterprise contributions .....	63
Table 5: A21J Quaternary Drainage Area Resource Classification .....	63
Table 6: Madibeng Local Municipality demographic information (2016) .....	70
Table 7: BPDM EMF Environmental Management Zone applicable to the PR area .....	73
Table 8: List of identified impacts and proposed mitigations measures .....	77
Table 9: Significance statements and rating of the identified environmental impacts, before and after mitigation .....	78
Table 10: Impact Assessment Criteria .....	79
Table 11: Significance-Without Mitigation .....	81
Table 12: Significance- With Mitigation .....	81
Table 13: Description of assessment parameters with its respective weighting .....	82
Table 14: Assessment of each identified potentially significant impact and risk .....	86



## PART A: SCOPE OF ASSESSMENT AND BASIC ASSESSMENT REPORT

### 1) CONTACT PERSON AND CORRESPONDENCE ADDRESS

#### a) Details of;

##### i) Details of the EAP

<b>Name of the Practitioner:</b>	Nicole Upton
<b>Tel No.:</b>	079 555 2433
<b>Fax No.:</b>	N/A
<b>Postal address:</b>	PostNet Suite 0111, Private Bag X37, Lynnwood Ridge, Pretoria, 0040
<b>E-mail address:</b>	nicole@redkiteconsulting.co.za

##### ii) Expertise of the EAP

##### (1) *The qualifications of the EAP*

Please refer to Table 1 for a summary of the qualification and experience of the EAP. Refer to Appendix 1 and 2 for more details (CV).

##### (2) *Summary of the EAP's past experience*

**Table 1: Details of EAP**

<b>Environmental Consultants:</b>	Red Kite Environmental Solutions (Pty) Ltd
<b>Author:</b>	Nicole Upton
<b>Qualifications:</b>	B.Sc. (Hons) Animal, Plant and Environmental Science
<b>Professional affiliation(s):</b>	<ul style="list-style-type: none"> <li>• South African Council for Natural Scientific Professions (SACNASP)               <ul style="list-style-type: none"> <li>○ (Registration Number: 121030)</li> </ul> </li> <li>• Water Institute of Southern Africa (WISA)               <ul style="list-style-type: none"> <li>○ (Membership No: 39243)</li> </ul> </li> <li>• International Association for Impact Assessments (IAIAsa)               <ul style="list-style-type: none"> <li>○ (No. 6185)</li> </ul> </li> </ul>
<b>Expertise of the EAP:</b>	Ms. Upton has a qualification in B.Sc. (Hons) Animal, Plants and Environmental Science (Appendix 1) and has 9 years of applicable experience as a project manager on a number of Environmental Impact Assessments (EIAs) and environmental authorisations for predominately industrial and mining clients in the South African market. Nicole has extensive integrated environmental management experience, including, EIAs, implementation of environmental management programmes, environmental monitoring, compliance auditing and monitoring, project management and general environmental support. Refer to Appendix 2 for further details.
<b>Experience</b>	9 years



## 2) LOCATION OF THE OVERALL ACTIVITY

<b>Farm Name:</b>		
	<b>Farm Name</b>	<b>Farm Portion</b>
	Hartebeestfontein	RE/2/445
	Hartebeestfontein	RE/28/445
	Hartebeestfontein	36/445
	Hartebeestfontein	48/445
	Hartebeestfontein	RE/50/445
	Hartebeestfontein	51/445
	Hartebeestfontein	98/445
	Hartebeestfontein	99/445
	Hartebeestfontein	RE/100/445
	Hartebeestfontein	166/445
	Hartebeestfontein	170/445
	Hartebeestfontein	RE/176/445
	Hartebeestfontein	178/445
	Hartebeestfontein	199/445
	Hartebeestfontein	238/445
	Hartebeestfontein	239/445
<b>Application area (Ha)</b>	298.50 ha	
<b>Magisterial district:</b>	Bojanala Platinum District Municipality Madibeng Magisterial District	
<b>Distance and direction from nearest town</b>	8 km south of Brits and 5 km north of Schoemansville	
<b>21 digit Surveyor General Code for each farm portion</b>	TOJQ00000000044500002 TOJQ00000000044500028 TOJQ00000000044500036 TOJQ00000000044500048 TOJQ00000000044500050 TOJQ00000000044500051 TOJQ00000000044500098 TOJQ00000000044500099 TOJQ00000000044500100 TOJQ00000000044500166 TOJQ00000000044500170 TOJQ00000000044500176 TOJQ00000000044500178 TOJQ00000000044500199 TOJQ00000000044500238 TOJQ00000000044500239	



## a) Locality map

Refer to Appendix 3 for the Locality Maps for the project area.

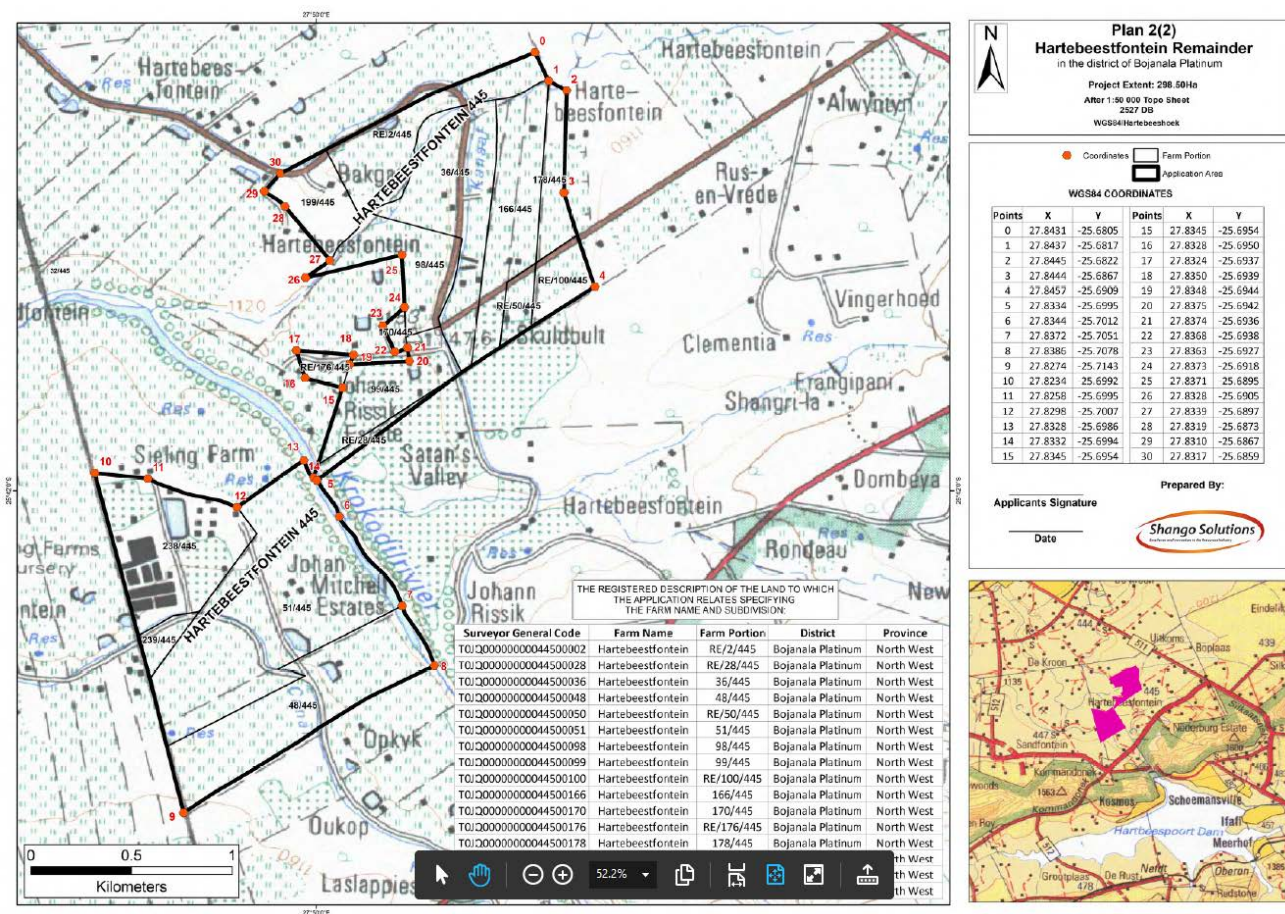


Figure 1: Locality map

### 3) DESCRIPTION OF THE SCOPE OF THE PROPOSED OVERALL ACTIVITY

Refer to Appendix 4 for the layout maps of the project area.

During phase 2 of the prospecting surface mapping and sampling will take place on the PR area. A field visit will be conducted whereby the outcrops will be mapped and sampled. A detailed field-based map will be compiled highlighting the relevant stratigraphic units in the project area. Surface samples will be sent for analysis.

No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right application. Refer to Mining Works Programme submitted for the application.

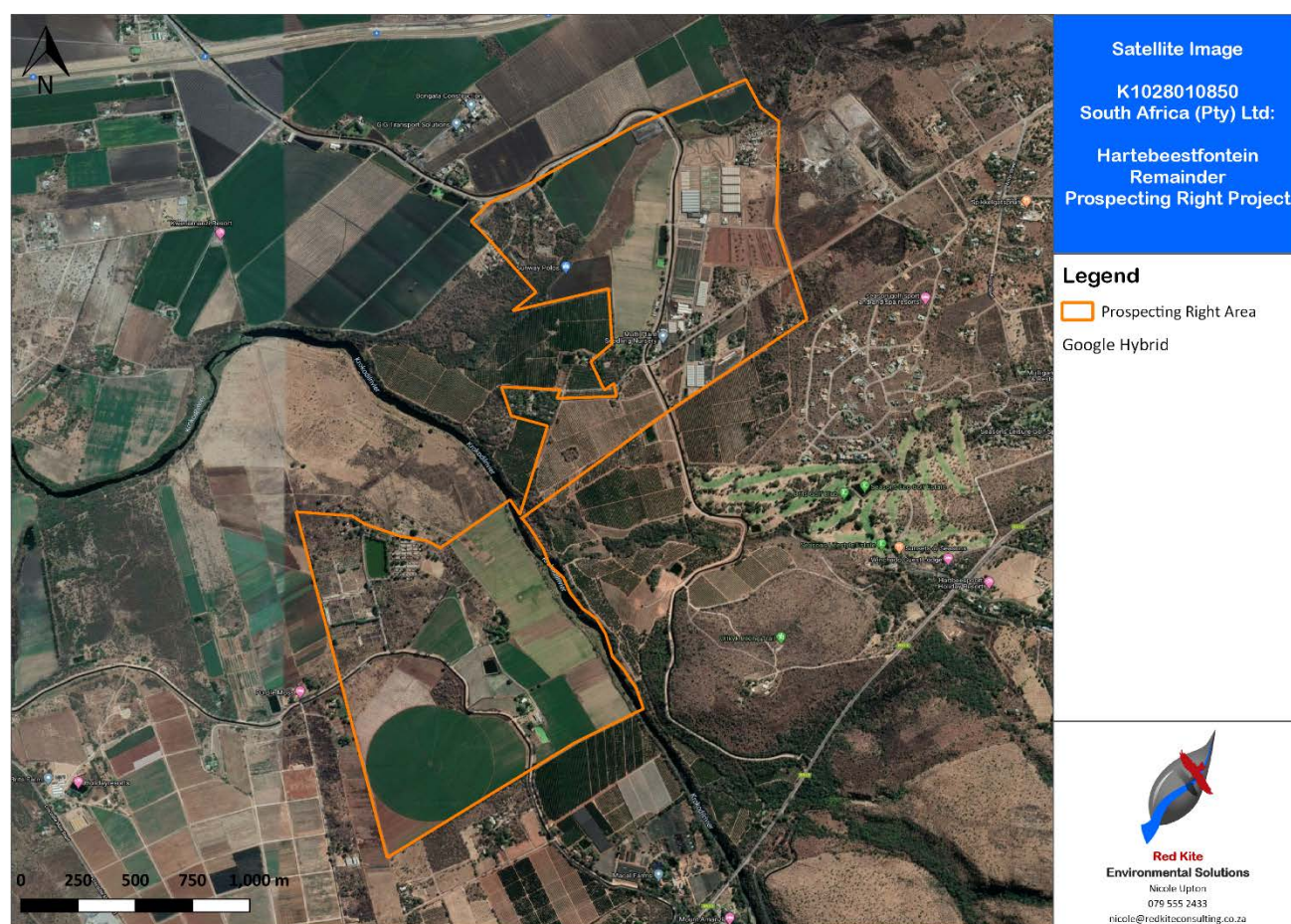


Figure 2: Satellite image of PR area

## a) Listed and specified activities

**Table 2 Listed and Specified Activities**

NAME OF ACTIVITY	Aerial extent of the Activity Ha or m <sup>2</sup>	LISTED ACTIVITY	APPLICABLE LISTING NOTICE	WASTE MANAGEMENT AUTHORISATION
Prospecting - Any 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).  Non-invasive prospecting methods will be used, with surface sampling.	Extent of the application area: 298.50 ha	X	GNR 327 – Activity No. 20	N/A

## b) Description of the activities to be undertaken

K2018010850 (South Africa) (Pty) Ltd is applying for a Prospecting Right on the subject farm portions indicated on Figure 1 above. The subject farm portions fall within the Rustenburg Local Municipality in the Bojanala District Municipality in the North West Province. The minerals which are expected to be in the area include chrome ore, copper ore, gold ore, iron ore, nickel ore, platinum group metals, silver ore, tin ore, vanadium ore and heavy minerals (general). The minerals being applied in the Prospecting Right application are Chrome and Platinum Group Elements (PGE's).

The prospecting of the area will occur over a three year period. The prospecting process will only consist of non-invasive activities. The non-invasive activities will include:

- Phase 1:
  - Investigate possible sources for historical data [Year 1: 2 months]
  - Inventorise, capture and QA/QC historical data [Year 1: 4 months]
  - Data synthesis and database creation [Year 1: 4 months]
  - Desktop study [Year 1: 2 months]
- Phase 2:
  - 2.1 Surface mapping and sampling [Year 2: 7 months]
  - 2.2 Interpretation of field mapping and sample analysis results [Year 2: 5 months]
- Phase 3:
  - 3.1 Create a 3D geological model [Year 3: 7 months]
  - 3.2 Resource estimation and reporting [Year 3: 5 months]

During phase 2 of the prospecting surface mapping and sampling will take place. A comprehensive field visit will be conducted whereby the outcrops will be mapped and sampled. A detailed field-based map will be compiled highlighting the relevant stratigraphic units in the project area. Surface samples will be sent for analysis.

No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right application. Refer to Mining Works Programme submitted for the application.



### c) Policy and Legislative Context

**Table 3: Policy and Legislation**

APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p><b>Mineral and Petroleum Resources Development Act (No. 28 of 2002)</b></p> <p>The primary aim of the MPRDA is to recognise the sovereignty of the State over all the mineral and petroleum resources in South Africa and to promote equitable access to the Country's resources. The MPRDA has a number of objectives, including to:</p> <ul style="list-style-type: none"> <li>• Promote equitable access to the nation's mineral and petroleum resources to all the people of South Africa;</li> <li>• Substantially and meaningfully expand opportunities for historically disadvantaged persons, including women, to enter the mineral and petroleum industries and to benefit from the exploitation of the nation's mineral and petroleum resources;</li> <li>• Promote economic growth and mineral and petroleum resources development in the country;</li> <li>• Provide for security of tenure in respect of prospecting, exploration, mining and production operations;</li> <li>• Give effect to Section 24 of the Constitution of South Africa by ensuring that the nation's mineral and petroleum resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development; and</li> <li>• Ensure that holders of mining and production rights contribute towards the socio-economic development of the areas in which they are operating.</li> </ul> <p>The MPRDA concerns equitable access to, and sustainable development of, South Africa's mineral and petroleum resources. The MPRDA makes provision for sustainable mining and requires:</p> <ul style="list-style-type: none"> <li>• That every person who has applied for a mining right must conduct an EIA, determine the environmental baseline, and submit an EMPR to the DMR;</li> <li>• That every holder of a mining reconnaissance permit, prospecting right, mining right, mining permit or retention permit must assess and communicate the impacts of the activity on the environment;</li> <li>• The need to rehabilitate the environment affected by prospecting or mining operations to its natural or predetermined state; and</li> <li>• That the directors of the mining company are liable for unacceptable impacts on the environment.</li> </ul>	<p>In accordance with Section 16 of the MPRDA, K2018010850 is required to conduct a Basic Assessment and submit an EMP for approval to the North West DMR. A Prospecting Work Programme has been developed and submitted to the DMR. Red Kite Environmental Solutions compiled the Basic Assessment Report in accordance with the MPRDA (and NEMA, where applicable).</p>



APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p><b>National Environmental Management Act (No. 107 of 1998)</b></p> <p>The NEMA is South Africa's overarching environmental statute concerned with integrated environmental management (IEM) and the underlying principles by which environmental management must be undertaken. Its primary objective is to provide for co-operative governance, thus binding all organs of State by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance, and procedures for co-ordinating environmental functions exercised by organs of State and to provide for matters connected therewith (Government Gazette, 1998).</p> <p>The NEMA provides for the Constitutional right to an environment that is not harmful to the health and well-being of South African citizens, the equitable distribution of natural resources, sustainable development, environmental protection, and the formulation of environmental management frameworks (Government Gazette, 1998). Section 2 of NEMA sets out principles for sustainable integrated environmental governance; the principles are further detailed in subsequent sections of NEMA.</p> <p>Section 24(5), 24M and 44 of the NEMA enables the Minister to publish regulations pertaining to environmental impact assessments. The current Environmental Impact Assessment Regulations, GNR.326 (EIA Regulations), were published on 7 April 2017. Sections 24(2) and 24D of the NEMA make provision for the Minister to publish listed activities that would require environmental authorisation prior to commencement of that activity. The Minister published the following three Regulations in terms of Sections 24(2) and 24D of the NEMA on 4 December 2014:</p> <ul style="list-style-type: none"> <li>• Regulation GNR.327 of 2017 which sets out a list of identified activities which may not commence without environmental authorisation from the competent authority and which must follow the Basic Assessment (BA) procedure as provided for in Chapter 4, Part 2 of the EIA Regulations;</li> <li>• Regulation GNR.325 of 2017 which sets out a list of identified activities which may not commence without environmental authorisation from the competent authority and which must follow the scoping and EIA procedure as provided for in Chapter 4, Part 3 of the EIA Regulations; and</li> <li>• Regulation GNR.324 of 2017, which sets out a list of identified activities per geographical area, which may not commence without environmental authorisation from the competent authority and which must follow the BA procedure as, provided for in Chapter 4, Part 2 of the EIA Regulations.</li> </ul>	<p>In terms of Section 24(2) and 24(D) of the NEMA, authorisation is required for the following listed activities identified in terms of the following, which is detailed in Section 32(d)(i):</p> <ul style="list-style-type: none"> <li>• GNR 327 – Activity No. 20</li> </ul> <p>This Basic Assessment Report will be submitted to the competent and commenting authority in support of the application for authorisation.</p>
<p><b>National Water Act (No. 36 of 1998)</b></p>	<p>No water uses, in terms of Section 40 and 39 of the</p>

APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>The NWA provides for fundamental reformation of legislation relating to water resources and use. The preamble to the Act recognises that the ultimate aim of water resource management is to achieve sustainable use of water for the benefit of all users and that the protection of the quality of water resources is necessary to ensure sustainability of the nation's water resources in the interests of all water users. The purpose of the Act is stated, in Section 2 as, inter alia:</p> <ul style="list-style-type: none"> <li>• Promoting the efficient, sustainable and beneficial use of water in the public interest;</li> <li>• Facilitating social and economic development;</li> <li>• Protecting aquatic and associated ecosystems and their biological diversity;</li> <li>• Reducing and preventing pollution and degradation of water resources; and</li> <li>• Meeting international obligations.</li> </ul> <p>The NWA presents strategies to facilitate sound management of water resources, provides for the protection of water resources, and regulates use of water by means of Catchment Management Agencies, Water User Associations, Advisory Committees and International Water Management.</p> <p>As this Act is founded on the principle that the government has overall responsibility for and authority over water resource management, including the equitable allocation and beneficial use of water in the public interest, an industry (including mines) is only entitled to use water if the use is permissible under the NWA.</p> <p>Section 21 of the NWA provides a list of water uses which require a WULA prior to commencement, unless listed in Schedule 1 (of the NWA) as an existing lawful use. Applying for a WULA triggers NEMA listed activities as contemplated in terms of GNR.327 and GNR.325 of 2017.</p> <p>Water use includes taking and storing water, activities which reduce stream flow, waste discharges and disposals, controlled activities (activities which impact detrimentally on a water resource), altering a watercourse, removing water found underground for certain purposes, and recreation. A water use must be licensed unless it is listed in Schedule 1 (of the NWA), is an existing lawful use, is permissible under a general authorisation, or if a responsible authority waives the need for a license.</p>	<p>NWA, are applicable to the Project.</p>



APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>In terms of the NWA, a watercourse is defined as follows:</p> <ul style="list-style-type: none"> <li>• A river or spring;</li> <li>• A natural channel in which water flows regularly or intermittently;</li> <li>• A wetland, lake or dam into which the Minister may, by notice in the Gazette, declare to be a watercourse, and reference to a watercourse, which includes, where relevant, its beds and banks.</li> </ul> <p>Furthermore, in terms of the NWA, a wetland is defined as follows:        Land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.</p>	
<p><b>National Environmental Management: Biodiversity Act (Act No 10 of 2004)</b></p> <p>In terms of S57, the Minister of Environmental Affairs has published a list of critically endangered, endangered, vulnerable, and protected species in GNR 151 in Government Gazette 29657 of 23 February 2007 and the regulations associated therewith in GNR 152 in GG29657 of 23 February 2007, which came into effect on 1 June 2007.</p> <p>In terms of GNR 152 of 23 February 2007: Regulations relating to listed threatened and protected species, the relevant specialists must be employed during the EIA Phase of the project to incorporate the legal provisions as well as the regulations associated with listed threatened and protected species (GNR 152) into specialist reports in order to identify permitting requirements at an early stage of the EIA Phase.</p> <p>The Act provides for listing threatened or protected ecosystems, in one of four categories: critically endangered (CR), endangered (EN), vulnerable (VU) or protected. The first national list of threatened terrestrial ecosystems has been gazetted, together with supporting information on the listing process including the purpose and rationale for listing ecosystems, the criteria used to identify listed ecosystems, the implications of listing ecosystems, and summary statistics and national maps of listed ecosystems (National Environmental Management: Biodiversity Act: National list of ecosystems that are threatened and in need of protection, (GG 34809, GN 1002), 9 December 2011).</p>	<p>As the applicant will not carry out any restricted activity, as is defined in S1 of the Act, no permit is required to be obtained in this regard.</p>



APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p><b>National Environmental Management Air Quality Act (No. 39 of 2004)</b></p> <p>The National Environmental Management Air Quality Act (No. 39 of 2004) (NEMAQA) allows for national, provincial and local air quality standards to be established as well as the declaration of priority areas. In addition, the NEMAQA requires that Air Quality Management Plans (AQMP) form part of the environmental implementation plan or environmental management plans to be prepared by national departments or the Province as required by Chapter 3 of the NEMA. Furthermore, the NEMAQA requires municipalities to include an AQMP into its integrated development plan (IDP).</p> <p>The NEMAQA requires the Minister of the DEA to publish a list of activities which results in atmospheric emissions which may have a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions, ecological conditions or cultural heritage. The NEMAQA requires that an atmospheric emissions licence (AEL) be obtained for such listed activities. Such a list of activities was published in GNR.248 of 2010.</p>	<p>No activities requiring authorisation in terms of GNR.248 of 2010 of NEMAQA will be undertaken.</p>
<p><b>National Environmental Management Protected Areas Act (No. 57 of 2003)</b></p> <p>The National Environmental Management Protected Areas Act (No. 57 of 2003) (NEMPAA) concerns the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes, and includes inter alia:</p> <ul style="list-style-type: none"> <li>• The establishment of a national register of all national, provincial and local protected areas;</li> <li>• The management of those areas in accordance with national standards; and</li> <li>• Inter-governmental co-operation and public consultation in matters concerning protected areas.</li> </ul> <p>The NEMPAA defines various kinds of protected areas, namely: special nature reserves, national parks, nature reserves (including wilderness areas) and protected environments, world heritage sites, marine protected areas, specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act (No. 84 of 1998), and mountain catchment areas declared in terms of the Mountain Catchment Areas Act (No. 63 of 1970).</p> <p>Part 4 of Chapter 4 of the NEMPAA (Sections 48 to 53) lists restrictions of activities that may not be conducted in a protected area (as described above). Activities that are restricted include:</p>	<p>A small section of the Hartebeespoort Dam Nature Reserve is located in the south-eastern section of the PR area. However, as can be seen from satellite images this area of the Hartbeespoort Dam Nature Reserve is no longer used as a Nature Reserve but rather for agriculture.</p>

APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>Prospecting and mining activities;</p> <ul style="list-style-type: none"> <li>– Activities that are restricted by:               <ul style="list-style-type: none"> <li>• Regulations made by the Minister;</li> <li>• Regulations made by the MEC, in the case of provincial and local protected areas;</li> <li>• By-laws of the relevant municipality, in the case of local protected areas; and</li> </ul> </li> </ul> <p>Internal rules made by the managing authority of the area;</p> <ul style="list-style-type: none"> <li>– Commercial and community activities where the survival of any species is negatively affected, or the integrity of an ecosystem is significantly disrupted; and</li> <li>– Any development or other activity that is inappropriate for the area given the purpose for which the area was declared.</li> </ul>	
<p><b>National Heritage Resources Act (No. 25 of 1999)</b></p> <p>The National Heritage Resources Act (No. 25 of 1999) (NHRA) established the South African Heritage Resources Agency (SAHRA) in 1999. SAHRA is tasked with protecting heritage resources of national significance. With regard to heritage sites, sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, dolomitic land and ridges, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure. A heritage site means a place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority.</p> <p>Section 34 and 38 of the NHRA details specific activities that require a heritage impact assessment that will need to be approved by SAHRA. The following activities require a heritage impact assessment to be undertaken for the Proposed Project. The heritage specialist study has commenced, and the results will be provided in the EIA/ EMPR document.</p> <ul style="list-style-type: none"> <li>• Section 34(1): Structures older than 60 years may not be altered or demolished prior to permission from SAHRA;</li> <li>• Section 38(1a): The construction of a road, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;</li> <li>• Section 38(1c): Any development or other activity which will change the character of a site (i) exceeding 5,000</li> </ul>	<p>Due to the non-invasive nature of the proposed prospecting activities no impacts to heritage resources is expected.</p>



APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>m2 in extent, or (ii) involving three or more erven or subdivisions.</p> <p>Furthermore, section 48(2) requires a permit from a heritage resources authority to perform such actions at such time and subject to such terms, conditions and restrictions or directions as may be specified in the permit. This would include any development of the site where “development” means any physical intervention, excavation, or actions, other than those caused by natural forces, which results in a change to the nature, appearance or physical nature of a place, or influences its stability and future well-being, including:</p> <ul style="list-style-type: none"> <li>• Construction, alteration, demolition, removal or change of use of a place or a structure at a place;</li> <li>• Carrying out any works on or over or under a place;</li> <li>• Any change to the natural or existing condition or topography of land; and</li> <li>• Any removal or destruction of trees, or removal of vegetation or topsoil.</li> </ul>	
<p><b>Hazardous Substances Act (No. 15 of 1979)</b></p> <p>The object of the Act is inter alia to ‘provide for the control of substances which may cause injury or ill health to, or death of, human beings by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature or the generation of pressure thereby in certain circumstances; for the control of electronic products; for the division of such substances or products into groups in relation to the degree of danger; for the prohibition and control of such substances.’</p> <p>In terms of the Act, substances are divided into schedules, based on their relative degree of toxicity, and the Act provides for the control of importation, manufacture, sale, use, operation, application, modification, disposal and dumping of substances in each schedule.</p>	<p>Dangerous substances contained onsite during the construction, operation and closure phases of the Proposed Project will need to be management in accordance with the Act and safety data sheets (SDS) will need to accompany all dangerous goods (hydrocarbons, cleaning chemicals, paints, etc.).</p>
<p><b>Mine Health and Safety Act (No. 29 of 1996)</b></p> <p>The Mine Health and Safety Act (No. 29 of 1996) (MHSA) aims to protect and promote the health and safety of employees and persons that may be affected by the activities at a mine and outlines both the rights and responsibilities of an employer, as well as the obligations of employees working thereat.</p> <p>The MHSA was developed “to provide for protection of the health and safety of employees and other persons at</p>	<p>The following principles are considered applicable to the Proposed Project and are detailed below:</p> <ul style="list-style-type: none"> <li>• The primary responsibility for ensuring a health and safe working environment in the mining site is placed on the mine owner. The Act sets out in</li> </ul>

APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>mines". That said the Act also provides and/ or promotes the following:</p> <ul style="list-style-type: none"> <li>• A culture of health and safety;</li> <li>• The enforcement of health and safety measures;</li> <li>• For appropriate systems of employee, employer and State participation in health and safety matters;</li> <li>• The establishment of representative tripartite institutions to review legislation, promote health and enhance properly targeted research;</li> <li>• For effective monitoring systems and inspections, investigations and inquiries to improve health and safety;</li> <li>• Promotion of training and human resources development;</li> <li>• Regulation of employers' and employees' duties to identify hazards and eliminate, control and minimise the risk to health and safety;</li> <li>• Entrenchment of the right to refuse to work in dangerous conditions;</li> <li>• To give effect to the public international law obligations of the Republic relating to mining health and safety; and</li> <li>• To provide for matters connected therewith.</li> </ul>	<p>detail the steps that employers must take to identify, assess records and control health and safety hazards in the mine;</p> <ul style="list-style-type: none"> <li>• The right of workers to participate in health and safety decisions, the right to receive health and safety information, the right to training and the right to withdraw from the workplace in face of danger;</li> <li>• The Act requires the establishment of institutions to promote a culture of health and safety and develop policy, legislation and regulations; and</li> <li>• The responsibility for enforcing MHSA lies with the Mine Health and Safety Inspectorate. The Inspectorate's powers are recast and include the power to impose administrative fines upon employers who contravene the MHSA. The Act also contains innovative approaches to the investigation of accidents, diseases and other occurrences that threaten health and safety.</li> </ul> <p>K2018010850 will be required to comply with all obligations contained in the MSHA.</p>
<p><b>Occupational Health and Safety Act (No. 85 of 1993)</b></p> <p>The Occupational Health and Safety Act (No. 85 of 1993) (OHSA) provides a legislative framework for the provision of reasonably healthy and safe conditions in the workplace. It also places extensive legal duties on employees and users of machinery and makes major inroads on employers' and employees' common law rights.</p>	<p>The OHSA is applicable and states that any person involved with construction, upgrades or developments for use at work or on any premises shall ensure as far as reasonably practicable that nothing about the manner in which it is installed,</p>

APPLICABLE LEGISLATION AND GUIDELINES USED TO COMPILE THE REPORT	HOW DOES THIS DEVELOPMENT COMPLY WITH AND RESPOND TO THE LEGISLATION AND POLICY CONTEXT
<p>OHSA contains provisions that impose general obligations with regard to health and safety. More detailed and specific obligations can be found in the regulations published in terms of OHSA. These include environmental, general safety, electrical machinery, driven machinery, electrical installation, construction, asbestos, hazardous chemicals substances and noise.</p> <p>The OHSA addresses, amongst others:</p> <ul style="list-style-type: none"> <li>• Safety requirements for the operation of plant machinery;</li> <li>• Protection of persons other than persons at work against hazards to health and safety, arising out of, or in connection with, the activities of persons at work;</li> <li>• Establishment of an advisory council for occupational health and safety; and</li> <li>• Provisions for matters connected herewith.</li> </ul>	<p>erected or constructed makes it unsafe or creates a risk to health when properly used.</p>

#### **d) Need and desirability of the proposed activities**

(Motivate the need and desirability of the proposed development including the need and desirability of the activity in the context of the preferred location).

Assessment of the geological data available has determined that the area in question may have the proposed minerals: chrome ore and platinum group metals.

In order to ascertain the above and determine the nature, location and extent of the subject minerals within the proposed prospecting area, it will be necessary that prospecting be undertaken. The prospecting will also determine if there are any features that may have an impact on the economic extraction of the subject minerals. As such, a prospecting right is required. A prospecting right is a permit which will allow K2018010850 to survey or investigate the area of land for the purpose of identifying an actual or probable mineral deposit.

The data that will be obtained from the prospecting of the subject minerals (if it is discovered) will be necessary to determine how and where the subject minerals will be extracted and how much economically viable mineral reserves are available within the proposed prospecting area.

K2018010850 expects that substantial benefits from the project (should the subject minerals be found) will accrue to the immediate project area, the sub-region and the North West province. These benefits must be offset against the costs of the project, including the impacts to land owners and the environment.

The proposed prospecting activities requires no services such as water and diesel, due to the non-invasive nature of the proposed prospecting activities.

Location factors favour this land use at the project site as there have been a number of prospecting right applications submitted within the area and the Crocodile River Mine is situated 1 km from the prospecting area. Therefore, permitting K2018010850 to undertake prospecting will not be something new introduced into the area.

The proposed prospecting activities will have an insignificant impact on sensitive natural areas given the non-invasive nature of the proposed prospecting activities. When the boundary of the assessment site is superimposed on the vegetation types of the surrounding area, it is evident that the subject property falls within the Marikana Thornveld and Moot Plains Bushveld vegetation types. The Marikana Thornveld vegetation type is listed as Vulnerable in the National List of Ecosystems that are Threatened and in Need of Protection (GN 1002 of 9 December 2011). It must however be noted that the project site is agricultural in nature and therefore has been cultivated over the years, thus having lost much or even all of the vegetation type that would have been found in that area.

A section of the Prospecting Right area falls within the Magaliesberg Biosphere Reserve Buffer Zone and Hartbeespoort Dam Nature Reserve. According to the North West Biodiversity Sector Plan the Prospecting Right Area falls over areas classified as Critical Biodiversity Areas (CBA2) and Ecological Support Areas (ESA2). It must however be noted that the project site is agricultural in nature and therefore has been cultivated over the years, thus having lost much or even all of the natural vegetation historically found in the area. Furthermore, the non-invasive nature of the proposed prospecting activities will have an insignificant impact on natural environments.

Given the nature of the proposed non-invasive prospecting activities, all impacts identified and discussed further below, will be insignificant / low. K2018010850 must adhere to mitigation measures proposed in the EMPr to ensure that the impact of its proposed prospecting activities is avoided or minimised.

The proposed prospecting activities will not result in unacceptable cumulative impacts.



Consultation with interested and affected parties for the project has been on-going, with Red Kite Environmental Solutions. The process was conducted to provide all interested and affected parties with an opportunity to comment on the project. K2018010850 further commits to ensure their contribution to environmental education and to their employees during the project life.

All issues raised, to-date, by interested and affected parties have been recorded and addressed in this BAR and EMPr as well as the Consultation Report attached as Appendix 5.

### **e) Motivation for the overall preferred site, activities and technology alternative**

The National Environmental Management Act 107 of 1998, Environmental Impact Assessment Regulations, 2014 requires the applicant to identify alternatives for projects applied for. In terms of the above-mentioned regulations an alternative in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the:

- (a) the property on which or location where it is proposed to undertake the activity;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

K2018010850 proposes to undertake prospecting to determine whether or not the project area consist of the subject minerals. If the proposed prospecting development delivers a positive outcome, the economic viability of the mineral (size, quantity, grade, etc.). The proposed activity will include non-invasive prospecting methods (surface sampling) only.

- **Location Alternatives:** No location alternatives were identified as the location of the proposed activities are determined on initial assessment of the geological data available which has determined that the area in question may have the proposed minerals chrome ore and platinum group metals. The location of the surface sampling sites will be determined upon conclusion of the initial desktop assessment for the Prospecting Right.
- **Access Route Alternatives:** No alternatives were considered for the access roads as the intention is to use existing roads where possible as well as private farm roads. This will ultimately reduce the impact/ environmental footprint of the proposed project.
- **Design/Layout Alternatives:** As the prospecting activities are restricted to non-invasive (surface sampling methods), no design and layout alternatives for the proposed project were determined.
- **Technology Alternatives:** As the prospecting activities are restricted to non-invasive (surface sampling methods), no technology alternatives were considered for this project.
- **Input Material Alternatives:** As the prospecting activities are restricted to non-invasive (surface sampling methods), no input alternatives were considered for this project.
- **Operational Alternatives:** As the prospecting activities are restricted to non-invasive (surface sampling methods), no operational alternatives were considered. Should the desktop data gathering and modelling indicate that no surface sampling is required, surface sampling will not be undertaken as part of the Prospecting Right project.
- **No-Go Option:** The 'no-go' alternative is the option of not undertaking prospecting activities on the project site. The no-go option assumes the site remains in its current state, which is largely agricultural in nature. The no-go alternative



would result in no impacts on the social and biophysical environment. K2018010850 intends on exploring the proposed area in order to determine availability of the subject minerals. Should the minerals be found at the prospecting area, K2018010850 will achieve its long-term objective of owning and operating its own mine to benefit the local community where the operation takes place. Accordingly, the consequences of not proceeding with the proposed project will have a detrimental impact on the potential positive impact this project may have on the future labour force. The no-go alternative is therefore not considered desirable at a local, regional and national scale, in terms of job creation and positive economic impacts.

**f) Full description of the process followed to reach the proposed preferred alternatives within the site.**

NB!! – This section is about the determination of the specific site layout and the location of infrastructure and activities on site, having taken into consideration the issues raised by interested and affected parties, and the consideration of alternatives to the initially proposed site layout.

**i) Details of the development footprint alternatives considered**

Refer to Section 3(g) above.



#### **4) DETAILS OF THE PUBLIC PARTICIPATION PROCESS FOLLOWED**

Describe the process undertaken to consult interested and affected parties including public meetings and one on one consultation. NB the affected parties must be specifically consulted regardless of whether or not they attended public meetings. (Information to be provided to affected parties must include sufficient detail of the intended operation to enable them to assess what impact the activities will have on them or on the use of their land.

##### **Objectives of Public Participation**

The purpose of this Public Participation Process is:

- To provide Background Information to the proposed activity;
- To provide a locality map indicating the locality of the proposed activity;
- To notify potential Interested and Affected Parties of the Environmental Process to be followed in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- To notify potential Interested and Affected Parties of the Environmental Process to be followed in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended; and
- To obtain issues and concerns from potential Interested and Affected Parties regarding the Environmental Process to be followed and the proposed activity, which will be addressed as part of the Public Participation Process.

Public Participation is important for the following reasons:

- It provides an opportunity for Interested & Affected Parties (I&APs), Environmental Assessment Practitioners (EAPs) and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;
- It provides I&APs with an opportunity to voice their support, concerns and questions regarding the project application or decision;
- It provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;
- It enables an applicant to incorporate the needs, preferences and values of affected parties into its application;
- It provides opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
- It is an important aspect of securing transparency and accountability in decision-making; and
- It contributes toward maintaining a healthy, vibrant democracy.

##### **Identification of I&APs**

The following groups were pre-identified as potential Interested and Affected Parties (I&APs):

- Community Representatives;
- Relevant Government Departments;
- Relevant Institutional/Organisational Representatives;
- Relevant Municipal Representatives, including the Ward Councillor;
- Landowners/Occupiers;
- Directly affected Surrounding Landowners/Occupiers;
- Land Claimants; and
- Governmental and Non-Government Organisations and Agencies.

To ensure that all potential I&APs were made aware of the project and had the opportunity to register and provide comments, the notification process was as thorough as possible. Registration will remain open throughout the Public Participation Process to allow Interested and Affected Parties to register and submit their input throughout. For the list of identified I&APs refer to Appendix 1 of the PP Report.



## **Notification of I&APs**

### **Site Notices**

To inform surrounding and immediate communities, landowners, mine workers and passers-by of the proposed project and to invite registrations, four A2 notices were erected at visible and accessible locations throughout the study area on 12 July 2020 (refer to Table 4 below). Photographic evidence of the sanitised site notices erected on 12 July 2020, is attached as Appendix 2 of the PP Report. Further to these, four additional site notices will be erected within the study area to advertise the availability of the Draft Basic Assessment Report (BAR) for public commenting. Evidence of such will be included in the Final BAR to be submitted to the Department of Mineral Resources (DMR).

**Table 4: Locality of Site Notices Placed**

<b>Date</b>	<b>Site Notice Number</b>	<b>Coordinates</b>
12 July 2020	Sanitised Site Notice 01	25°42'20.35"S 27°49'35.26"E
12 July 2020	Sanitised Site Notice 02	25°42'36.42"S 27°50'01.14"E
12 July 2020	Sanitised Site Notice 03	25°40'55.59"S 27°50'21.71"E
12 July 2020	Sanitised Site Notice 04	25°41'17.46"S 27°50'22.77"E

### **Newspaper Advertisements**

To inform a broad base of individuals who might want to register as I&APs, newspaper advertisements were placed in one local newspaper and one regional newspaper. For proof of advertisements placed, refer to Appendix 3 of the PP Report.

Advertisements were placed in the following newspapers:

- Thursday, 16 July 2020: Page 7 of the Kormorant (Local).
- Friday, 17 July 2020: Page 12 of the Brits Pos (Regional).

Further to the above, two additional newspaper advertisements (one Local and one Regional) will be placed to advertise the availability of the Draft Basic Assessment Report (BAR) for public commenting. Evidence of such will be included in the Final BAR to be submitted to the Department of Mineral Resources (DMR).

### **Written Notifications**

Identified I&APs were directly informed of the application process to be followed by means of email and hand delivery, as well as by Text Message (SMS). Proof of written notifications sent is provided in the relevant Appendices as described in the sections to follow. Note that the initial written notifications encouraged potential I&APs to register to receive further information on the proposed project. Notifications of the availability of the Draft BAR for commenting will be attached to the Final BAR to be submitted to the DMR.

### **Hand Delivery**

The local Sieling Community residing within the study area was notified via hand delivery of Background Information Documents (BIDs) to the Community Leader/Representative for distribution within the Community on 10 July 2020. The Background Information Document (BID) has been attached to this report as Appendix 4 of the PP Report. Following the initial 20 BIDs delivered, the Community Leader/Representative requested an additional 80 Registration and Comment Sheets, based on discussions held within the Community. An additional 80 Registration and Comment Sheets were therefore provided to the Community Leader/Representative on 30 July 2020. Proof of notifications hand delivered is attached as Appendix 5 of the PP Report.

### **Email Notification**

I&APs were notified of the proposed project by means of email between 12 July 2020 to 11 August 2020. The Background Information Document (BID) was attached to the emails and all email notifications sent provided the contact information



for Red Kite Environmental Solutions. Potential I&APs were encouraged to register and provide any comments / questions / queries that they might have. Proof of notifications sent via email is attached as Appendix 6 of the PP Report.

#### **Text Message (SMS)**

To ensure transparency, I&APs registered as part of the 2018/2019 Brits Crocodile River Prospecting Right (NW 30/5/1/1/3/2/12382EM) Application, for which Public Participation was conducted and of which the current application (NW30/5/1/1/3/2/1/12737EM) study area formed part, were notified by means of text message (SMS) where mobile numbers were available. Refer to Appendix 7 of the PP Report for proof of SMS notifications sent on 12 July 2020 and 13 July 2020. The SMS notification highlighted the intention to lodge an application for Environmental Authorisation by means of a Basic Assessment Report (BAR) Process and indicated an invitation to register/comment as part of the Environmental Process.

#### **Notification of I&APs of Reports Availability**

Registered I&APs will be notified of the availability of the Draft Basic Assessment Report (BAR) for Public Commenting as and when required. I&APs will be informed of the 30-calendar-day commenting period and will be encouraged to submit any comments or questions on or before the closing date (to be confirmed). In line with the approved Public Participation Plan and the Disaster Management Act: Direction Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses (Government Notice No. 650 of 05 June 2020), a hard copy of the Draft BAR for Public Commenting will be hand delivered to the Sieling Community Leader/Representative as well as the relevant Departments. Further to this, electronic copies of the Draft BAR will be distributed to I&APs/Stakeholders either by means of a Dropbox link or CD copies.

#### **Access and Commenting Opportunity**

A 30-day commenting period will be provided for as part of this Public Participation Process. This will be conducted in accordance with Clause 3(8) of the NEMA EIA Regulations (GN No. 326 of 07 April 2017) which indicates that any public participation process must be conducted for a period of at least 30 days. Two newspaper advertisements (one Local and one Regional) and four site notices will be placed to advertise the availability of the Draft Basic Assessment Report (BAR) for public commenting. Notifications by means of email and text message will also be sent to ensure that all potential and registered I&APs have received notification of the availability of the Draft BAR for commenting purposes and where the documents could be obtained.

The 30-day commenting period has been preceded by an initial registration period during which commenting was also allowed for. However, the entire process will remain transparent and will allow for I&APs to register and comment throughout.

The local Sieling Community will be taken into consideration by providing a hard copy of the Draft BAR to the Community Leader/Representative, whereby the community can view the documents. Furthermore, as mentioned earlier in this report a Dropbox link to an electronic copy will also be provided to ensure easy access to the documents available for public commenting.

#### **Regulatory Consultation**

##### **Department of Mineral Resources (DMR)**

Additional to the written notifications sent to all relevant Departmental Representatives discussions were held with the Department of Mineral Resources (DMR) regarding the Public Participation Plan submitted in accordance with Appendix 3 of the Disaster Management Act: Direction Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licenses (Government Notice No. 650 of 05 June 2020). The Public Participation Plan approval letter received from the DMR is attached as Appendix 9 of the PP Report.



### **Ward Councillor Communication**

The Ward Councillor for Ward 33, Cllr. Maritza Louw, have been informed of the proposed project. A telephonic discussion was held with Cllr. Louw during July 2020 whereby she confirmed receipt of the Background Information Document for the proposed Hartbeestfontein Remainder Prospecting Right NEMA Application and indicated that she was still the correct contact person for Ward 33. Refer to Appendix 10 of the PP Report for communications with the Ward Councillor.

### **Department of Rural Development and Land Reform (DRDLR)**

Following notification of the proposed project to the Department of Rural Development and Land Reform (DRDLR) on 14 July 2020, the Department have acknowledged receipt and have indicated that they will provide a response in respect of the Land Claim Enquiry in due course. A follow-up email was forwarded to the DRDLR to inquire as to the progress of the awaited response. Refer to Appendix 11 of the PP Report for communications with the DRDLR.

### **South African Heritage Resources Agency (SAHRA)**

Email discussions were held with the South African Heritage Resources Agency (SAHRA) whereby SAHRA indicated that, although no impacts to heritage aspects are anticipated, an application must nonetheless be created on SAHRIS for official comments to be provided by SAHRA. Refer to Appendix 12 of the PP Report for communications with SAHRA.

### **Record of Issues Raised**

I&APs were encouraged to submit their Registration and Response forms to Red Kite Environmental Solutions during the initial notification period, for them to receive further correspondence regarding the proposed prospecting project. They were furthermore encouraged to submit their comments after the BAR for commenting was made available and a Public Participation Meeting was held during which further comments were received. For all correspondence received throughout the Public Participation Process, inclusive of Registration and Comment Sheets, emails and issues raised during the Public Participation Meeting refer to Appendix 8 of the PP Report.

Photographs of an old building and graves on Portion 18 of the Farm Hartbeestfontein 445 JQ were provided to Red Kite during the commenting phase on the Basic Assessment Report. Red Kite suggested to the I&AP that they disclose the coordinates of these sites, for the EAP to ensure that these are included in the Heritage Specialist Report. To date, no coordinates have been received from the I&AP. However, it should be noted that thorough consultations (including discussions on any additional gravesites/heritage aspects) will be held with relevant farm owners prior to prospecting once the final drill hole positions have been decided on. For the photographs provided refer to Appendix 12 of the PP Report.

### **Addressing Comments and Concerns**

An Issues and Response Report has been compiled as part of the Public Participation Process for the proposed Hartbeestfontein Prospecting Right NEMA Application currently underway. This document records the issues of concern, questions and suggestions contributed by stakeholders during the course of the Environmental Authorisation Process. This report also includes the responses provided by relevant parties. Comments were received at meetings, telephonically, and by means of written methods (email and text message). The Issues and Response Report is attached as Appendix 14.

It should be noted that the Issues and Response Report is an active document which will be updated throughout the process as comments and concerns are received. However, following submission of all final documents to the Department of Mineral Resources, all additional comments should be directed directly to the Department.



i) Summary of issues raised by I&APs

For details of all communication between Red Kite and the AIPs refer to the Issues and response Report of the PPP Report (Appendix 5 of the BAR).

Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
<b><u>AFFECTED PARTIES</u></b>					
<b>Landowner/s and lawful occupiers</b>					
Pelser Lategan and Marelize Lategan	X	2020/07/22	What is the effect on – housing / groundwater / air pollution/ noise pollution and the upkeep/maintenance of existing roads	Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i> , have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.	EAP Response and Part A (3) (b)
Jannie Lategan	X	2020/07/24	How will this affect us in our business? Will there be any compensation for us?	Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i> , have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches, or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to any businesses within the	EAP Response and Part A (3) (b)



Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
			area will occur as result of the prospecting exercise. It is therefore not anticipated at this stage that compensation to landowners would be required. However, should this become a requirement for whichever reason, these matters can be discussed directly with the applicant should the Environmental Authorisation be granted.	
Salomina Susara Lategan	X			
Multiplant Boerdery (Pty) Ltd	X			
Marlenfra (Pty) Ltd	X			
Lennefield Estates (Pty) Ltd	X			
Standard Bank of South Africa Limited	X			
Ingwenya Flower Farm (Pty) Ltd	X			
Bergaret Farms (Pty) Ltd	X	<p>2020/07/29</p> <p><b>OBJECTION AGAINST THE DEPARTMENT OF MINERAL RESOURCES AND ENERGY: NORTH WEST REGION'S ACCEPTANCE OF THE K2018010850 (SOUTH AFRICA) (PTY) LTD PROSPECTING RIGHT APPLICATION OVER FARM HARTEBEESTFONTEIN 445 JQ, REGISTRATION DIVISION: MADIBENG LOCAL MUNICIPALITY // BOJANALA DISTRICT MUNICIPALITY, NORTH WEST PROVINCE</b></p> <p>Dear Sir/Madam,</p> <p>1. Introduction</p> <p>1.1 On the 13th of July 2020, our client, Bergaret Farms (Proprietary) Limited ("Bergaret Farms"), received notification via email ("the Notification") from Red Kite Environmental Solutions, acting as the Environmental Assessment Practitioner ("the EAP"), on behalf of an entity known as K2018010850 (South Africa)</p>	<p>Note that responses provided below by Red Kite Environmental Solutions (Pty) Ltd are not done on behalf of the Department of Mineral Resources (DMR). In the event that the objector requires direct responses from the DMR to the objection letter such must be communicated to the DMR.</p> <p><b>1. Introduction</b></p> <p>1.1 The information stated is noted.</p> <p>1.2 The information stated is noted.</p> <p>1.3 It is confirmed that the Registration and Comment Sheet completed by Fasken (Incorporated in South Africa as Bell Dewar Inc.) on behalf of Bergaret Farms (Pty) Ltd has been received.</p> <p>1.4 The information that the objector wishes to place on record under points 1.4.1 to 1.4.4 is noted.</p>	This report as well as the PP report.

Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>(Proprietary) Limited ("the Applicant"), in respect of the Applicant's Environmental Impact Assessment ("EIA") process, which in turn forms part of the Applicant's purported Prospecting Right Application.</p> <p>1.2 The Notification stated that Bergaret Farms, as the registered owner of various portions of the Farm Hartebeestfontein 445 JQ, Madibeng Local Municipality, North West Province ("the Property"/"Hartebeestfontein 445 JQ"), is identified as an Interested and Affected Party ("I&amp;AP"), within the Public Participation Process provided under the Mineral and Petroleum Resources Development Act 28 of 2002, as amended ("the MPRDA") and the National Environmental Management Act 107 of 1998, as amended ("the NEMA").</p> <p>1.3 The Notification requested potential I&amp;APs to complete and submit a Registration and Comment Sheet to the EAP in order to register as an I&amp;AP (in response to the anticipated EIA (in the format of a Basic Assessment) process required to be undertaken by the EAP as part of the application for an Environmental Authorisation). A copy of our directly affected client's completed Registration and Comment Sheet is attached hereto as Annexure "A".</p> <p>1.4 However, before our client, as a now-registered I&amp;AP, can adequately comment on the proposed EIA process, we wish to place the following on record:</p> <p>1.4.1 Our client, as registered owner of various portions of the Farm Hartebeestfontein 445 JQ, never received any Letter of Acceptance, Notice or other correspondence from the Department of Mineral Resources and Energy – Regional Manager: North West Region ("DMR"), in respect</p>	<p>1.4.1. Note that, as provided for in Section 16(4)(b) of the MPRDA, the Prospecting Right Application Acceptance Letter will be made available to the public for viewing and commenting in the prescribed manner as part of the Draft Basic Assessment Report (BAR) Process undertaken in accordance with the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). Notification of the availability of the BAR and supporting documentation for public commenting will be forwarded to the objector once relevant.</p> <p>1.4.2. It should be noted that, in terms of Section 12(d) of the Mineral and Petroleum Resources Development Amendment Act, 2008 (Act No.49 of 2008), Section 16(4)(b) of the MPRDA has been amended to indicate that if the Regional Manager accepts the prospecting right application, the Regional Manager must within 14 days from the date of acceptance, notify the <b>applicant</b> in writing to consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports. The applicant was accordingly instructed as such by the DMR in the Prospecting Right Application Acceptance letter. Public Participation</p>	



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		<p>of the acceptance of the Applicant's purported Prospecting Right Application ("the Application")</p> <p>1.4.2 The Notification in respect of the EIA Application process, reference number: NW30/5/1/1/3/2/1/12737EM ("the EIA Application") was the first and only time that our client was informed about the purported Prospecting Right Application. To date, neither the EAP nor the Applicant has notified our client of the acceptance of the Prospecting Right Application as required under the provisions of section 10(1)(a) and (b) of the MPRDA.</p> <p>1.4.3 Since the Notification constitutes the first opportunity to comment and/or object against the purported acceptance of the Prospecting Right Application, as provided for under section 10(1)(b) of the MPRDA, it is our respectful submission that our client is still within the prescribed time frames to, herewith, formally object against the purported acceptance of the Applicant's Prospecting Right Application.</p> <p>1.4.4 The only information in respect of the Prospecting Right Application which was provided to our client, as part of the EIA process Notification, was that the Applicant proposes to conduct non-invasive prospecting activities on, amongst others, the Farm Hartebeestfontein 445 JQ.</p> <p>1.5 In light of the abovementioned, this letter serves as a formal response to the Notification as well as a formal objection to the purported Prospecting Right Application, in terms of section 10(2) of the Mineral and Petroleum Resources Development Act 28 of</p>	<p>for the proposed Hartebeestfontein Remainder Prospecting Right NEMA Application is conducted in accordance with the prescribed manner as outlined in the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 04 December 2014, as amended by Government Notice No. 326 of 07 April 2017).</p> <p>1.4.3. The objection to the acceptance of the applicant's Prospecting Right Application is noted and will be submitted to DMR as such (verbatim). However, the objector is referred to the content under paragraph 1.4.2. above.</p> <p>1.4.4. The Background Information Document (BID) attached to the notification email sent to the objector should be read in context as providing just that (background information only) to the current applicable application process. Please be assured that the Draft Basic Assessment Report (BAR) inclusive of all relevant information in respect of the Prospecting Right Application will be made available for Public Commenting in due course.</p> <p>It is noted that the objector refers to the various portions of the Farm Hartebeestfontein 445 JQ owned by Bergaret Farms as "the Property/</p>	



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		<p>2002, as amended ("the MPRDA"), for the reasons set out below.</p> <p>2. Issue 1: Insufficient Notification and Procedural Unfairness</p> <p>2.1 Although the Notification stipulates that the Applicant "proposes to lodge"/"is in the process of lodging" an application for a Prospecting Right, our client has reason to believe that the Prospecting Right Application has already been lodged with and accepted by the DMR. This is in light of the fact that the reference number, namely, NW30/5/1/1/3/2/1/12737EM, inferring that the Prospecting Right Application has assumingly been accepted by the DMR.</p> <p>2.2 As stated above, in the event that the Application has been accepted by the DMR, and given that our client has not been notified of such acceptance nor has it been furnished with the actual Prospecting Right Application, our client hereby raises an objection to the granting of the Prospecting Right.</p> <p>2.3 Failure by the DMR to notify I&amp;APs of its acceptance of the Application, and a failure to furnish I&amp;APs with the Prospecting Right Application, contravenes section 10 of the MPRDA and consequentially does not adhere to an administrative process that is procedurally rational, fair and reasonable.</p> <p>2.4 Section 10(1) of the MPRDA provides that within 14 days after accepting an application lodged in terms of section 16 of the MPRDA, the Regional Manager must in the prescribed manner –</p> <p>2.4.1 make known that an application for a prospecting right, mining right or mining permit has been accepted in respect of the land in question; and</p>	<p>Hartebeestfontein 445 JQ" (1.2 of the objection letter). However, Red Kite would like to nonetheless indicate that all relevant Farm Portions forming part of the proposed Prospecting Right study area are of the Parent Farm Hartebeestfontein 445 JQ, and that no other Parent Farms form part of the application process. The reference in the objection letter to "non-invasive prospecting activities on, <u>amongst others</u>, the Farm Hartebeestfontein 445 JQ" could cause confusion to readers.</p> <p>1.5 The information stated is noted and will be submitted to DMR as such (verbatim). However, the objector is once more referred to the content under paragraph 1.4.2. above.</p> <p><b>2. Issue 1: Insufficient Notification and Procedural Unfairness</b></p> <p>2.1 It is confirmed that the Prospecting Right Application has been submitted to and subsequently been accepted by the DMR. Proof of the Prospecting Right Application Acceptance Letter will made available to the public as part of the Draft BAR for public commenting.</p> <p>2.2 The objection to the granting of the Prospecting Right is noted and will be submitted to DMR as such (verbatim). Note that the sections of the MPRDA in terms of which the objector objects, does not require the DMR to furnish I&amp;APs with the Prospecting Right Application. However, Red Kite can confirm that the following</p>	



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		<p>2.4.2 call upon interested and affected persons to submit their comments regarding the application within 30 days from the date of the notice.</p> <p>2.5 In terms of section 10(1), the duty to act rests on the Regional Manager and the Applicant. It is not important whether the Regional Manager itself acts or whether the Applicant on behalf of the Regional Manager acts. If, however, action in terms of section 10 is not taken by or on behalf of the Regional Manager, the process would be flawed and a prospecting right should, in that instance, not be granted to the Applicant.</p> <p>2.6 Given the Regional Manager's obligation to invite I&amp;APs to comment on the application in terms of section 10(1)(a), it would follow that I&amp;APs must be furnished with the application in order for them to submit comments "regarding the application". It is submitted that the provisions of section 10(1)(a) should be read to include an obligation, on either the Regional Manager or an applicant, to furnish I&amp;APs with the full application once it has been submitted.</p> <p>2.7 Failure to furnish the I&amp;APs with the Application would constitute procedural unfairness and unjust administrative action to the extent that I&amp;APs would be prevented from commenting meaningfully, raising objections or formulating grounds of appeal in respect of the application as parties affected by the proposed activity.</p> <p>2.8 The principle of procedural fairness was addressed in the Constitutional Court judgement of <i>Bengwenyama Minerals (Pty) Ltd v Genorah Resources (Pty) Ltd (Bengwenyama-ye-Maswati Royal Council Intervening)</i> 2011 3 BCLR 229 (CC). In this case, the Constitutional Court highlighted the importance of section 3(1) of the</p>	<p>information was submitted on the SAMRAD System:</p> <ul style="list-style-type: none"> <li>• Details of land or area (Plan 2(2))</li> <li>• Prospecting Work Programme (PWP)</li> <li>• Technical and financial capability</li> <li>• Title Deeds of PR application properties</li> <li>• Copy of the applicant ID</li> <li>• Certificate of Incorporation of Application</li> <li>• Certificate to Commence Business</li> <li>• Resolution of Acting in Representative Capacity</li> <li>• NEMA Application</li> </ul> <p>Please be assured that the Prospecting Works Programme (PWP) for the proposed prospecting project and the Prospecting Right Application Acceptance Letter will be made available to all I&amp;APs for public viewing as part of the Draft BAR.</p> <p>2.3 The objector is referred to the content of paragraphs 1.4.1 and 1.4.2 above. In terms of the MPRDA the DMR has the right to request that the information pertaining to the Prospecting Right Application be included in the Public Participation Process conducted in the prescribed manner and that the result of such consultation process be included in the relevant environmental reports. Therefore, caution should be taken by the objector in making premature and unsubstantiated allegations.</p> <p>2.4 The information stated in point 2.4 (2.4.1. and 2.4.2) is noted and will be submitted to DMR as such (verbatim). However, the objector is once</p>	



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		<p>Promotion of Administrative Justice Act 3 of 2000, which provides that administrative action which “materially and adversely affects the rights or legitimate expectations of any person, must be procedurally fair.”</p> <p>2.9 Procedural fairness requires, <i>inter alia</i>, that:</p> <p>2.9.1 adequate notice of the nature and the purpose of any proposed administrative action must be given by the administrator;1 and</p> <p>2.9.2 the affected person must be afforded a reasonable opportunity to make representations in respect of the proposed action.2</p> <p>2.10 In explaining the importance of procedural fairness, the Constitutional Court went on to state that “[t]he consultation process and its result is an integral part of the fairness process because the decision cannot be fair if the administrator did not have full regard to precisely what happened during the consultation process in order to determine whether the consultation was sufficient to render the grant of the application procedurally fair”3.</p> <p>2.11 The obligation to notify I&amp;APs of the DMR’s acceptance of the Application is therefore an integral step in the application process which must not be ignored. It allows I&amp;APs to participate in a decision-making process which will ultimately affect their existing rights. It is submitted that our client has been deprived of this opportunity by not being furnished with the Application or being notified of its acceptance by the DMR. The Application should therefore not be granted as it would be procedurally unfair to do so without consulting I&amp;APs.</p> <p>2.12 We therefore request, as a matter of urgency, that the DMR confirms whether and when the Application</p>	<p>more referred to the content under paragraph 1.4.2. above.</p> <p>2.5 The information stated is noted and will be submitted to DMR as such (verbatim). However, the objector is once more referred to the content under paragraph 1.4.2. above.</p> <p>2.6 The objector is referred to the content of paragraphs 1.4.1 and 1.4.2 above. In terms of the MPRDA the DMR has the right to request that the information pertaining to the Prospecting Right Application be included in the Public Participation Process conducted in the prescribed manner and that the result of such consultation process be included in the relevant environmental reports. Note that the sections of the MPRDA in terms of which the objector objects, does not require the DMR to furnish I&amp;APs with the Prospecting Right Application. However, Red Kite can confirm that the following information was submitted on the SAMRAD System:</p> <ul style="list-style-type: none"> <li>• Details of land or area (Plan 2(2))</li> <li>• Prospecting Work Programme (PWP)</li> <li>• Technical and financial capability</li> <li>• Title Deeds of PR application properties</li> <li>• Copy of the applicant ID</li> <li>• Certificate of Incorporation of Applicant</li> <li>• Certificate to Commence Business</li> <li>• Resolution of Acting in Representative Capacity</li> <li>• NEMA Application</li> </ul>	



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		<p>was lodged by the Applicant and whether the Application was indeed accepted by the DMR, pursuant to section 10(1) of the MPRDA. We further request that if the Application was indeed lodged and accepted, our client should be furnished with the full, lodged and accepted Prospecting Right Application.</p> <p>2.13 In addition, and specifically related to the Basic Assessment process, we require the Applicant or EAP to provide all relevant information/documentation pertaining to the EIA Application, inclusive of:</p> <p>2.13.1 a draft Basic Assessment Report, pursuant to the NEMA Environmental Impact Assessment Regulations, 2014 (as amended)("EIA Regulations"), read with section 24 of the NEMA;</p> <p>2.13.2 all envisaged specialist reports that will inform the EIA Application, pursuant to the EIA Regulations;</p> <p>2.13.3 any envisaged water uses and or bulk services requirements;</p> <p>2.13.4 the current land use zoning certificate; and</p> <p>2.13.5 the current approved spatial and integrated development plans for the Madibeng Local Municipality // Bojanala District Municipality.</p> <p>2.14 Furthermore, if the Application was lodged and accepted, we request that our objection be referred to the Regional Mining Development and Environmental Committee ("RMDEC") pursuant to section 10(2) of the MPRDA, which provides that if a person objects to the granting of a prospecting right, mining right or mining permit, the Regional Manager <i>must</i> refer the objection to the RMDEC to consider the objection and to advise the Minister of Mineral</p>	<p>Please be assured that the Prospecting Works Programme (PWP) for the proposed prospecting project and the Prospecting Right Application Acceptance Letter will be made available to all I&amp;APs for public viewing as part of the Draft BAR.</p> <p>2.7 The objector is referred to the content under paragraph 2.6 above. The relevant information, submitted as part of the Prospecting Right Application, which will ensure meaningful commenting by I&amp;APs and which will enable I&amp;APs to raise objections or formulate grounds of appeal in respect of the application will be included in the Draft BAR and supporting documentation for public viewing and commenting. This will include (1) details of the land or area, (2) the Prospecting Works Programme (PWP) and the NEMA Application. Therefore, to state that not providing the I&amp;APs with the Prospecting Right Application would constitute procedural unfairness and unjust administrative action is incorrect and unsubstantiated.</p> <p>2.8 The information stated is noted.</p> <p>2.9 Note that adequate notice of the nature and the purpose of the current administrative action has been provided to I&amp;APs in terms of Chapter 6 of the Environmental Impact Assessment (EIA) Regulations, 2014 (GN No. R.982 of 04 December 2014, as amended by GN No. 326 of 07 April 2017). Furthermore, please be assured that all I&amp;APs will be afforded the legal 30-day commenting period on the Draft BAR.</p> <p>2.10 The information stated is noted.</p>	

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		<p>Resources and Energy thereon. We request that the DMR should not process the EIA Application any further based on the reasons stated above until such time as our client's objection has been decided on by the RMDEC.</p> <p>3. Issue 2: Mining Operations are Incompatible with the Preferential Land Use Activities</p> <p>3.1 Although the Application is in relation to a Prospecting Right, it is worth noting that the activities proposed by the Applicant will be conducted with the aim of ultimately establishing mining operations on the whole of the targeted prospecting right area. It is strongly submitted that any future mining operations would be justifiably incompatible with, and significantly encumbering on, our client's established limited real rights, as the lawful, registered owner of the Property.</p> <p>3.2 Bergaret Farms is an established and highly successful citrus farming enterprise. A number of people depend on the agri-commercial enterprise for their livelihood.</p> <p>3.3 In addition, however, of great importance, is that the Property is located within a proclaimed nature reserve, and in the immediate vicinity of the greater Magaliesberg Biosphere Buffer Zone area, which is not only a World Heritage Site but a very popular tourism destination. The proclaimed nature reserve stretches, from the Lower Crocodile Valley below Hartbeespoort Dam up to the top of the ancient and ecologically sensitive Magaliesberg Mountain range.</p> <p>3.4 A large portion of the area targeted for prospecting falls within the Buffer area of the Magaliesberg Biosphere. The Magaliesberg Biosphere is an internationally recognised UNESCO Biosphere reserve. The declaration of the Magaliesberg Biosphere was informed by a number of local community initiatives</p>	<p>2.11 The objector is referred to the content under paragraphs 1.4.1, 1.4.2, 2.1, 2.2, 2.3, 2.6 and 2.7 above. The submission that the objector has been deprived of the opportunity to participate in the decision-making process by not being furnished with the application or being notified of its acceptance by the DMR is premature. All relevant information to enable meaningful participation will be furnished to I&amp;APs as part of the Draft BAR for public commenting.</p> <p>2.12 It is confirmed that the Prospecting Right Application has been submitted to and subsequently been accepted by the DMR. Note that the sections of the MPRDA in terms of which the objector objects, does not require the DMR to furnish I&amp;APs with the Prospecting Right Application. However, Red Kite can confirm that the following information was submitted on the SAMRAD System:</p> <ul style="list-style-type: none"> <li>• Details of land or area (Plan 2(2))</li> <li>• Prospecting Work Programme (PWP)</li> <li>• Technical and financial capability</li> <li>• Title Deeds of PR application properties</li> <li>• Copy of the applicant ID</li> <li>• Certificate of Incorporation of Applicant</li> <li>• Certificate to Commence Business</li> <li>• Resolution of Acting in Representative Capacity</li> <li>• NEMA Application</li> </ul> <p>Please be assured that the Prospecting Works Programme (PWP) for the proposed prospecting project and the Prospecting Right</p>	



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		<p>and extensive collaboration between various local stakeholders, communities, governments and universities.</p> <p>3.5 The Magaliesberg Biosphere Plan describes Buffer Zones as follows: "Buffer zones are areas which usually surround or adjoin the core areas, and are used for cooperative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism, and applied and basic research. Buffer zones are predominantly natural or near natural areas and ecologically sensitive areas with clearly defined boundaries and formal administrative status".</p> <p>3.6 We submit that prospecting and or mining activities within the Buffer Area of the Magaliesberg Biosphere Plan as well as the plans and desires of local stakeholders, communities and government.</p> <p>3.7 Prospecting (whether invasive or not) is done with the intent to see if the area is viable for future mining. The Bojanala Platinum District Municipality's Environmental Management Framework shows the management zones for the area being applied for include among others Zone D: Agricultural Zone 1, Zone F: Biodiversity Zone and Zone G: Sensitive Topography Zone.</p> <p>3.8 The BPDM's EMF provides that the 'Agricultural Zone' represents existing high potential agricultural land in the area (i.e. cultivated fields) that should be preserved for crop production and other agricultural purposes. It goes further to give the following general management guidelines applicable to Zone D: High potential agricultural land that is actively being cultivated should not be used for other types of</p>	<p>Application Acceptance Letter will be made available to all I&amp;APs for public viewing as part of the Draft BAR.</p> <p>2.13 It is confirmed that all relevant information and documentation pertaining to the Basic Assessment Report Process will be made available to all I&amp;APs for public commenting as part of the Draft BAR.</p> <p>2.13.1. Please be assured that all I&amp;APs will be afforded the legal 30-day commenting period on the Draft BAR.</p> <p>2.13.2. Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i>, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Based on this information it is therefore confirmed that no specialist studies will be required as part of the BAR Process.</p>	

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		<p>development; Agriculture is the main priority within this zone and should be prioritized above all other types of activities and developments; Crop farming should be encouraged; Irrigation potential should be optimized; Intensive agriculture should be encouraged and developed; and Sustainable farming practices should be encouraged.</p> <p>3.9 The BPDM's EMF provides that Zone F, i.e. the Biodiversity Zone, represents area of high and significant biodiversity in the Bojanala District Municipality (Areas of high biodiversity was identified from the North West Province Biodiversity Sector Plan and includes, amongst others, critical biodiversity areas (CBAs) and Ecological Support areas (ESAs)).</p> <p>3.10 The following general management guidelines are applicable to Zone F: The biodiversity and sensitive topographical features should be protected within these areas at all costs; Before any non-conservation related activity is to be considered a detailed specialist, study has to be conducted by an accredited scientist to determine the impacts of the envisaged activity on not only the site but also on the larger area (strategic context). Activities in Zone F should be limited to conservation related and low-impact tourism related activities and the guidelines contained in the North West Province Biodiversity Sector Plan are applicable and should be applied within this zone.</p> <p>3.11 The BPDM's EMF provides that if the management zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:</p> <p>3.11.1 The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area;</p>	<p>2.13.3. It is not envisaged that any water uses will be triggered by the non-invasive prospecting activities and no bulk services will be required.</p> <p>2.13.4. Re-zoning of properties is only initiated once the need for changing the current land use becomes a requirement. No land use zoning certificates are thus available currently as no changes to the existing land use is proposed.</p> <p>2.13.5. Note that the documents mentioned are freely available on the respective websites.</p> <p>2.14 The information stated is noted and will be submitted to DMR as such (verbatim) as part of the BAR Process.</p> <p><b>3. Issue 2: Mining Operations are Incompatible with the Preferential Land Use Activities</b></p> <p>3.1 Note that this application relates to a Prospecting Right Application only and that neither a Mining Right/Permit Application, nor the potential granting of such Mining Right/Permit, and related information, is applicable at this stage. It should further be noted that the potential for a future Mining Right, Permit or relevant authorisation is generally dependent on many factors. When the time arises, the applicant will assess whether such application would be feasible and/or possible.</p> <p>3.2 Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i>, have confirmed</p>	



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		<p>3.11.2 Developments that might put stress on the protected environments should be avoided within the buffer area;</p> <p>3.11.3 The applicable biosphere development guidelines and principles should be considered;</p> <p>3.11.4 Conservation and tourism orientated developments should be promoted within the buffer area; and</p> <p>3.11.5 High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area;</p> <p>3.11.6 A portion of the area being applied for falls over the Hartbeespoort Dam Nature Reserve. This area is considered a protected area.</p> <p>3.11.7 A portion of the area being applied for falls over Level 2 Critical Biodiversity Areas and Level 1 and Level 2 Ecological Support Areas.</p> <p>3.11.8 A portion of the area that is subject to the Application is located within a recognized important Bird Area, which includes the highly threatened and endangered species such as the <i>Cape Vulture</i>, <i>Secretarybird</i>, <i>Lanner Falcon</i> (<i>Falco biarmicus</i>), <i>Half-collared Kingfisher</i>, <i>African Grass Owl</i>, <i>African Finfoot</i> and <i>Verreauxs' Eagle</i>. Biome-restricted species include <i>White-bellied Sunbird</i> (<i>Cinnyris talatala</i>), <i>Kurrichane Thrush</i> (<i>Turduslibonyanus</i>), <i>White-throated Robin-chat</i> (<i>Cossypha humeralis</i>), <i>Kalahari Scrub Robin</i> (<i>Erythropygia paena</i>) and <i>Barred Wren-Warbler</i>."</p> <p>3.12 The proposed prospecting right area is located within a Freshwater Ecosystem Priority Area.</p>	<p>that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to the agri-commercial enterprise, Bergaret Farms, or the livelihood of any persons employed by the enterprise will occur as result of the prospecting exercise.</p> <p>3.3 It is confirmed that the study area is situated within the Magaliesberg Biosphere Reserve Buffer Zone and that a section of the study area is situated within the Hartbeespoort Dam Nature Reserve boundary. The Applicant has therefore opted for a Prospecting Right Application comprising non-invasive prospecting activities only, as described in the BID. The currently applied for Prospecting Exercise will therefore result in low/insignificant impacts to the Magaliesberg Biosphere Reserve Buffer Zone and the Hartbeespoort Dam Nature Reserve and will not bring forth any changes to the nature or characteristics of these areas.</p> <p>3.4 The objector is referred to the content under paragraph 3.3 above.</p>	

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		<p>3.13 A portion of the proposed prospecting right area is located within the Marikana Thornveld which is considered a threatened ecosystem.</p> <p>3.14 A portion of the proposed prospecting right area is located within an NFEPA un-channeled valley bottom wetland system.</p> <p>3.15 A portion of the proposed prospecting right area is located within a large wetland (stretching approximately 950 m) not shown on the NFEPA database.</p> <p>3.16 This area provides an important link between established high potential agricultural use areas in the transitional zone of the Magaliesberg Biosphere and the more pristine areas of the buffer and the core zones of the Magaliesberg Biosphere.</p> <p>3.17 Allowing prospecting in this area is not in line with the hierarchy of the Sustainable Development Goals.</p> <p>3.18 Our client is gravely concerned about the effects of any prospecting or mining operations within a sensitive protected area, with high cultural and environmental properties, as well as the negative impact on the wellbeing of the existing agricultural and tourism activities in the valley and greater Magaliesberg Biosphere.</p> <p>3.19 Our client's Property has been used for at least the last 60 years as a successful agri-commercial and leisure business ("the Farm"). The Farm:</p> <p>3.19.1 currently has close to 60 000 citrus trees planted on it, many of them new, specialist export varieties;</p> <p>3.19.2 employs more than 30 permanent employees and around 100 temporary seasonal workers; and</p> <p>3.19.3 hosts a very popular walking trail.</p>	<p>3.5 The objector is referred to the content under paragraph 3.3 above.</p> <p>3.6 It could be argued that an activity which will have no/limited impacts, and which will not change the current nature or characteristics of an area cannot be construed as being incompatible with that area. The objector is referred to the content under paragraphs 3.1 and 3.3 above.</p> <p>3.7 The objector is referred to the content under paragraph 3.1 above.</p> <p>3.8 The information regarding the Bojanala Platinum District Municipality Environmental Management Framework provided is noted and will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.9 The information regarding the Bojanala Platinum District Municipality Environmental Management Framework provided is noted and will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.10 The information regarding the Bojanala Platinum District Municipality Environmental Management Framework provided is noted and will be included as part of the Basic Assessment Report to be submitted to the DMR. The comment seems to be a repeat (almost identical) of a section of a comment received from Ms. Patricia van der Walt under point 9.1 of Part 1 of Ms. van der Walt's submission, received by Red Kite on 29 July 2020.</p> <p>3.11 The information regarding the Bojanala Platinum District Municipality Environmental Management Framework, the Hartbeespoort</p>	



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		<p>3.20 Future mining operations will disturb our client's significant agri-commercial and leisure business activities and have an adverse socio-economic impact through the loss of jobs and revenue generated from tourism activities.</p> <p>3.21 It is therefore submitted that future mining operations should not be permitted. This should, by implication, negate the need and desirability for prospecting activities on the farming area.</p> <p>4. Conclusion</p> <p>4.1 It is evident from the issues raised above that the Applicant and/or the DMR did not adhere to the principles and procedure stipulated in the MPRDA, NEMA and the EIA Regulations.</p> <p>4.2 The administrative action of accepting and processing a prospecting right application without adequately notifying I&amp;APs infringes on the rights of I&amp;APs' and, in particular, our client's right to just administrative action as provided for in section 33 of the Constitution of the Republic of South Africa, 1996, as well as the Promotion of Administrative Justice Act 3 of 2000 which aims to give effect to this right.</p> <p>4.3 Moreover, the future mining operations which may follow the Applicant's prospecting activities will not be compatible with the farming area and more importantly the biodiversity importance consistent with the proclaimed nature reserve and greater Magaliesberg Biosphere. Permitting future mining operations, and by implication the prospecting activities which precede them, will adversely and unduly affect our client's business operations as well as the surrounding socio-economic activities which depend significantly on the preservation of natural</p>	<p>Dam Nature Reserve protected area, Level 2 Critical Biodiversity Areas and Level 1 and Level 2 Ecological Support Areas, and that a portion of the area being applied for falls across an Important Bird Area (IBA) is noted and will be, where relevant, included as part of the Basic Assessment Report to be submitted to the DMR. The list of important bird species found within the IBA will furthermore be included under the relevant sections of the BAR as potentially occurring within the study area.</p> <p>3.12 The comment indicating that the study area falls within a Freshwater Ecosystem Priority Area is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.13 The comment indicating that a portion of the area being applied for falls within the Threatened Marikana Thornveld Vegetation Unit is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.14 The comment indicating that a portion of the study area falls across a NFEPA unchanneled valley bottom wetland is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.15 The comment suggesting a large wetland area within the study area not indicated on the NFEPA database is noted. Consultations with the Consulting Geologists on the project,</p>	

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		<p>assets and historic treasures within the proposed study area.</p> <p>4.4 On the basis of the foregoing, it is submitted that the Application for a Prospecting Right by the Applicant ought to be rejected.</p> <p>4.5 Our client's rights are reserved.</p> <p>Yours faithfully</p>	<p><i>Shango Solutions</i>, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Based on this information it is therefore not anticipated that any impacts to wetlands will occur as result of the prospecting exercise.</p> <p>3.16 The comment is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.17 The comment is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>3.18 The objector is referred to the content under paragraphs 3.1 and 3.2 above. No impacts to the protected areas within the vicinity (including its cultural and environmental properties) will occur as result of the prospecting exercise. Further to this the proposed non-invasive prospecting exercise will not negatively impact on the wellbeing of the existing agricultural and tourism activities within the region.</p>	



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			<p>3.19 The information stated is noted.</p> <p>3.20 The information stated is noted. The objector is referred to the content under paragraph 3.1 above.</p> <p>3.21 The information stated is noted. The objector is referred to the content under paragraph 3.1 above.</p> <p><b>4. Conclusion</b></p> <p>4.1 The objector is referred to the content under Headings 1, 2 and 3 of this response. Based on all information provided above the allegation that the relevant entities did not adhere to the principles and procedure stipulated in the MPRDA, NEMA and the EIA Regulations are rejected and found to be either premature or unsubstantiated.</p> <p>4.2 The objector is referred to the content under Headings 1, 2 and 3 of this response. Based on all information provided above the allegation that I&amp;APs have not been notified adequately is rejected as either unsubstantiated or premature.</p> <p>4.3 The objector is referred to the content under Heading 3 of this response. Note that this application relates to a Prospecting Right Application only and that neither a Mining Right/Permit Application, nor the potential granting of such Mining Right/Permit, and related information, is applicable at this stage. It should further be noted that the potential for a future Mining Right, Permit or relevant authorisation is generally dependent on many factors. When the time arises, the applicant will</p>	



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			<p>assess whether such application would be feasible and/or possible.</p> <p>4.4 The submission by the objector that the application for a Prospecting Right by the applicant ought to be rejected is noted and will be submitted to DMR as such (verbatim).</p> <p>4.5 Noted.</p>	
Wiekus v.d. Walt and Daphney v.d. Walt	X			
Pieter Willem Jordaan van Zyl and Johanna Hendrika van Zyl	X			
Rika v.d. Walt	X			
Wiekus v.d. Walt	X			
Patricia van der Walt  On behalf of: Pieter van Zyl Joan van Zyl Lodewieus van der Walt Daphne van der Walt Marcius van Antwerp Rika van der Walt Lodewiekus van der Walt (Jnr) Ben Louw Vicky Louw	X	2020/07/29  We oppose and object to the application for Environmental Authorisation for the proposed Hartebeesfontein Remainder Prospecting Right on various portions of the farm Hartebeesfontein 445JQ (NW 30/5/1/1/3/2/1/12737EM) based on the following reasons: 1. The notifications placed in the local newspapers fail to mention that the application for Environmental Authorisation for the proposed Hartebeesfontein Remainder Prospecting Right on various portions of the Farm Hartebeesfontein 445JQ encompasses an area which formed part of a previous application for Environmental Authorisation (NW30/5/1/1/3/2/12382 EM), in 2018, by the same applicant and the same EAP where following an appeal decision by the Minister of Environment, Forestry and Fisheries, the area currently being applied for had to be removed from the previous application. The notifications do not make it clear that this application for all intents and purposes is a re-application for an area where a decision had	1. It is important to note that, although the study area currently applied for formed part of the initial study area for the 2018/2019 Brits Crocodile River Prospecting Right (NW 30/5/1/1/3/2/12382EM) Application, the current application (NW30/5/1/1/3/2/1/12737EM) should be assessed on its own merit and must be seen separate from the previous application process. Specific instruction was given as such by the Department of Mineral Resources (DMR) in their approval of the Public Participation Plan which was forwarded to the objector via email on 24 July 2020. We refer the objector to paragraph 2 of the approval letter. A new application for a study area on which a previous application had been lodged does not constitute a re-application. It is therefore important that the focus remain on the current application process to avoid confusion with previous processes conducted for the same study area (of which there might be many). All relevant facts focused on the current	EAP response and PP Report.  Part A (3) (b)  Part A (5) (c)  Part A (5) (a) (viii)

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		<p>already been made by the MEC of Department of Environment, Forestry and Fisheries and the Department of Mineral Resources. This failure to provide all relevant facts in respect of the application goes against the provision in National Environmental Management Act (NEMA), Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that- Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties. This is key information that provides all I&amp;APs with context and it is information that could result in a potential I&amp;AP deciding to become a registered I&amp;AP.</p> <p>2. The background information document mentions that an application for Environmental Authorisation, which originally also encompassed the current proposed Hartbeesfontein Remainder Prospecting Right area and that at the time only a section of the original study area was approved and that the applicant has thus undertaken a new application for the remaining areas not approved under the previous application. However, the BID fails to provide background:</p> <p>2.1. On the reasons why the area was not approved under the previous application;</p> <p>2.2. That there was an appeal process on the previous application (NW30/5/1/1/3/2/12382 EM); and</p> <p>2.3. An explanation as to, why if the area and non-invasive impacts remain the same as in the previous application, the applicant feels they will be successful in the new application.</p>	<p>application process have and will continue to be shared with I&amp;APs in accordance with Chapter 6 of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). The allegation of failure to provide all relevant facts in respect of the current application is unsubstantiated. Please be assured that Red Kite will remain transparent and forthcoming throughout the Public Participation Process. All information regarding the Application Process, including the Issues and Response Report will be made available to the I&amp;APs as part of the Draft Basic Assessment Report (BAR) for public viewing.</p> <p>2. The objector is referred to the content of the previous paragraph. All relevant facts focused on the current application process have and will continue to be shared with I&amp;APs in accordance with Chapter 6 of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). The Background Information Document (BID) should be read in context as providing just that (background information only) to the current application process. Information related to any previous processes (applications and appeal processes) conducted for the same study area should therefore be considered as being concluded. The allegation of failure to provide all relevant facts in respect of the current application is unsubstantiated. In the light of transparency, Red Kite will nonetheless address points 2.1 – 2.3 below:</p> <p>2.1 The area currently applied for was previously excluded from the Environmental Authorisation (NW 12382 EM) as it is situated within the Magaliesberg Biosphere Reserve Buffer Zone.</p>	

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		<p>This is key information that provides all I&amp;APs with context and it is information that could result in a potential I&amp;AP deciding to become a registered I&amp;AP. This failure to provide all relevant facts in respect of the application goes against the provision in National Environmental Management Act (NEMA), Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that- (a) Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties.</p> <p>3. The newspapers were published on 17 July 2020 and a commenting period given to 29 July 2020 (13 days) and notification emails were sent on 12 July 2020 and 14 July 2020 and a commenting period given to 29 July 2020 (17 and 16 days). Considering the COVID-19 State of Disaster, this period is not sufficient for potential and registered I&amp;APs to register, request information and provide comments. The reasons for the unreasonableness of this commenting period include, potential I&amp;AP and registered I&amp;APs:</p> <p>3.1. Are not walking around or driving around as much as they use to and might miss seeing the Notice Boards or see them too late;</p> <p>3.2. Especially those at a higher risk or caring for those at a higher risk, avoid purchasing newspapers to prevent contamination and rely more on online sources for their news;</p> <p>3.3. Might be ill at home, in the hospital, in quarantine, isolation or on a staggered office access programme and not have access to office emails or office equipment (e.g. laptops)</p>	<p>The Applicant has therefore opted for a Prospecting Right Application comprising non-invasive prospecting activities only, as described in the BID. The activities currently applied for in the Prospecting Right will therefore result in low/insignificant impacts to the Magaliesberg Biosphere Reserve Buffer Zone.</p> <p>2.2 It is confirmed that all Environmental Authorisations granted in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998) is subject to an appeal process in terms of Section 4(2) of the EIA Regulations, 2014 (as amended) and the National Appeal Regulations (Government Notice No. R. 993 of 8 December 2014).</p> <p>2.3 To assume that the impact assessment currently undertaken will deliver the same results as obtained during a previous impact assessment conducted for the same study area is incorrect. As mentioned in previous paragraphs the current application will be assessed on its own merit.</p> <p>3. Note that there are no legal timeframes applicable to the BID, Advertisements and Site Notices period which serves to notify potential I&amp;APs of the proposed project and which provides for registration and preliminary comments prior to making the Draft BAR available for public commenting. This additional timeframe (pre-DBAR commenting period) provided to I&amp;APs is a courtesy to allow I&amp;APs to familiarise themselves with the planned project, which in essence better prepares I&amp;APs for the 30-day commenting period on the Draft BAR which will follow. The response from the local community</p>	

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		<p>that would allow them to receive and respond to the notification;</p> <p>3.4. Are overwhelmed with responsibilities and strapped for time, having to work from home, having more domestic duties and not necessarily having domestic support, taking care of and home school children that would normally have been in a private or public school and possibly taking care of at risk family; and</p> <p>3.5. Might be ill at home or in the hospital or mourning a lost family member and not feeling well enough to comment on this notification.</p> <p>The short commenting period in light of the COVID-19 State of Disaster is unreasonable and goes against the provision in Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that— (b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.</p> <p>4. In reference to the EAPs Public Participation Plan, the 30-day commenting period on the draft Basic Assessment Report is not sufficient for the same reasons provided in point 3a to 3e above. The short commenting period in light of the COVID-19 State of Disaster is unreasonable and goes against the provision in Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that— (b) participation by potential or</p>	<p>received during the pre-DBAR registration and commenting period has been substantial as is evident from the Issues and Response Report (I&amp;RR) and the Interested &amp; Affected Party (I&amp;AP) Register (to be made available as part of the Draft BAR for commenting). The insinuation that this period has not been sufficient for potential I&amp;APs to register, request information and provide comments is therefore rejected. It is evident that the Public Participation Plan submitted to DMR in accordance with Appendix 3 of GN No. 650 of 05 June 2020 (COVID-19 Directions) and approved by DMR has been successful. The allegation that the pre-DBAR Commenting Period is unreasonable in light of the COVID-19 State of Disaster is therefore furthermore rejected.</p> <p>4. The objector's attention is drawn to the content of the above paragraph as supporting information.</p> <ul style="list-style-type: none"> <li>• Additional to the 30-day commenting period on the Draft BAR a pre-DBAR registration and commenting period has also been provided for. Thus, affording I&amp;APs more time to submit comments than is legally required.</li> <li>• The response from the local community received during the pre-DBAR registration and commenting period has been substantial as is evident from the Issues and Response Report (I&amp;RR) and the Interested &amp; Affected Party (I&amp;AP) Register (to be made available as part of the Draft BAR for commenting).</li> <li>• It is evident that the Public Participation Plan submitted to DMR in accordance with</li> </ul>	



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		<p>registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.</p> <p>5. In reference to the EAP's Public Participation Plan, the plan refers to the site Notices being translated to Afrikaans. However, a large portion of the local community speaks Tswana, Sesotho and Shangaan. Considering the COVID-19 State of Disaster, public meetings, where a large portion of potential I&amp;APs can be reached through means of a translator, are not practical. It is therefore very important that site notices are translated into local languages. Many potential I&amp;APs might not register and become part of the process due to not understanding the English and Afrikaans Notices. This goes against the provision in National Environmental Management Act (NEMA), Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that- (a) Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties.</p> <p>6. In reference to the EAP's Public Participation Plan, the EAP plans to make the draft BAR available for commenting on 30 July 2020, one day after the end of the current commenting period (29 July 2020). This means that either the EAP work in miracles (completing an entire Basic Assessment in one day) or they have already completed the Basic Assessment. We have not been contacted by any specialists to visit our property. One of our biggest concerns in the</p>	<p>Appendix 3 of GN No. 650 of 05 June 2020 (COVID-19 Directions) and approved by DMR has been successful thus far. Therefore, at this stage, there is no reason to believe that the 30-day commenting period on the Draft BAR will be insufficient.</p> <ul style="list-style-type: none"> <li>The statement that the 30-day commenting period on the Draft BAR will be insufficient and unreasonable, in light of the COVID-19 State of Disaster, is therefore rejected.</li> </ul> <p>5. To ensure inclusion of all potential I&amp;APs in the Public Participation Process and to ensure understanding of the proposed project by the local community a meeting was held with the Community Representative/Leader for the local Sieling Community to discuss language distributions within the local community. As advised by the Community Representative/Leader all communications should remain in English as the local community understands it. This will prevent the process from becoming too complicated having to cater for the more-or-less evenly distributed Zulu, Tswana, Sotho and Shangaan cultures within the area.</p> <p>6. Attachment 2 of the Public Participation Plan notes the following below the Heading and above the action plan table:</p> <p><b><u>NB! Note that dates are anticipated only, as per the anticipated application submission date and maximum timeframes allowed for in the NEMA EIA Regulations. However, these dates are subject change as the maximum time allowed for submissions in the NEMA EIA Regulations are not necessarily required and/or extension requests are in some instances required.</u></b></p>	

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		<p>previous application was the lack of specialist studies. With the timeline presented by the EAP and not hearing from any specialist we can only assume that the EAP has completed the draft Basic Assessment without any specialist studies, as they did in the previous application (NW30/5/1/1/3/2/12382 EM). This would mean that the lack of specialist studies would need to be raised again in the draft Basic Assessment process. In reference to the EAPs Public Participation Plan, the EAP plans to submit its final BAR and all relevant supporting information by 4 September 2020, four days after the end of the I&amp;AP commenting period on the draft BAR. These timeframes do not allow for sufficient time for specialist studies.</p> <p>7. Considering point 5 above, it appears that the EAP's plan for this application does not consider specialist studies.</p> <p>8. A large portion of the area being applied for falls over the <b>Buffer</b> area of the Magaliesberg Biosphere. The Magaliesberg Biosphere is an internationally recognised UNESCO Biosphere reserve. The declaration of the Magaliesberg Biosphere was a massive undertaking driven by a local community initiative and extensive collaboration with local stakeholders, communities, governments and universities. The reserves are established to deal with the difficulty of how to reconcile the conservation of biodiversity and maintain associated cultural values, while pursuing economic and social development (UNESCO, 1996). The Magaliesberg Biosphere Plan describes Buffers Zones as follows: Buffer zones are areas which usually surround or adjoin the core areas, and are used for cooperative activities</p>	<p>It is therefore noted that dates as specified in the Public Participation Plan can change as required. Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i>, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting activities. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Based on this information it is therefore confirmed that no specialist studies will be required as part of the BAR Process.</p> <p>7. The objector's attention is drawn to the content of the previous paragraph.</p> <p>8. The comment is noted. It is confirmed that the study area is situated within the Magaliesberg Biosphere Reserve Buffer Zone. The Applicant has therefore opted for a Prospecting Right Application comprising non-invasive prospecting activities only, as described in the BID. The currently applied for prospecting activities will therefore result in low/insignificant impacts to the Magaliesberg Biosphere Reserve Buffer Zone and will not bring forth any changes to the nature of the Buffer Zone. It can be argued that an activity which will have no/limited impacts, and which will not change the current nature or characteristics of an area cannot be construed as being incompatible with that area.</p>	



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		<p>compatible with sound ecological practices, including environmental education, recreation, ecotourism, and applied and basic research. Buffer zones are predominantly natural or near natural areas and ecologically sensitive areas with clearly defined boundaries and formal administrative status. We submit that prospecting in the Buffer Area of the Magaliesberg Biosphere is not in line with the Magaliesberg Biosphere Plan and with the plans and desires of local stakeholders, communities and government.</p> <p>9. Prospecting (whether invasive or not) is done with the intent to see if the area is viable for future mining. The Bojanala Platinum District Municipality's Environmental Management Framework shows the management zones for the area being applied for include among others Zone D: Agricultural Zone 1, Zone F: Biodiversity Zone and Zone G: Sensitive Topography Zone:</p> <p>9.1. The BPDM's EMF provides that the 'Agricultural Zone' represents existing high potential agricultural land in the area (i.e. cultivated fields) that should be preserved for crop production and other agricultural purposes. It goes further to give the following general management guidelines applicable to Zone D: <b>High potential agricultural land that is actively being cultivated should not be used for other types of development; Agriculture is the main priority within this zone and should be prioritized above all other types of activities and developments;</b> Crop farming should be encouraged; Irrigation potential should be optimized; Intensive agriculture</p>	<p>9. The information regarding the Bojanala Platinum District Municipality Environmental Management Framework provided is noted and will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>10. The information regarding Harbeespoort Dam Nature Reserve protected area is noted and will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>11. The information regarding Level 2 Critical Biodiversity Areas and Level 1 and Level 2 Ecological Support Areas are noted and will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>12. The comment indicating that a portion of the area being applied for falls across an Important Bird Area is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR. The observations of important bird species by I&amp;APs within the area will furthermore be included under the relevant sections of the BAR as potentially occurring within the study area.</p> <p>13. The comment indicating that the study area falls within a Freshwater Ecosystem Priority Area is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>14. The comment indicating that a portion of the area being applied for falls within the Threatened Marikana Thornveld Vegetation Unit is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p>	

Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>should be encouraged and developed; and Sustainable farming practices should be encouraged. The BPDm's EMF provides that Zone F the Biodiversity Zone represents area of high and significant biodiversity in the Bojanala District Municipality (Areas of high biodiversity was identified from the North West Province Biodiversity Sector Plan and includes, amongst others, critical biodiversity areas (CBAs) and Ecological Support areas (ESAs)). The following general management guidelines are applicable to Zone F: The biodiversity and sensitive topographical features should be protected within these areas <b>at all costs; Before any non-conservation related activity is to be considered a detailed specialist</b>, study has to be conducted by an accredited scientist to determine the impacts of the envisaged activity on not only the site but also on the larger area (strategic context); Activities should be limited to conservation related and low-impact tourism related activities; and The guidelines contained in the North West Province Biodiversity Sector Plan are applicable and should be applied within this zone; and</p> <p>9.2. The BPDm's EMF provides that if the management zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:</p> <p>9.2.1. The development guidelines in the relevant management plan should be</p>	<p>15. The comment indicating that a portion of the study area falls across a NFEPA unchanneled valley bottom wetland is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR. The objector's attention is drawn to the content of paragraph 6 above regarding Specialist Studies.</p> <p>16. The comment suggesting a large wetland area within the study area not indicated on the NFEPA database is noted. Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i>, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Based on this information it is therefore confirmed that no specialist studies will be required as part of the BAR Process.</p> <p>17. The wealth of information referred to in the approved Public Participation Plan refers to available contact information for potential I&amp;AP identification and notification purposes. The Advertisements, Site Notices and Background Information Document (BID) should be read in context as providing just that (background information) to the current applicable application process. It further serves as a notification of the planned prospecting project and as an</p>	

Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>consulted whenever an activity falls within the <u>buffer area</u>;</p> <p>9.2.2. Developments that might put stress on the protected environments should be <u>avoided</u> within the <u>buffer area</u>;</p> <p>9.2.3. The applicable <u>biosphere development guidelines and principles should be considered</u>;</p> <p>9.2.4. <u>Conservation and tourism orientated developments should be promoted</u> within the buffer area; and</p> <p>9.2.5. High density developments, industrial developments, <b>mining activities</b> and other high-impact developments <b>should be avoided in the buffer area.</b></p> <p>10. A portion of the area being applied for falls over the Hartbeespoort Dam Nature Reserve. This area is considered a protected area.</p> <p>11. A portion of the area being applied for falls over Level 2 Critical Biodiversity Areas and Level 1 and Level 2 Ecological Support Areas.</p> <p>12. A portion of the area being applied for falls over an Important Bird Area. In the appeal against the previous application (NW30/5/1/1/3/2/12382 EM) the EAP pointed out that the <i>“IBA trigger species The most important trigger species in the IBA is the globally threatened Cape Vulture. The number of breeding pairs in the Skeerpoort colony seems to be stable at 200–250. Secretarybird is the other globally threatened species in the IBA. Regionally threatened species are Lanner Falcon (Falco biarmicus), Half-collared Kingfisher, African Grass Owl, African Finfoot and Verreauxs' Eagle. Biome-restricted species include White-bellied Sunbird (Cinnyris talatala), Kurrichane</i></p>	<p>invitation for any potential I&amp;APs, with an interest in the project, to register to receive further information. Further information, including information on biological/biodiversity (and other environmental) aspects are then provided to registered I&amp;APs in the form of a Draft BAR for public commenting. All relevant facts focused on the current application process have and will continue to be shared with I&amp;APs in accordance with Chapter 6 of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). The allegation of failure to provide all relevant facts in respect of the current application is unfounded and once more rejected.</p> <p>18. The comment is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>19. The comment is noted. All relevant information in this regard will be included as part of the Basic Assessment Report to be submitted to the DMR.</p> <p>20. The objector's opinion of the current application process is noted and will be provided as such (verbatim) to the DMR as part of this Public Participation Process.</p>	



Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p><i>Thrush (Turdus libonyanus), White-throated Robin-chat (Cossypha humeralis), Kalahari Scrub Robin (Erythropgia paena) and Barred Wren-Warbler.</i>" In light of this we would like to point out the following:</p> <p>12.1. <i>African Grass Owl</i> roost in grass. Owl Pellets were found in the grassy areas that fell within the previous application area (See Figure 1). No specialists ever came to site to confirm or disprove the <i>presence of the African Grass Owl or to assess the impact the proposed prospecting will have on these bird species;</i></p> <p>12.2. The previous and current area being applied for falls over rivers, springs and wetlands. No specialists to date have been to site to confirm or disprove the presence of the African Finfoot <i>or to assess the impact the proposed prospecting will have on these bird species; and</i></p> <p>12.3. We have observed Vultures, Eagles and Sunbirds in this area. No specialists ever came to site to confirm or disprove the <i>presence of any of the trigger species or to assess the impact the proposed prospecting will have on these bird species.</i></p> <p>13. The proposed area falls over a Freshwater Ecosystem Priority Area.</p> <p>14. A portion of the proposed area falls over the Marikana Thornveld which is considered a threatened ecosystem.</p> <p>15. A portion of the proposed area falls over an NFEPA unchanneled valley bottom wetland:</p> <p>15.1. No wetland specialist has been to the site to delineate, assess and confirm or disprove the existence of the NFEPA wetland.</p>		



Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>16. A portion of the proposed area falls over a large wetland (stretching approximately 950 m) not shown on the NFEPA database (See Figure 2 and 3, Reference point 25°41'9.63"S, 27°50'14.65"E):</p> <p>16.1. No wetland specialist has been to the site to delineate, assess and confirm or disprove the existence of this wetland.</p> <p>17. Following the previous application (NW30/5/1/1/3/2/12382 EM) and appeal process, both the EAP and Applicant are aware of and have access to the information highlighted in point 8 to point 16 above and have alluded to this wealth of information in their Public Participation Plan, however, none of this information was communicated to potential and registered I&amp;AP in the notices in the newspapers, site notices or the emails and BIDs (via a link or otherwise). This is key information that provides all I&amp;APs with context and it is information that could result in a potential I&amp;AP deciding to become a registered I&amp;AP. This failure to provide all relevant facts in respect of the application goes against the provision in National Environmental Management Act (NEMA), Chapter 6 Public Participation, Regulation 41 (6) When complying with this regulation, the person conducting the public participation process must ensure that- (a) Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties.</p> <p>18. This area provides an important link between agricultural areas in the transitional zone of the Magaliesberg Biosphere and the more pristine areas of the buffer and the core zones of the Magaliesberg Biosphere. It allows an important corridor and safe</p>		



Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>haven for animals (such as birds, pollinators, reptiles, amphibians and small mammals like bats, jackals, hedgehogs, rabbits).</p> <p>19. Allowing prospecting in this area is not in line with the hierarchy of the Sustainable Development Goals.</p> <p>20. The application for Environmental Authorisation for the proposed Hartbeesfontein Remainder Prospecting Right on various portions of the Farm Hartbeesfontein 445JQ encompasses an area which formed part of a previous application for Environmental Authorisation (NW30/5/1/1/3/2/12382 EM), in 2018, by the same applicant and the same EAP where following an appeal decision by the Minister of Environment, Forestry and Fisheries, the area currently being applied for had to be removed from the previous application. We consider the new application:</p> <p>20.1. Disrespectful and not in line with the plans and desires of local stakeholders, communities and government;</p> <p>20.2. To place the local stakeholders, communities and government under undue pressure to partake in a new process for an area where there exists a decision already been reached by the MEC of Department of Environment, Forestry and Fisheries and The Department of Mineral Resources;</p> <p>20.3. To be taxing on local stakeholders, communities and local and national government's time and financial resources for a new process for an area where there exists a decision already been reached by the MEC of Department of Environment, Forestry and</p>		

Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>Fisheries and The Department of Mineral Resources; and</p> <p>20.4 To be taxing on local stakeholders, communities and government's morale and generate participation fatigue for a new process for an area where there exists a decision already been reached by the MEC of Department of Environment, Forestry and Fisheries and The Department of Mineral Resources.</p> <p>1. Please give a detailed explanation what the phase 2 sampling will entail. I.o.w.:</p> <ul style="list-style-type: none"> <li>a. Sample types (soil, rock, water etc.);</li> <li>b. How large will the samples be;</li> <li>c. How many sampling points;</li> <li>d. How many times during the two years and seven months will the samplers visit these sampling points (Frequency); and</li> <li>e. How many people at a time will go to site to take a sample.</li> </ul>	<p>1. Consultations with the Consulting Geologists on the project, <i>Shango Solutions</i>, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement the following is important to note:</p> <ul style="list-style-type: none"> <li>a. Sample types will include on-surface rock and soil samples.</li> <li>b. Samples will be approximately 1 kg per sample.</li> <li>c. The amount of sampling points required, if any, will be confirmed through the desktop investigations to be conducted as part of the granted Prospecting Right. Access to the relevant properties will be arranged with the relevant landowners.</li> <li>d. The frequency of sample taking, if any, will be confirmed through the desktop investigation to be conducted as part of the granted Prospecting Right. Access to the relevant properties will be arranged with the relevant landowners.</li> <li>e. It is anticipated that approximately 2 persons will be required for sample taking.</li> </ul>	
Willie de Wet &	X			



Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
Elmarie de Wet					
Maria Magdalena du Toit	X	2020/07/28	What is the effect on: housing / groundwater / air pollution/ noise pollution and the upkeep/maintenance of existing roads	Consultations with the Consulting Geologists on the project, Shango Solutions, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.	EAP Response and Part A (3) (b)
Lindsay du Toit	X	2020/07/28	What is the effect on: housing / groundwater / air pollution/ noise pollution and the upkeep/maintenance of existing roads	Consultations with the Consulting Geologists on the project, Shango Solutions, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.	EAP Response and Part A (3) (b)
Francois Du Toit	X	2020/07/28	What is the effect on: housing / groundwater / air pollution/ noise pollution and the upkeep/maintenance of existing roads	Consultations with the Consulting Geologists on the project, Shango Solutions, have confirmed that, in all likelihood, only desktop studies and mapping would be	EAP Response and Part A (3) (b)



Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
				required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.	
Len Du Toit	X	2020/07/28	What is the effect on: housing / groundwater / air pollution/ noise pollution and the upkeep/maintenance of existing roads	Consultations with the Consulting Geologists on the project, Shango Solutions, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.	EAP Response and Part A (3) (b)
Andries Botes	X				
Helia Thelma Knox	X				
Glynis Joy Grobler	X				
Javulani Glandroy Chauke	X				

Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
<b>Landowners or lawful occupiers on adjacent properties</b>					
Pelser Lategan	X				
Marelize Lategan					
Salomina Susara Lategan	X				
Piet Retief Albasini	X				
Marizka Albasini					
M Albasini	X				
SC Harmse	X				
CS van Zyl	X				
SP Cooper	X				
JL Le Hanie	X				
Canis Minor Investment CC	X				
MT Mare	X				
Leon Kinnear	X				
AC Greyling	X				
J Bester	X				
JHD Hurter	X				
Elizabeth Benson	X				
A Hall	X				
Jan Potgieter	X				
Javulani Glandroy Chauke	X				
Sandra Murray	X				
Johan Bezuidenhout					
Peter Bezuidenhout					
Krissta Bezuidenhout					
Hannes Pieterse	X				
Ediard Snyman	X				
Antonio Berejoni	X				



Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
Uno Elizabeth Berejoni					
Johan Niewenhuizen	X				
Mogole Mphahlele	X				
National Government of the Republic of South Africa	X				
Municipality of Brits	X				
G. Gardiner W.J. De Beer	X				
Frederik Jacobus Snyman	X				
Hannatjie De Wet	X				
Susara Martina Elizabeth Ungerer Sampie Ungerer Simone Ungerer	X				
Jan Lategan	X				
Daniel Johannes Fourie	X				
Karel Frederik Dekker	X				
Alexandros Nicolas Palexas	X				
Gert van der Merwe	X				
Robert Walker Erika Lubbe	X				
Glynis Joy Grobler	X				
Andries Coenraad Blignaut	X				
<b>Municipal councillor:</b>	X				
<b>Municipality</b>	X				
<b>Organs of state (Responsible for infrastructure that may be affected Roads)</b>					



Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
<b>Department, Eskom, Telkom, DWA</b>					
South African National Roads Agency Northern Region	X				
North West Tourism	X				
North West Department of Agriculture & Rural Development	X				
North West Department of Water and Sanitation	X				
North West Department of Public Works and Roads	X				
Department of Agriculture, Forestry and Fisheries	X				
North West Department of Social Development	X				
<b>Dept. Land Affairs</b>					
Land Claims Commissioner: National Office Department of Rural Development and Land Reform	X				
<b>Dept. Environmental Affairs</b>					
North West Provincial Government Department of Rural,	X				



Interested and Affected Parties		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
Environment and Agricultural Development					
North West Department of Economic Development, Environment, Conservation and Tourism	X				
<b>Other Competent Authorities affected</b>					
Constituency Head: Madibeng Municipality	X				
North West Regional Office: Department of Mineral Resources	X				
Madibeng Local Municipality	X				
Ward Councillor: Ward 33	X				
Bojanala Platinum District Municipality	X				
South African Heritage Resources Agency (SAHRA)	X				
<b>OTHER AFFECTED PARTIES</b>					
<b><i>Please refer to AIP Register as part of PP Report</i></b>					
Belinda Cooper (Magaliesberg Biosphere)	2020/07/28	The current portions under application fall within the Magaliesberg Biosphere Reserve, where mining is not approved as a sustainable activity for the biosphere. For many reasons, the sustainability of mining in proximity of the Crocodile river, mapped wetlands and productive		As the prospecting exercise requires a high skill level, no/limited employment opportunities at local level are expected. However, this topic can be re-visited if the applicant decides to mine in future. Furthermore, as mentioned above, since the prospecting exercise will	Refer to EAP response to comment as well as this table read with the PP Report.



Interested and Affected Parties	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report.
		<p>agricultural land compromises food security, the ecosystem services and the ecological sustainability of the biosphere.</p> <p>Please provide reasons in your draft report as to how this prospecting will provide sustainable jobs while maintaining and preserving the current environment. How will the prospecting benefit the Magaliesberg Biosphere specifically?</p> <p>Furthermore, please refer to the Bojanala Platinum DM EMF: Gazetted for implementation 16 June 2020, which makes reference to the Magaliesberg Biosphere as a special development area.</p>	<p>consist of non-invasive prospecting only, potential impacts to the environment will be low/insignificant.</p> <p>Upon granting of a Prospecting Right, appropriate communication channels with the Applicant will be established whereby potential benefits for the Magaliesberg Biosphere could be discussed between the relevant parties</p>	
Robert Walker	2020/07/29	Seasons Sport & Spa Eco Golf Estate rejects the prospecting in our area due to the delicate underground water issues and the noise levels in our Eco Estate.	<p>Consultations with the Consulting Geologists on the project, Shango Solutions, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to groundwater or impacts related to noise pollution will occur as result of the prospecting exercise</p>	EAP Response and Part A (3) (b)



## 5) THE ENVIRONMENTAL ATTRIBUTES ASSOCIATED WITH THE ALTERNATIVES.

### a) Type of environment affected by the proposed activity.

(its current geographical, physical, biological, socio- economic, and cultural character).

Environmental impacts associated with the surface sampling too be undertaken as part of the proposed Prospecting Right activities will be low/insignificant and localised. Based on this information it was therefore determined that no specialist studies will be required as part of the BAR Process.

#### i) Geographical and Physical

The project site is located on various portions of the farm Hartebeestfontein 445 JQ, namely portions: RE/2, RE/28, 36, 48, RE/50, 51, 98, 99, RE/100, 166, 170, RE/176, 178, 199, 238, and 239/445.

The farm portions the project is situated on are 298.50 ha in extent and located in the Bojanala Platinum District Municipality and the Madibeng Local Municipality, in the North West Province. The nearest towns are Brits (8 km south) and Schoemansville (5 km north). The site is situated in the 2527DB quarter degree cell.

The topography of the area is mostly flat, with no real rocky outcrops, ridges or large hills, although bordered to the south and east by part of the Magaliesberge. The Crocodile River runs through the area, cutting it in half, while water canals also run through sections. The majority of the PR area consist of agricultural fields (various crops) including citrus, maize, soya, onions and others (including plants/flowers). Some informal settlements are also located in the area. Only small patches of original vegetation (bushveld/thornveld) still occur in the area

The site is gentle and has a minimum elevation of 1120 m, maximum elevation of 1170 m and an average elevation of 1136 m in a north-south direction. From an east-west direction, the minimum elevation is 1114 m, maximum elevation is 1142 m and an average elevation of 1128 m.



Figure 3: East-west elevation profile

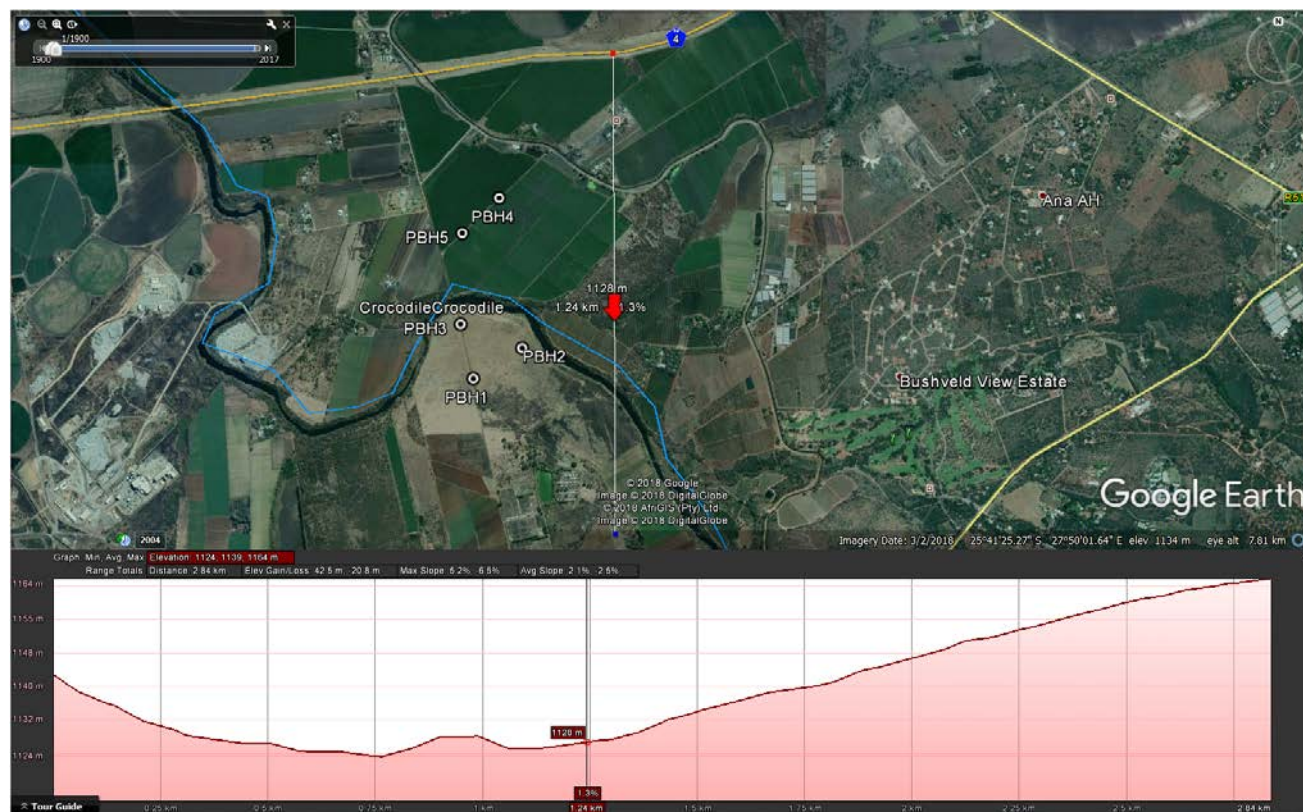


Figure 4: North-south elevation profile

## ii) Geology

The farm Hartbeestfontein is located in the Bushveld Complex. The Bushveld Complex is divided into the Rustenburg Layered Suite, the Lebowa Granites, the Rashop Granophyre Suite and the Rooiberg Felsites (Chamber of Mines, 2018). Of importance for Chrome and Platinum is the Rustenburg Layered Suite which contains mainly mafic rocks and is divided into a number of different zones namely: the Marginal Zone, the Lower Zone, the Critical Zone, the Main Zone and lastly the Upper Zone (Schurmann et al., 1998).

The chromitite seams in the Critical Zone are divided into the lower (LG), the middle (MG) and the upper groups (UG), with the LG6, UG1 and UG2 being of greatest economic importance. The magnetite in the Upper Zone is rich in Vanadium (Chamber of Mines, 2018 and Schurmann et al., 1998).

The Rustenburg Layered Suite rocks are present in the project area. Hence, the potential of locating/intersecting the economic chrome and platinum horizons is high. In some places alluvium covers the Rustenburg Layered Suite. The chrome and PGE rich chromitite layers of the Lower Zone, Lower Critical Zone and Upper Critical Zone are potentially contained in the project area.

The major rock types exposed on surface include Vlakfontein pyroxenites, harzburgite and norite (southern portion of project site). Schilpadnest pyroxenites, leuconorite, anorthosite and chromite subsuite are exposed in the northern section of the project site.

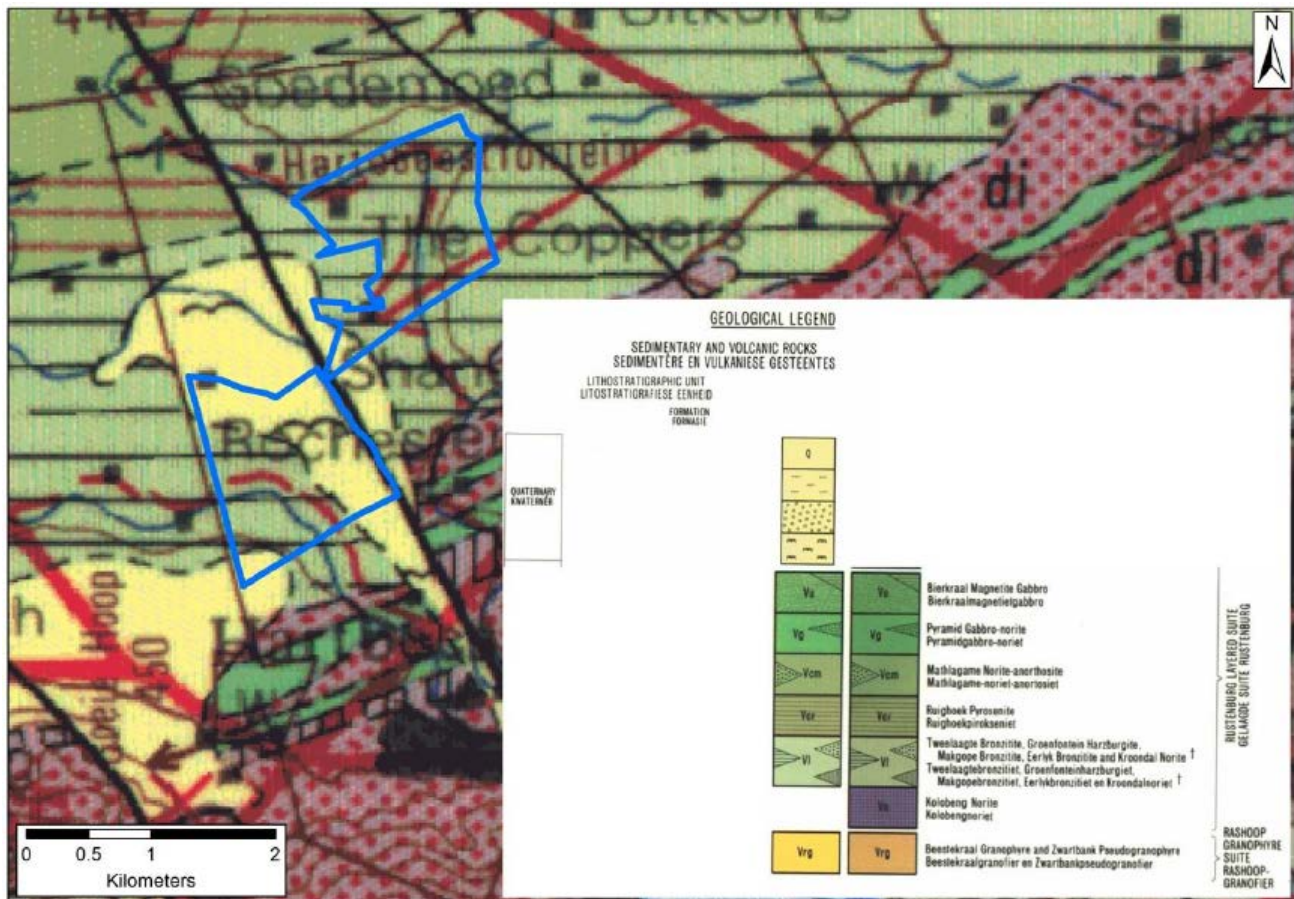


Figure 5: Geology of the Rustenburg Layered Suite present on the project area.

### iii) Climate

The climate here is mild, and generally warm and temperate. In winter, there is much less rainfall in the region than in summer. The Köppen-Geiger climate classification is Cwa. The average annual temperature is 18.6 °C in Rustenburg. In a year, the average rainfall is 663 mm.

Precipitation is the lowest in July, with an average of 7 mm. With an average of 117 mm, the most precipitation falls in January. Between the driest and wettest months, the difference in precipitation is 110 mm.

At an average temperature of 23.7 °C, January is the hottest month of the year. July has the lowest average temperature of the year. It is 11.5 °C. During the year, the average temperatures vary by 12.2 °C.

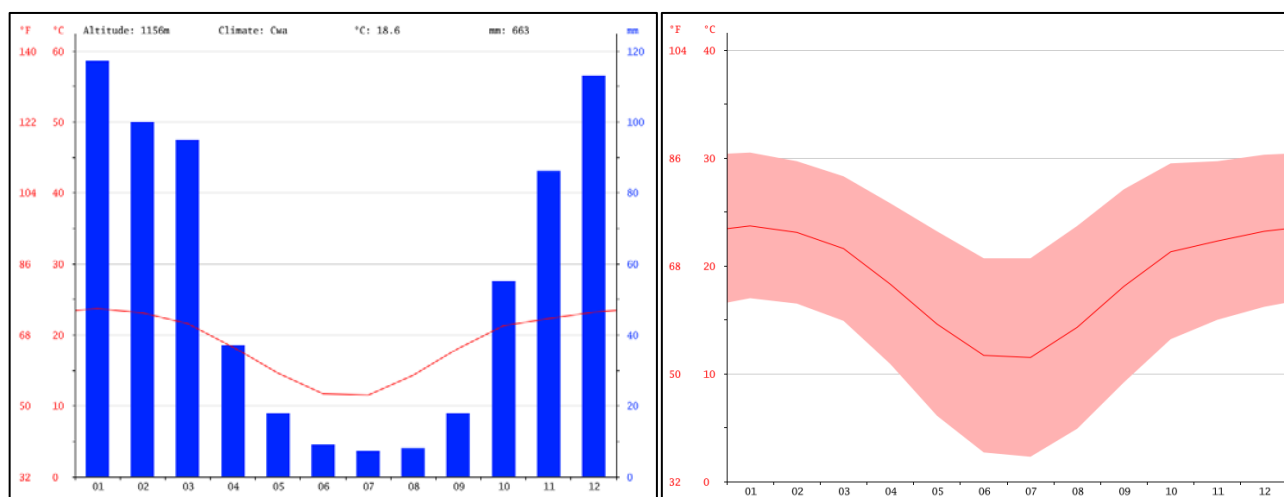


Figure 6: (left) Precipitation graph; (right) Temperature graph (Source: [www.climate-data.org](http://www.climate-data.org))

	January	February	March	April	May	June	July	August	September	October	November	December
Avg. Temperature (°C)	23.7	23.1	21.6	18.3	14.6	11.7	11.5	14.3	18.1	21.3	22.3	23.2
Min. Temperature (°C)	17	16.5	14.9	10.9	6.1	2.7	2.3	4.9	9.2	13.2	15	16.2
Max. Temperature (°C)	30.5	29.7	28.3	25.8	23.2	20.7	20.7	23.7	27.1	29.5	29.7	30.3
Avg. Temperature (°F)	74.7	73.6	70.9	64.9	58.3	53.1	52.7	57.7	64.6	70.3	72.1	73.8
Min. Temperature (°F)	62.6	61.7	58.8	51.6	43.0	36.9	36.1	40.8	48.6	55.8	59.0	61.2
Max. Temperature (°F)	86.9	85.5	82.9	78.4	73.8	69.3	69.3	74.7	80.8	85.1	85.5	86.5
Precipitation / Rainfall (mm)	117	100	95	37	18	9	7	8	18	55	86	113

Figure 9: Historical Weather Data (Source: [www.climate-data.org](http://www.climate-data.org))

#### iv) Atmosphere/Air Quality

Currently the main sources of impacts on air quality includes that of dust from farm roads, secondary gravel roads and air pollution in the form of diesel exhaust fumes from vehicles. These impacts are however minimal. The dry and arid nature of the area experiences high wind resulting in intermittent dust storms, especially in the summer months which are the main impact on the air quality of the area. Therefore, given the fact that there are contributors to the quality of air onsite, the impacts resulting from the proposed activities is negligible.

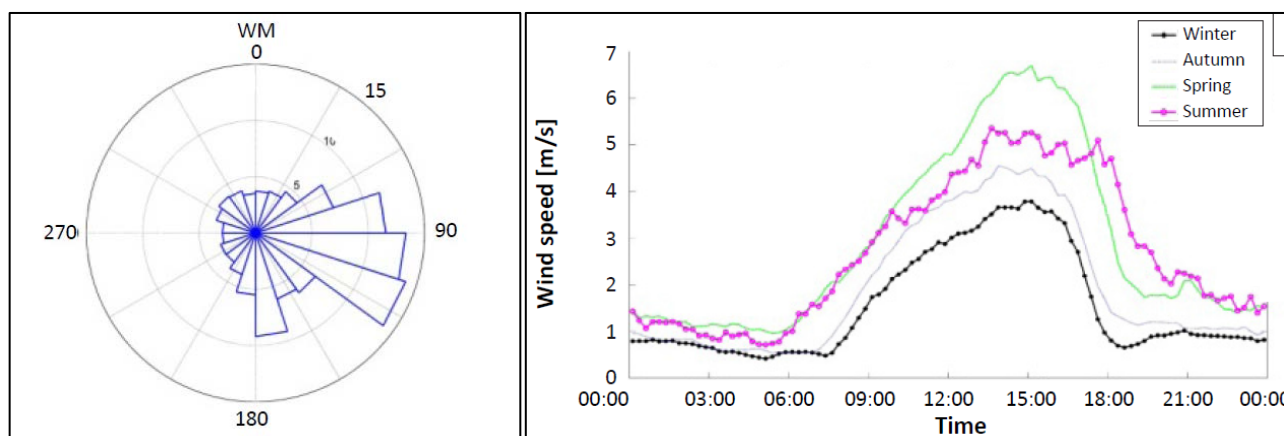


Figure 7: (left) Wind rose for the Marikana area; (right) Wind speed (Venter et al, 2012)

## **v) Groundwater**

The following section was sourced, in part, from a research paper, “Assessment of Spatial Variation of Groundwater Quality in a Mining Basin” (Alexander et al, 2017), which was carried out in the upper catchment of the Crocodile (West) Water Management Area (WMA), located between Gauteng and North West Province of South Africa.

The Crocodile (West) WMA covers an area of about 6336 km<sup>2</sup>. It covers a number of major towns, including Krugersdorp (now known as Mogale), Brits, Kempton, Midrand, southern Pretoria and the northern part of Johannesburg.

The catchment is underlain by fractured/weathered hard rock aquifers consisting of the Transvaal Formation (quartzite, shale, and dolomite) and rocks from the Bushveld Igneous Complex (gabbro, norite, and granite). The Bushveld Igneous Complex is one of the major geological features of this catchment, consisting of volcanic intrusive rock covering the area from north of the Magaliesburg and stretching eastward. The catchment also consists of sedimentary rock, with the quartzitic Magaliesberg Mountain Range being the prominent feature. The Karst dolomitic formations are found in a band running east–west between Rietvlei Dam and Krugersdorp. The formation is comprised of chert-rich dolomite, with consequent high-water storage capacity. The northern part of the catchment is mostly underlain by intergranular/fractured aquifer. Depth to groundwater table ranges from 12 m in the northern side to 33 m in the south-western side of the basin. The groundwater elevation varies significantly in the southern part towards the Magaliesberg mountain range (1780–1300 masl) and less variably in the northern side. Generally, groundwater in the basin flows in the south–north direction.

Groundwater resources in the catchment are generally highly developed and are utilised for demand supply and economical activities. The most productive aquifers are the Gauteng dolomites lying from east to west in the southern part of the basin and comprise two compartments, Bapsfontein and Steenkoppies in the eastern and western part, respectively. These compartments are extensively used for irrigation and contribute to the public water supply of towns including major municipalities, Johannesburg, and Tshwane (also known as Pretoria). One of the largest and best-known natural springs in the country—the “Maloney’s Eye”—is also found in the basin. There are several springs running in the basin (e.g., Rietvlei, Sterkfontein, Grootfontein, Upper and Lower Pretoria Fountain) and feeding-in rivers and streams in the basin.



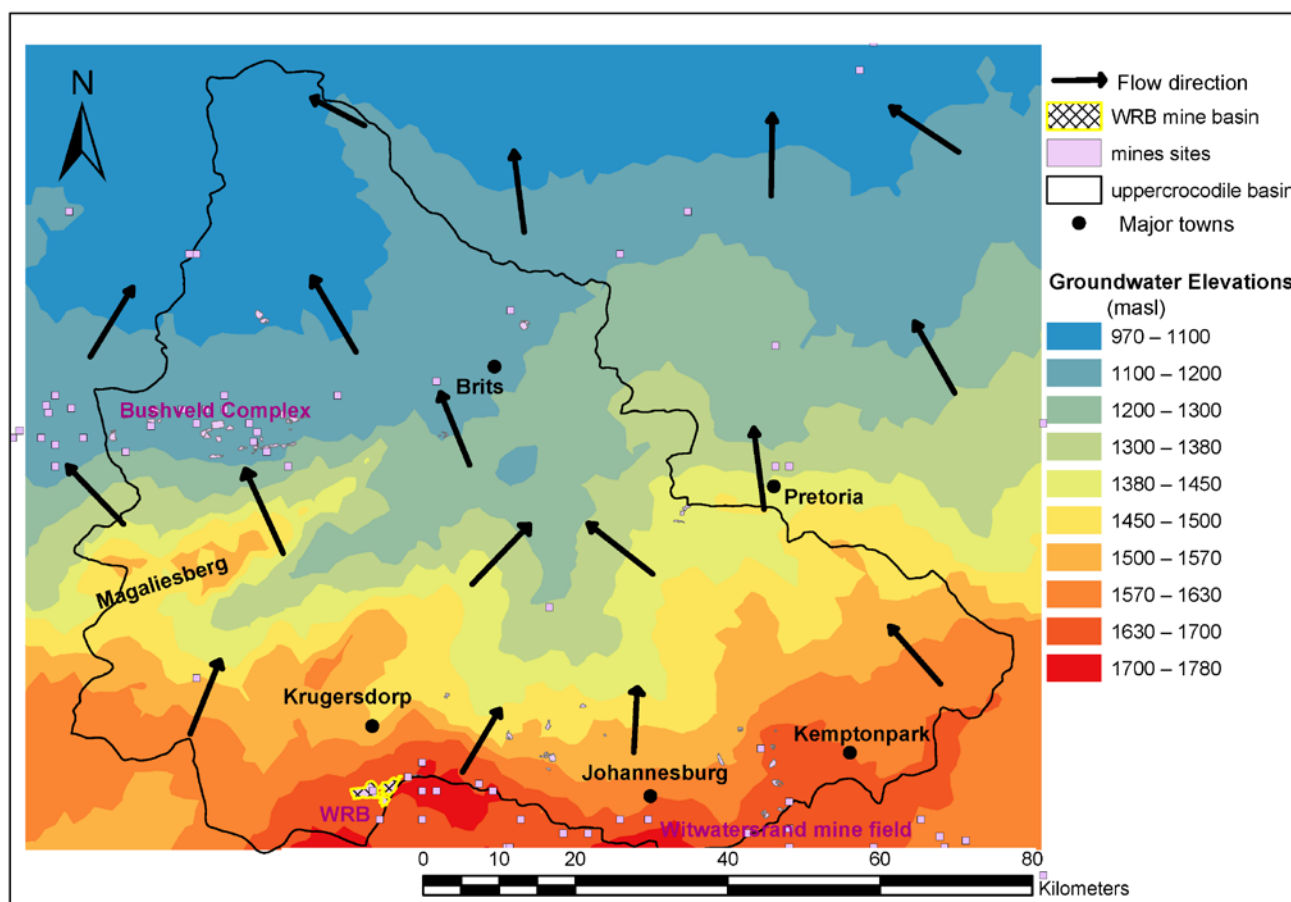


Figure 8: Groundwater level and flow direction in the Upper Crocodile Catchment (Alexander et al, 2017).

#### vi) Surface Water

The project site lies within the A21J quaternary catchment, with the Crocodile River bisecting the site. The A21J catchment drains toward Roodekopjes dam. A tributary of the Crocodile River flows through the northern-most portion of the PR area. A few farms dams and water supply canals are located on the PR area. Figure 10 indicates surface water features in and around the PR area. The NFEPA database indicates various wetland areas on the project site, however most are associated with the riparian zone of the Crocodile River and no Wetland Assessment was undertaken as part of this application to either verify or dispute the presence of wetlands.

The resource classification was based upon the classifications acquired from the DWA RQO v4.1 software in conjunction with the SANBI NFEPA Atlas for the applicable rivers. According to the SANBI NFEPA Atlas, most of the sub-quaternary catchments within the A21J are classified as low priority Areas, with one Fish Support area and one Phase 2 FEPA area.

Table 5: General catchment sizes and major enterprise contributions

Quaternary Catchment	Catchment area		Forestry area (km <sup>2</sup> )	Alien veg. area (km <sup>2</sup> )	Irrigated area (km <sup>2</sup> )	Combined minor dams	
	Gross (km <sup>2</sup> )	Net (km <sup>2</sup> )				area (km <sup>2</sup> )	volume (mcm)
A21J	1151	1151	0,00		2,74	1,48	2,28
<b>Tertiary</b>	<b>6336</b>	<b>6176</b>	<b>0,00</b>	<b>44,10</b>	<b>273,36</b>	<b>165,33</b>	<b>24,74</b>

Table 6: A21J Quaternary Drainage Area Resource Classification

Quat	River	EISC	PESC	Rec	SANBI	FEPA Status
A21J	Crocodile	Moderate	Class C: Moderately Modified	Class B	Class C	Fish Support Area



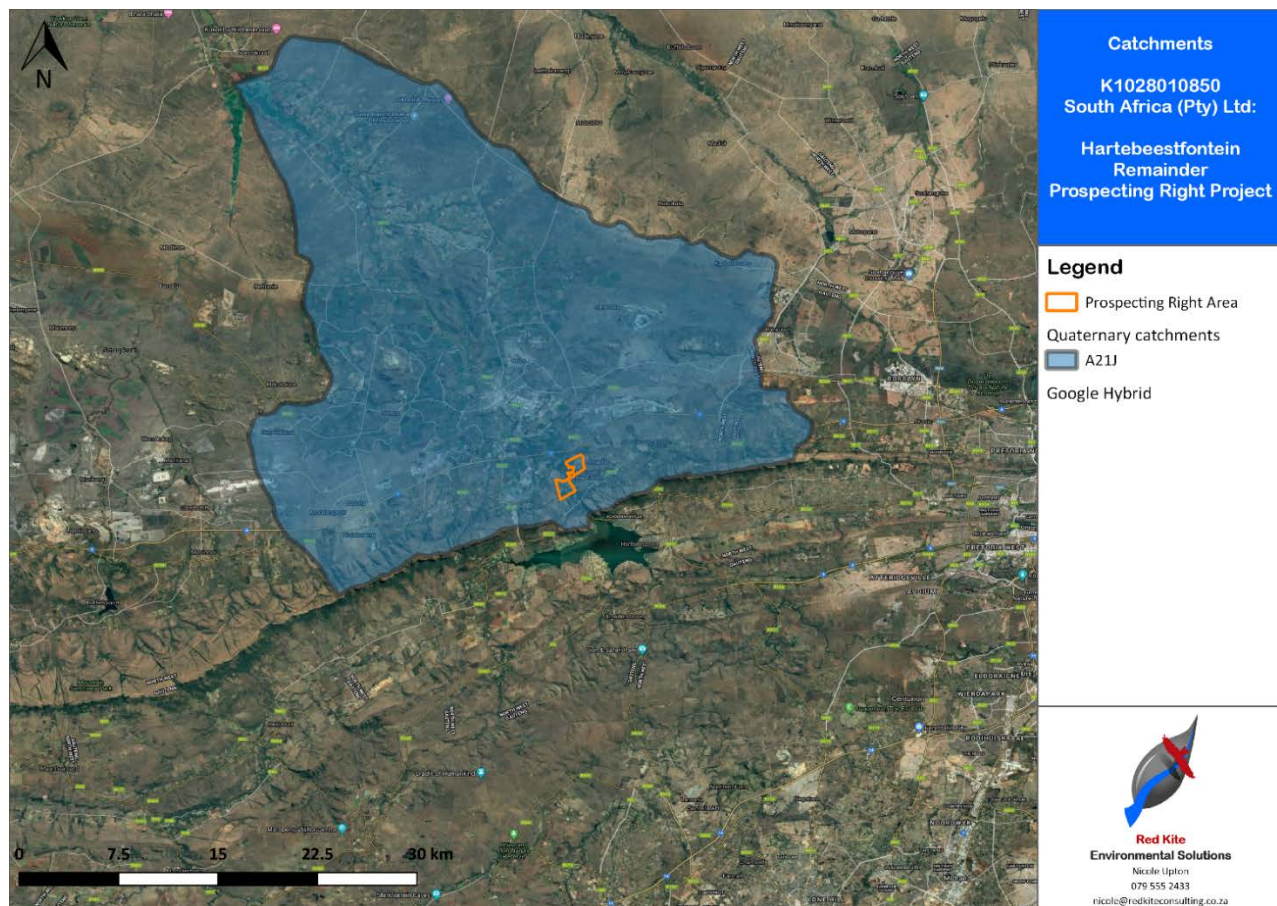


Figure 9: Quaternary catchment

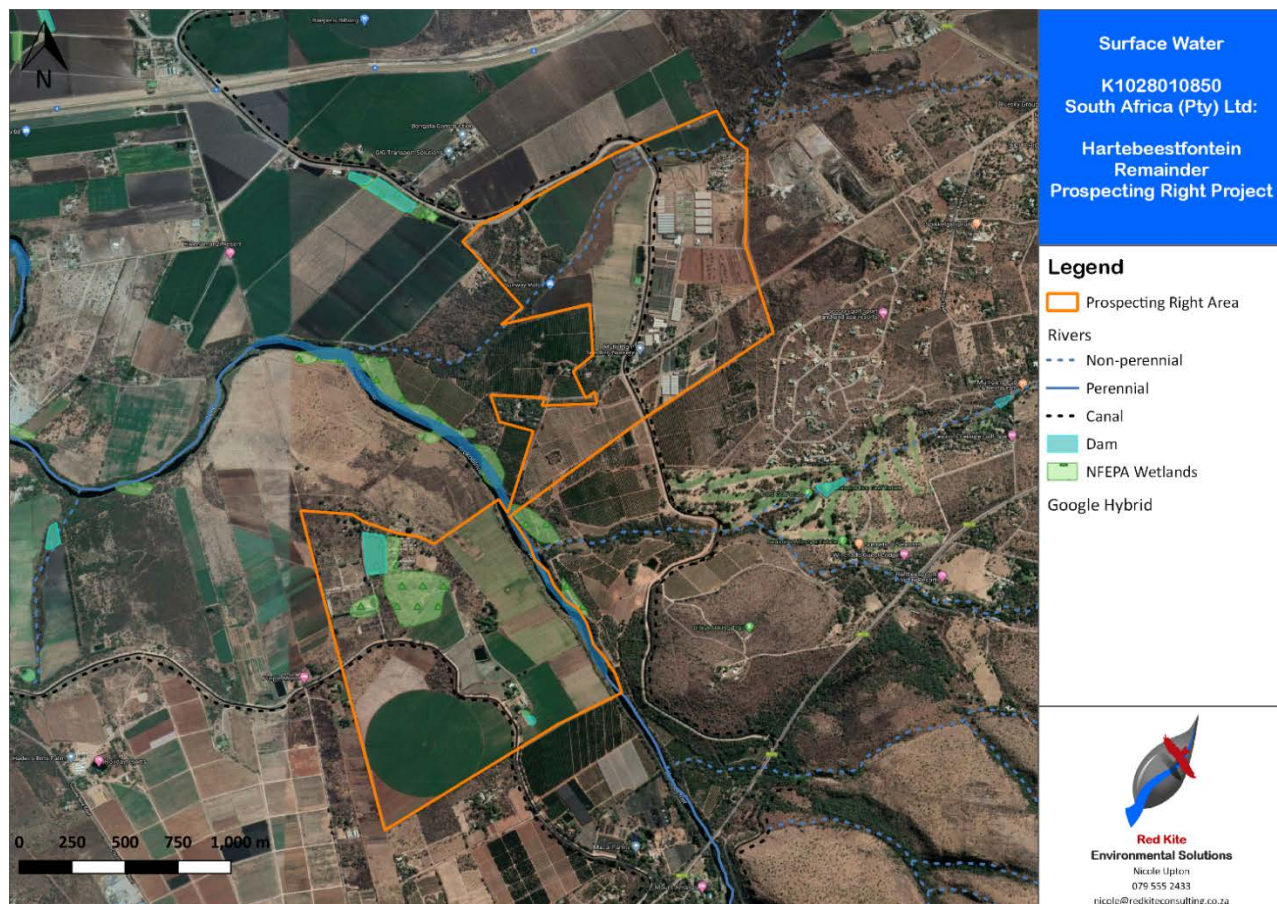
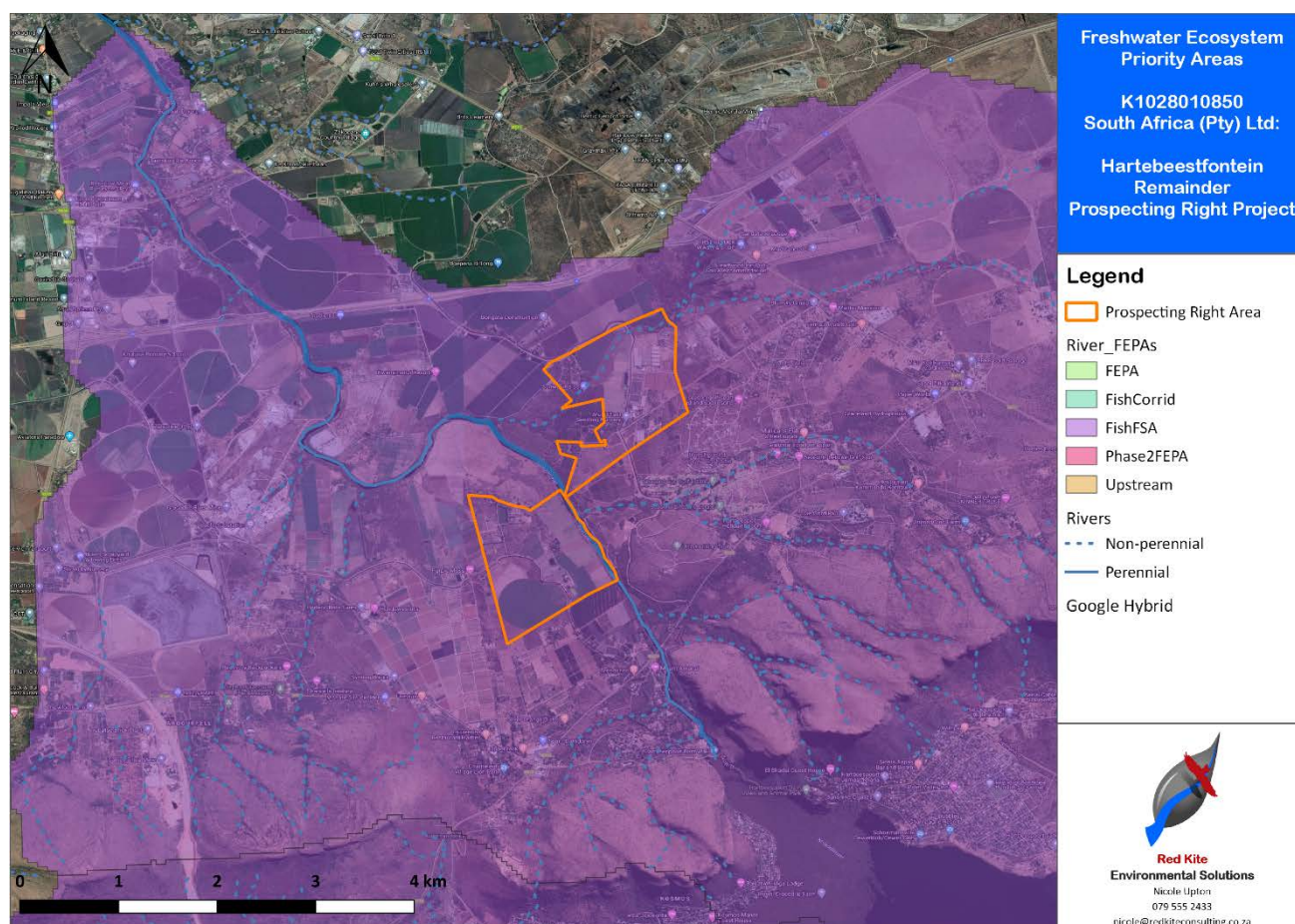


Figure 10: Watercourses on the project site

According to the National Freshwater Ecosystem Priority Area Atlas the project area is situated within an area classified as a Fish Support Area. Fish Support Areas are defined as fish sanctuaries in lower than an A or B ecological condition.



**Figure 11: Freshwater Ecosystem Priority Areas applicable to the project**

### vii) Wetlands

The NFEPA database indicates various wetland areas on the project site, however most are associated with the riparian zone of the Crocodile River and no Wetland Assessment was undertaken as part of this application to either verify or dispute the presence of wetlands.

### viii) Ecology

The current ecological conditions can be summarised as follows:

- The proposed project area has been modified primarily by agriculture.
- Surrounding land use includes agriculture, mining, infrastructure development and housing and thus the habitat is fragmented.
- The N4 and R511 and numerous smaller gravel roads traverse the region.
- Undeveloped natural land is confined to small, discrete areas that often reflect farm portion boundaries and associated land uses.
- There are scattered patches of untransformed natural habitat within the study area.

According to Mucina and Rutherford's (2006) classification and delineation of South Africa's vegetation, the proposed project area contains elements of two vegetation types of the Savanna Biome - the Marikana Thornveld and Moot Plains Bushveld. The Marikana Thornveld vegetation type is listed as Vulnerable in the National List of Ecosystems that are



Threatened and in Need of Protection (GN 1002 of 9 December 2011). It must however be noted that the project site is agricultural in nature and therefore has been cultivated over the years, thus having lost much or even all of the vegetation type that would have been found in that area.

The Marikana Thornveld vegetation occurs in the North West and Gauteng Provinces. It occurs on plains from the Rustenburg area in the west, through Marikana and Brits to the Pretoria area in the east. Altitude ranges from 1050 – 1450m (Mucina & Rutherford, 2006). The Marikana Thornveld Ecosystem is described by the National List of Threatened Terrestrial Ecosystems (2011) as being “Vulnerable”. The conservation target for the area is 19% and less than 1% is statutorily conserved in for example, Magaliesberg Nature Area. More of the vegetation type is conserved in other reserves such as De Onderstepoort Nature Reserve. The vegetation type is considerably impacted. With 48% transformed, mainly by cultivation and urban or built up areas. Most agricultural development of this area is in the western regions towards Rustenburg, while in the east industrial development is a greater threat. Erosion is very low to moderate. Alien invasive floral species occur localised in high densities, especially along drainage lines (Mucina & Rutherford, 2006). In terms of recent vegetation classifications, the assessed area occurs within the Marikana Thornveld vegetation type (Mucina & Rutherford, 2006). This vegetation occurs as open *Acacia karroo* woodland, in valleys and slightly undulating plains and some lowland hills. Shrubs are denser along drainage lines, on termitaria and rocky outcrops or in other habitats protected from fire.

Key indicator species of this vegetation type include:

- Tall tree: *Acacia burkei*;
- Small trees: *Acacia caffra* (d), *A. gerrardii*, *A. karroo* (d), *A. nilotica*, *A. tortilis subsp. heteracantha*, *Combretum molle* (d), *Rhus lancea* (d), *Ziziphus mucronata* (d), *Pappea capensis*, *Dombeya rotundifolia*, *Peltophorum africanum*, *Celtis africana*, *Terminalia sericea*;
- Tall shrubs: *Euclea crispa subsp. crispa* (d), *Olea europaea subsp. africana* (d), *Rhus pyroides var. pyroides* (d), *Diospyros lycoides subsp. guerkei*, *Ehretia rigida subsp. rigida*, *Euclea undulata*, *Grewia flava*, *Pavetta gardeniifolia*;
- Low shrubs: *Asparagus cooperi* (d), *Rhynchosia nitens* (d), *Indigofera zeyheri*, *Justicia flava*;
- Woody climbers: *Clematis brachiata* (d), *Helinus integrifolius*;
- Herbaceous climber: *Cyphostemma cirrhosum*, *Pentarrhium insipidum* (d);
- Graminoids: *Elionurus muticus* (d), *Eragrostis lehmanniana* (d), *Setaria sphacelata* (d), *Themeda triandra* (d), *Aristida scabrivalvis subsp. scabrivalvis*, *Fingerhuthia Africana*, *Heteropogon contortus*, *Hyperthelia dissoluta*, *Melinis nerviglumis*, *Pogonarthria squarrosa*;
- Herb: *Hermannia depressa* (d), *Ipomoea obscura* (d), *Vernonia oligocephala*;
- Geophytic herbs: *Ledebouria revoluta*, *Ornithogalum tenuifolium*, *Sansevieria aethiopica*.

The Moot Plains Bushveld vegetation type occurs in the Northwest and Gauteng provinces and is found immediately south of the Magaliesberg mountain range (Mucina & Rutherford, 2006). Some 13% is statutorily conserved, mainly in the Magaliesberg Nature Reserve. About 28% is transformed, mainly due to cultivation and urban and built-up areas. Alien invasive plants have a scattered occurrence and are dominated by species such as *Cereus jamacaru*, *Eucalyptus* sp., *Jacaranda mimosifolia*, *Lantana camara*, *Melia azedarach* and *Schinus* sp. Erosion is mainly very low to low, but moderate in some areas (Mucina & Rutherford, 2006). This vegetation type may be described as being open to closed, low, often thorny savanna, dominated by *Acacia* spp. in the plains and bottomlands. Woodland of varying height is found on the lower slopes and hillsides and the herbaceous layer is typically dominated by grasses. The dominant and typical floral species for the vegetation type are presented below.

- Small Trees: *Acacia nilotica*, *A. tortilis*, *Rhus lancea*;
- Tall Shrubs: *Buddleja saligna*, *Euclea undulata*, *Grewia occidentalis*, *Gymnosporia polyacantha*, *Myroxylon aethiopicum*, *Olea europaea*;
- Low Shrubs: *Aptosimum elongatum*, *Felicia fascicularis*, *Lantana rugosa*, *Teucrium trifidum*;



- Succulent Shrub: *Kalanchoe paniculata*;
- Woody Climber: *Jasminum breviflorum*;
- Herbaceous Climber: *Lotononis bainesii*;
- Grass species: *Aristida congesta*, *Chloris virgata*, *Cynodon dactylon*, *Heteropogon contortus*, *Setaria sphacelata*, *Sporobolus nitens*, *Themeda triandra*, *Tragus racemosus*;
- Herbs: *Achyroopsis avicularis*, *Corchorus asplenifolius*, *Evolvulus alsinoides*, *Helichrysum nudifolium*, *H. undulatum*, *Hermannia depressa*, *Osteospermum muricatum*, *Phyllanthus maderaspatensis*

The PR area falls entirely within the Magaliesberg Important Birding Area (IBA).

According to Birdlife South Africa Important Bird Area trigger species for the Magaliesberg Biosphere area include the following species: the globally threatened Cape Vulture. The number of breeding pairs in the Skeerpoort colony seems to be stable at 200–250. Secretarybird is the other globally threatened species in the IBA. Regionally threatened species are Lanner Falcon (*Falco biarmicus*), Half-collared Kingfisher, African Grass Owl, African Finfoot and Verreaux's Eagle. Biome-restricted species include White-bellied Sunbird (*Cinnyris talatala*), Kurrichane Thrush (*Turdus libonyanus*), White-throated Robin-chat (*Cossypha humeralis*), Kalahari Scrub Robin (*Erythropygia paena*) and Barred Wren-Warbler."

Above-mentioned species might occasionally enter the areas surrounding the prospecting areas for the purpose of foraging. However, is very unlikely to take up permanent residence, given the available habitat in the greater region.

Residents of the area have reported the following:

- Owl Pellets were found in the grassy areas adjacent to the PR area; and
- Vultures, Eagles and Sunbirds have been observed in the greater area.

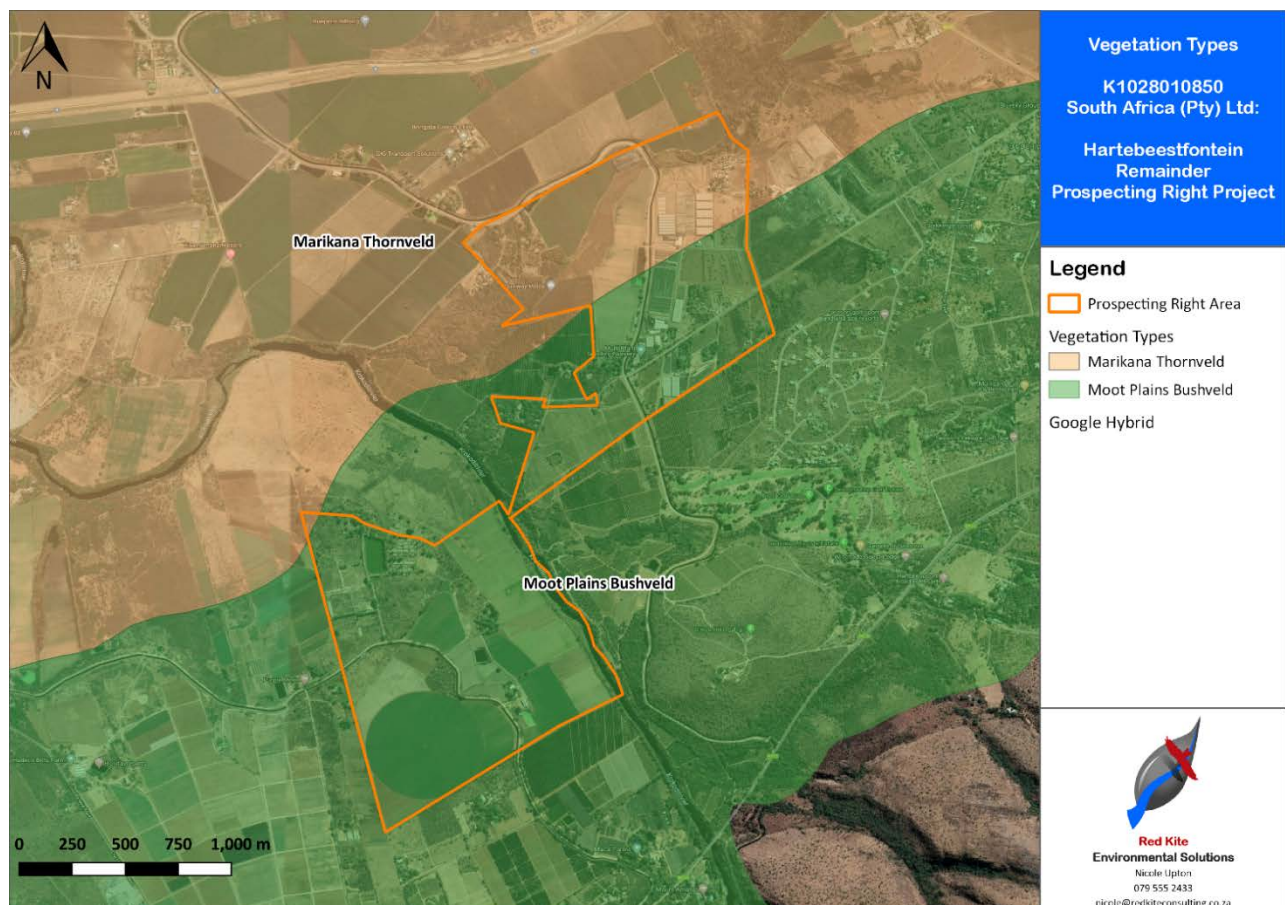
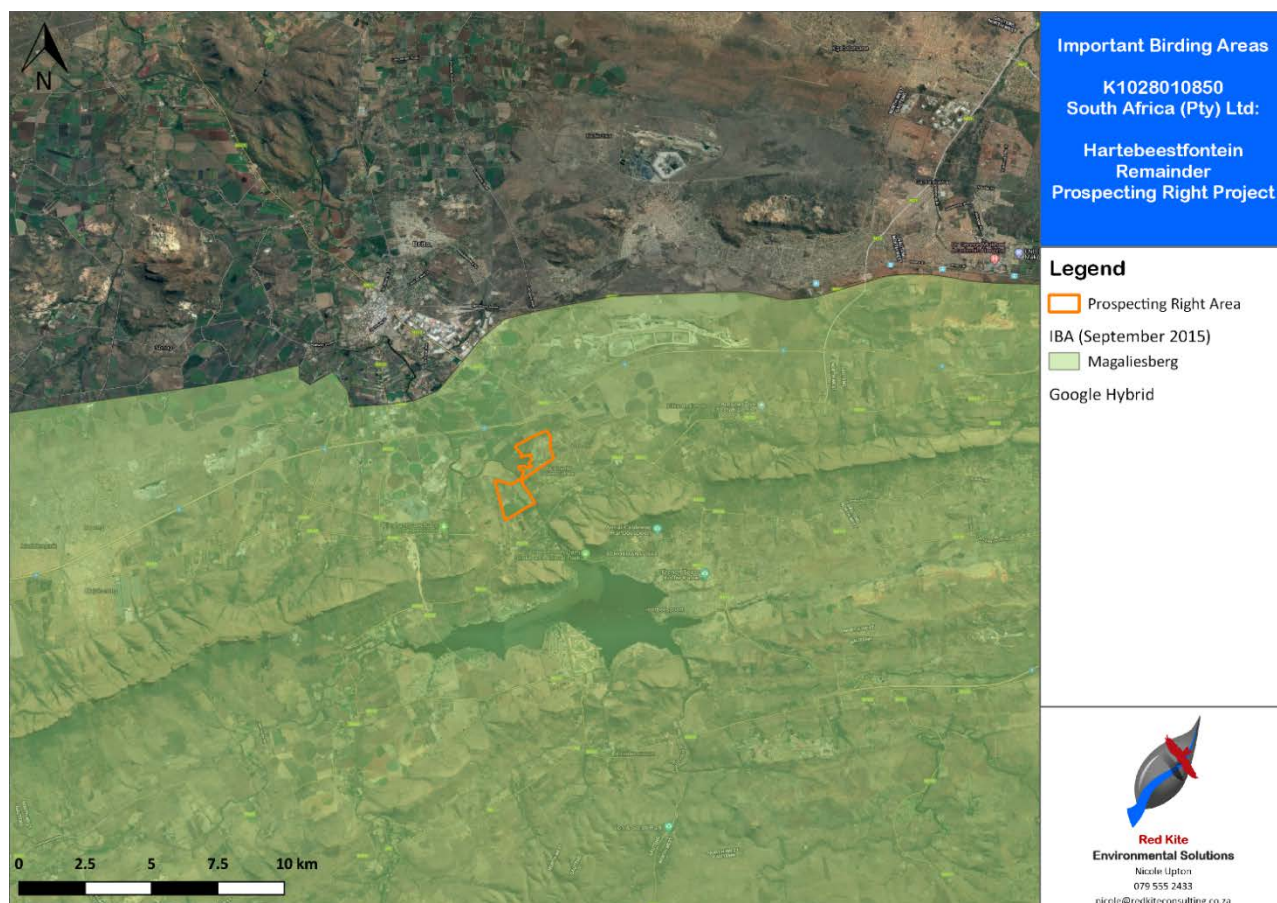


Figure 12: Vegetation types of project area



**Figure 13: Important Birding Areas**

A small section of the Hartbeespoort Dam Nature Reserve is located in the south-eastern section of the PR area. However, as can be seen from satellite images this area of the Hartbeespoort Dam Nature Reserve is no longer used as a Nature Reserve but rather for agriculture. The Magaliesberg Protected Environment is situated approximately 1 km south of the project area.

The map below depicts areas classified as Ecological Support Areas and Critical Biodiversity Areas, classified in terms of the North West Biodiversity Sector Plan, 2015. It is evident from the map below that the project area falls within areas classified as Critical Biodiversity Area 2 and Ecological Support Area 2. The southern-most section of the project area falls within the buffer zone of the Magaliesberg Biosphere Reserve. However, it is important to note that the majority of the project area is located on land either currently or previously disturbed by agricultural activities.

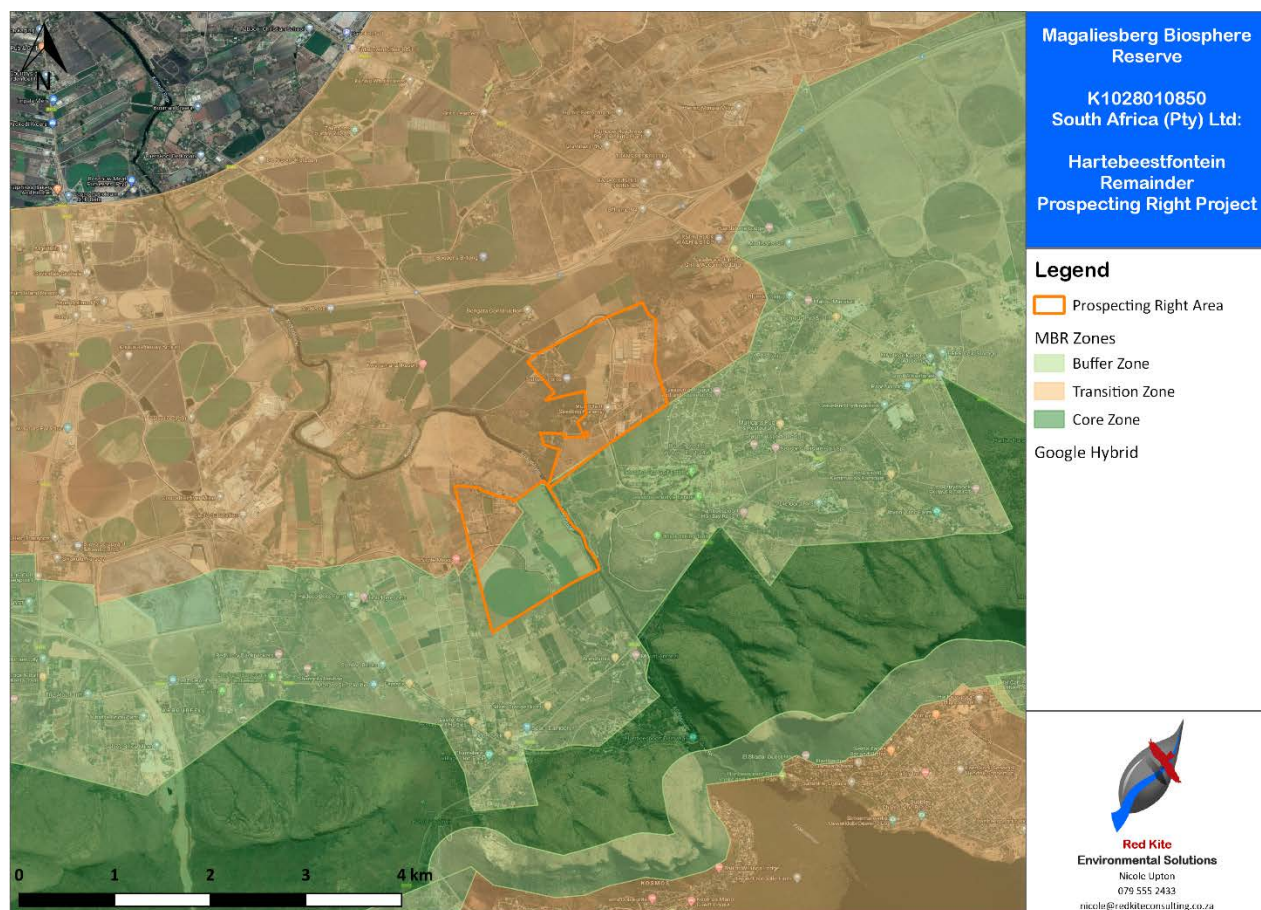


Figure 14: Magaliesberg Biosphere Reserve

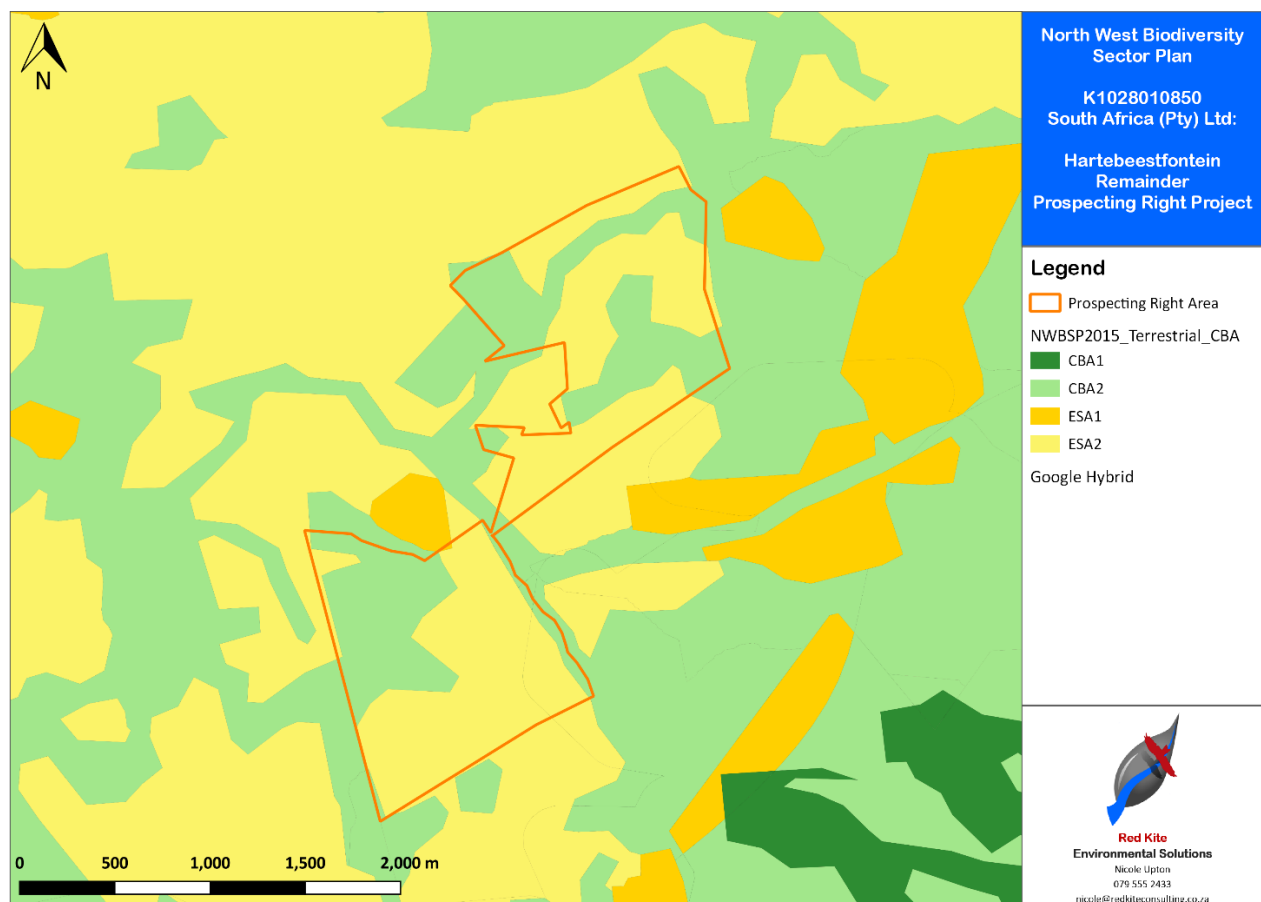


Figure 15: Protected areas and conservation plan areas

#### ix) Socio-economic

According to data published on [www.localgovernment.co.za](http://www.localgovernment.co.za) (accessed on 14 May 2018), the population in the Madibeng Local Municipality for 2016 is approximately 536 110 (<http://www.localgovernment.co.za>). The socio-economic characteristics are listed in the table below. Should the applicant continue with a Mining Right, based on the information collected during the prospecting phase, the proposed project will provide long-term job opportunities. As a result, the proposed prospecting project will contribute to the local economy through the possible creation of future jobs as well as the purchase of goods and services from the local community.

The Madibeng Local Municipality is a Category B municipality located in the North West Province within the Bojanala Platinum District. It is situated between the Magaliesberg and Witwatersrand, 60 km from Rustenberg and 50 km north of Pretoria. It is one of five municipalities in the district. It is strategically located in relation to Gauteng, Limpopo, Harare and the Maputo Harbour, and is positioned along the Heritage Route, linking the World Heritage Site with the Pilanesberg and Madikwe Game Reserves. It is known for its diversified economy. Currently, mining is the predominant economic activity, and the Hartebeespoort Dam is the second most visited place after the Waterfront in Cape Town. The main economic sectors in the local municipality are mining, manufacturing, agriculture, tourism.

Cities/Towns: Brits, Hartbeespoort, Mooinooi.

**Table 7: Madibeng Local Municipality demographic information (2016)**

Demographic information	2016	2011
<b>Population</b>	536 110	475 796
Population under 15	29.4%	25.7%
Population 15 to 64	65.9%	69.3%
Population over 65	4.7%	5.0%
Dependency Ratio: Per 100 (15-64)	51.8	44.4
Se Ratio: Males per 100 females	115.4	113.7
Population Growth Per annum	2.71%	n/a
Unemployment rate (official)	n/a	n/a
Youth unemployment rate (official) 15-34	n/a	n/a
<b>Education (aged 20 +)</b>		
No schooling	5.1%	7.6%
Matric	32.2%	27.1%
Higher education	6.8%	7.2%
<b>Household Dynamics</b>		
Households	193 364	160 041
Average household size	2.8	2.9
Female headed households	29.5%	30.2%
Formal dwellings	63.3%	59.0%
Housing owned	67.7%	54.0%
<b>Household Services</b>		
Flush toilet connected to sewerage	27.3%	27.3%
Weekly refuse removal	35.5%	25.8%
Piped water inside dwelling	16.0%	22.3%
Electricity for lighting	88.0%	80.9%



## **b) Description of the current land uses**

The prospecting activities are not expected to affect any existing infrastructure, beyond requiring the use of existing farm access roads. Currently the infrastructure that exists are related to farming practices such as farm houses, sheds, livestock pens, irrigation systems and so forth.

The current land use of the proposed site is:

- Agriculture (crop farming);
- Secondary roads transecting the project area;
- Wilderness (small patches); and
- Communities and residences (farming).

## **c) Description of specific environmental features and infrastructure on the site.**

The Crocodile River and a tributary transects the site (refer to figure below). The NFEPA database indicates various wetland areas on the project site, however most are associated with the riparian zone of the Crocodile River and no Wetland Assessment was undertaken as part of this application to either verify or dispute the presence of wetlands.

A small section of the Hartebeespoort Dam Nature Reserve is located in the south-eastern section of the PR area. However, as can be seen from satellite images this area of the Hartbeespoort Dam Nature Reserve is no longer used as a Nature Reserve but rather for agriculture.

The map below depicts areas classified as Ecological Support Areas and Critical Biodiversity Areas, classified in terms the North West Biodiversity Sector Plan, 2015. It is evident from the map below that the project area falls within areas classified as Critical Biodiversity Area 2 and Ecological Support Area 2. The southern-most section of the project area falls within the buffer zone of the Magaliesberg Biosphere Reserve. However, it is important to note that the majority of the project area is located on land either currently or previously disturbed by agricultural activities.

Also refer to the results of the National Environmental Screening Tool attached in Appendix 6.



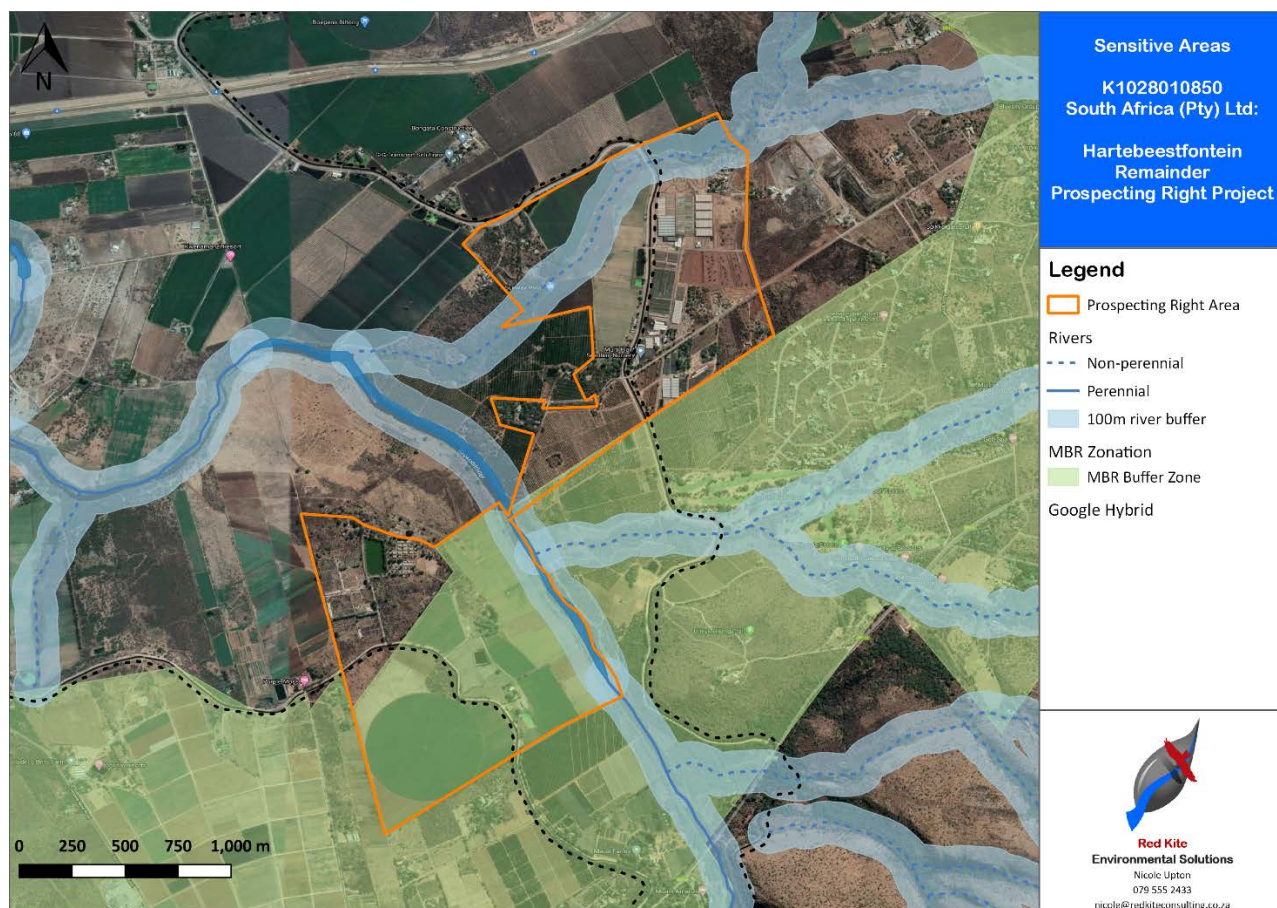


Figure 16: Sensitivity map

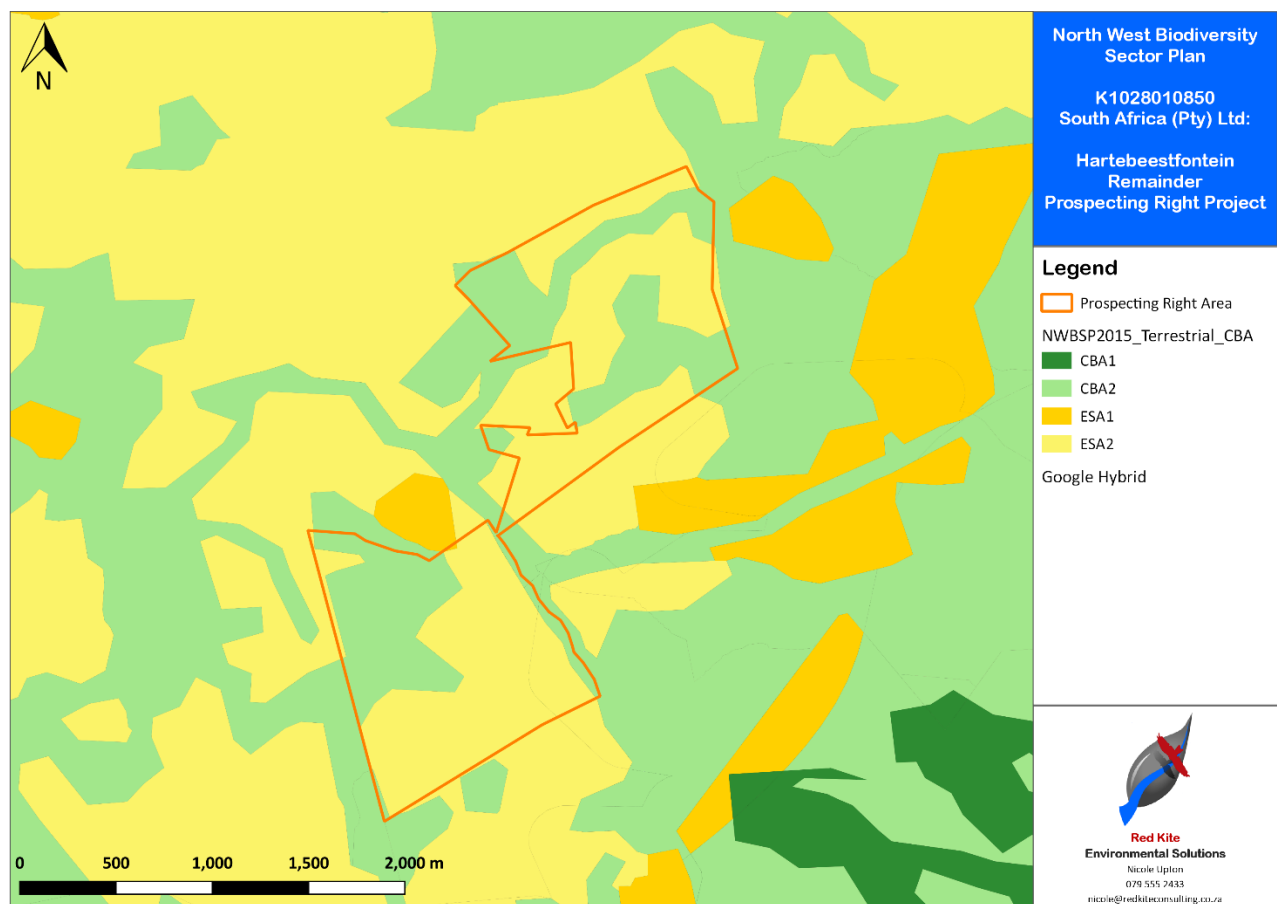


Figure 17: Critical Biodiversity and Protected Areas

#### i) Bojanala Platinum District Municipality Environmental Management Framework

According to the Bojanala Platinum District Municipality Environmental Management Framework the majority of the environmental management zones that occur on the site of the proposed development are Zone D: Agriculture Zone I and Zone F (Biodiversity Zone). Smaller areas of the project footprint are situated in areas designated as Zone G, E and A.

**Table 8: BPDM EMF Environmental Management Zone applicable to the PR area**

Zones	Description	Compatibility Guidelines
Zone D	Agriculture Zone I	This zone represents existing high potential agricultural land in the area (i.e. cultivated fields).
Zone F	Biodiversity Zone	This zone represents areas of high and significant biodiversity in the Bojanala District Municipality. Areas of high biodiversity was identified from the North West Province Biodiversity Sector Plan and includes, amongst others, critical biodiversity areas (CBAs) and Ecological Support areas (ESAs).
Zone G	Sensitive Topography Zone	This zone represents the sensitive topographical features, such as hills and ridges, which are deemed sensitive to development.
Zone E	Agriculture Zone II	This zone represents areas deemed suitable for further agricultural development for both grazing and cultivation purposes.
Zone A	Development Zone I (Res. and Bus.)	This zone is a refinement of areas identified for future urban development in local municipal SDFs. These development uses include, amongst others, residential land uses, commercial land uses and land uses related to government functions, but specifically excludes industrial land uses and mining related land uses.

#### Zone D: Agriculture Zone I

The following general management guidelines are applicable to Zone D:

- High potential agricultural land that is actively being cultivated should not be used for other types of development.
- Agriculture is the main priority within this zone and should be prioritised above all other types of activities and developments.
- Crop farming should be encouraged.
- Irrigation potential should be optimised.
- Intensive agriculture should be encouraged and developed.
- Sustainable farming practices should be encouraged.
- If the zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:
  - The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area.
  - Developments that might put stress on the protected environments should be avoided within the buffer area.
  - The applicable biosphere development guidelines and principles should be considered.
  - Conservation and tourism orientated developments should be promoted within the buffer area.
  - High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area

#### Zone F: Biodiversity Zone

The following general management guidelines are applicable to Zone F:

- Biodiversity and sensitive topographical features should be protected within these areas at all costs.



- Before any non-conservation related activity is to be considered a detailed specialist study has to be conducted by an accredited scientist to determine the impacts of the envisaged activity on not only the site but also on the larger area (strategic context).
- Activities should be limited to conservation related and low-impact tourism related activities.
- The guidelines contained in North West Province Biodiversity Sector Plan are applicable and should be applied within this zone.
- If the zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:
  - The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area.
  - Developments that might put stress on the protected environments should be avoided within the buffer area.
  - The applicable biosphere development guidelines and principles should be considered.
  - Conservation and tourism orientated developments should be promoted within the buffer area.
  - High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area



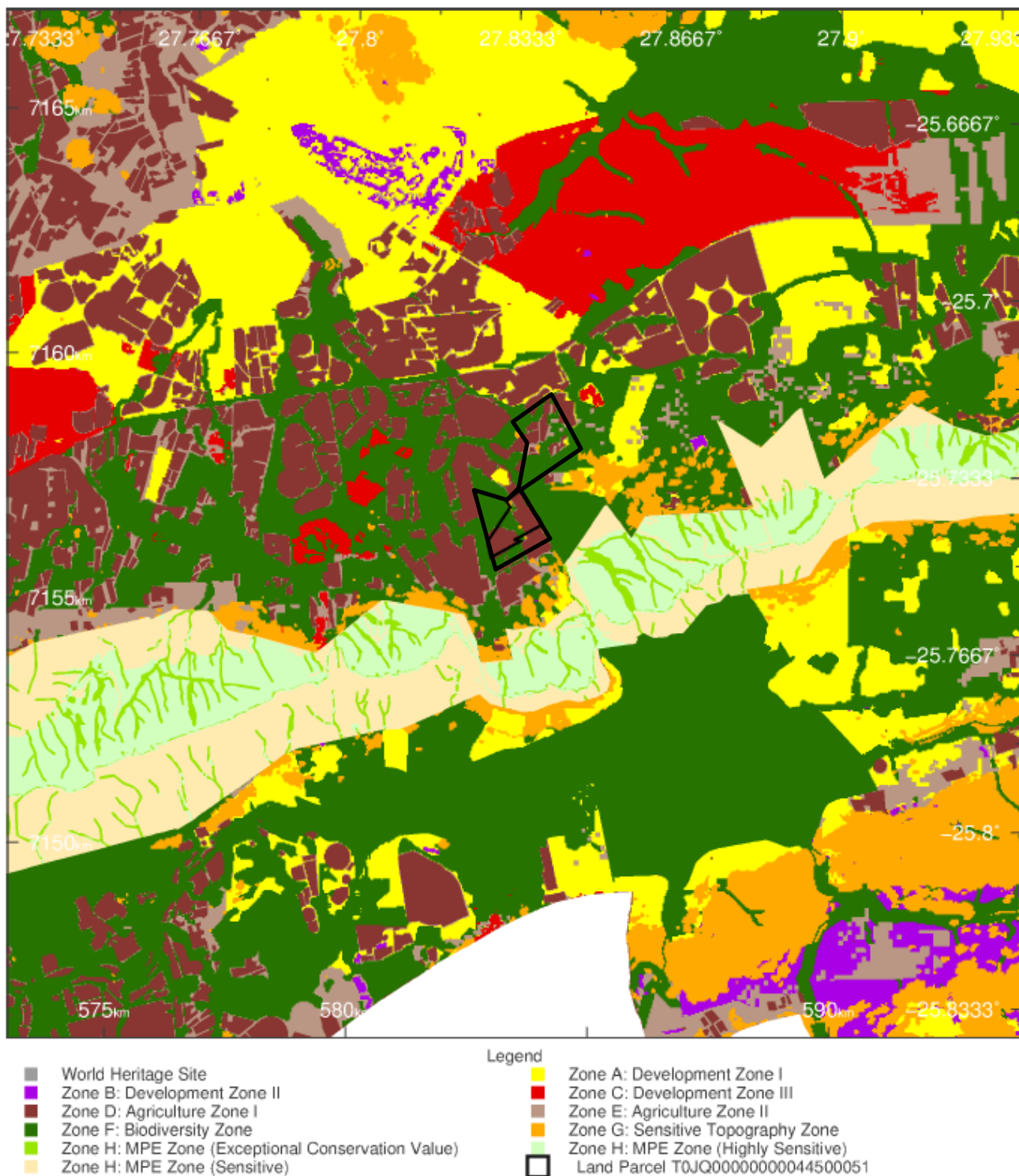


Figure 18: EMF Management ZONES for project site

#### d) Environmental and current land use map.

(Show all environmental, and current land use features)

Also refer to:

Figure 19: Watercourses on the project site; and

Figure 23: Protected areas and conservation plan areas.

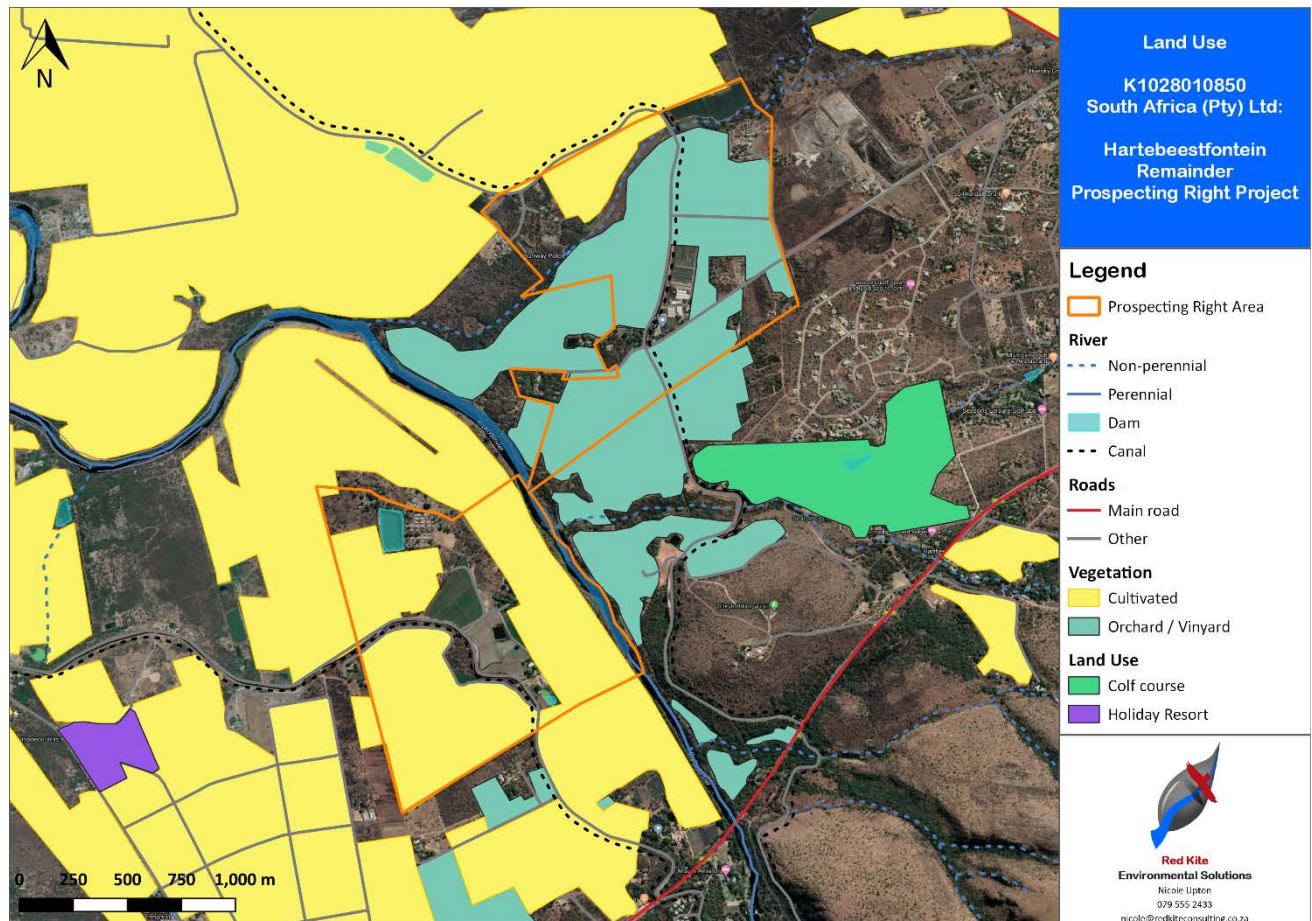


Figure 19: Current land use map

## 6) IMPACTS AND RISKS IDENTIFIED INCLUDING THE NATURE, SIGNIFICANCE, CONSEQUENCE, EXTENT, DURATION AND PROBABILITY OF THE IMPACTS, INCLUDING THE DEGREE TO WHICH THESE IMPACTS

(Provide a list of the potential impacts identified of the activities described in the initial site layout that will be undertaken, as informed by both the typical known impacts of such activities, and as informed by the consultations with affected parties together with the significance, probability, and duration of the impacts. Please indicate the extent to which they can be reversed, the extent to which they may cause irreplaceable loss of resources, and can be avoided, managed or mitigated).

The impact section has been divided into 2 tables. Table 7 and 8 identifies and lists the various anticipated impacts, while Table 9 and 10 provides details on the rating of these impacts in terms the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts can be mitigated or reversed.

**Table 9: List of identified impacts and proposed mitigations measures**

Potential impacts	Mitigation measures
<b>Construction phase (no construction phase applicable to project)</b>	
<b>Prospecting (operational) phase</b>	
<b>Air quality</b> – dust creation due to vehicle movement	<ul style="list-style-type: none"> <li>• Vehicles will stay on the approved or available tracks as far as practically possible.</li> <li>• Low speed limits will be set to avoid the creation of dust (40 km/hr).</li> <li>• All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions from their engines.</li> <li>• No excavations or other clearing activities will be undertaken.</li> </ul>
<b>Noise pollution</b> – vehicle movement	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• All work will be limited to daylight hours, i.e. between 6am and 6pm.</li> </ul>
<b>Waste pollution</b> – general waste produced by workers	<ul style="list-style-type: none"> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	<ul style="list-style-type: none"> <li>• Vehicles will remain on approved / existing tracks.</li> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>



**Table 10: Significance statements and rating of the identified environmental impacts, before and after mitigation**

Potential Impact	Extent		Duration		Intensity		Probability		Weighting Factor		Significance without mitigation		Mitigation Efficiently		Significance with mitigation	
<b>Air quality</b> – dust creation due to vehicle movement	Site	2	Short term	1	Low	1	Possible	2	Low	1	Low	10	Medium to high	0.60	Low	6
<b>Noise pollution</b> – vehicle movement	Site	2	Short term	1	Low	1	Unlikely	1	Low	1	Low	5	Low	0.60	Low	3
<b>Waste pollution</b> – general waste produced by workers	Footprint	1	Short term	1	Low	1	Possible	2	Low	1	Low	8	Medium	0.80	Low	6.4
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	Site	2	Short term	1	Low	1	Unlikely	1	Low	1	Low	5	Medium	0.80	Low	4
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	Footprint	1	Short term	1	Low	1	Possible	2	Low	1	Low	8	Very high	0.80	Low	6.4
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	Footprint	1	Short term	1	Low	1	Possible	2	Low	1	Low	8	Low	0.80	Low	6.4



Based on the nature of the prospecting activities, there are no cumulative impacts anticipated.

**a) Methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks;**

(Describe how the significance, probability, and duration of the aforesaid identified impacts that were identified through the consultation process was determined in order to decide the extent to which the initial site layout needs revision).

The criteria for the description and assessment of environmental impacts were drawn from the EIA Guidelines, National Environmental Management Act (Act No. 107 of 1998): EIA Regulations (2014) and as amended from time to time.

The level of detail as depicted in the EIA Guidelines was fine-tuned by assigning specific values to each impact. In order to establish a coherent framework within which all impacts could be objectively assessed, it was necessary to establish a rating system, which was applied consistently to all the criteria. For such purposes each aspect was assigned a value, ranging from one (1) to five (5), depending on its definition. This assessment is a relative evaluation within the context of all the activities and the other impacts within the framework of the project.

An explanation of the impact assessment criteria is defined below.

**Table 11: Impact Assessment Criteria**

<b>EXTENT</b>	
<b>Classification of the physical and spatial scale of the impact</b>	
Footprint	The impacted area extends only as far as the activity, such as footprint occurring within the total site area.
Site	The impact could affect the whole, or a significant portion of the site.
Regional	The impact could affect the area including the neighbouring farms, the transport routes and the adjoining towns.
National	The impact could have an effect that expands throughout the country (South Africa).
International	Where the impact has international ramifications that extend beyond the boundaries of South Africa.
<b>DURATION</b>	
The lifetime of the impact that is measured in relation to the lifetime of the proposed development.	
Short term	The impact will either disappear with mitigation or will be mitigated through a natural process in a period shorter than that of the construction phase.
Short to Medium term	The impact will be relevant through to the end of a construction phase (1.5 years).
Medium term	The impact will last up to the end of the development phases, where after it will be entirely negated.
Long term	The impact will continue or last for the entire operational lifetime i.e. exceed 30 years of the development, but will be mitigated by direct human action or by natural processes thereafter.
Permanent	This is the only class of impact, which will be non-transitory. Mitigation either by man or natural process will not occur in such a way or in such a time span that the impact can be considered transient.
<b>INTENSITY</b>	
The intensity of the impact is considered by examining whether the impact is destructive or benign, whether it destroys the impacted environment, alters its functioning, or slightly alters the environment itself. The intensity is rated as	
Low	The impact alters the affected environment in such a way that the natural processes or functions are not affected.
Medium	The affected environment is altered, but functions and processes continue, albeit in a modified way.



High	Function or process of the affected environment is disturbed to the extent where it temporarily or permanently ceases.
<b>PROBABILITY</b>	
This describes the likelihood of the impacts actually occurring. The impact may occur for any length of time during the life cycle of the activity, and not at any given time. The classes are rated as follows:	
Improbable	The possibility of the impact occurring is none, due either to the circumstances, design or experience. The chance of this impact occurring is zero (0 %).
Possible	The possibility of the impact occurring is very low, due either to the circumstances, design or experience. The chances of this impact occurring is defined as 25 %.
Likely	There is a possibility that the impact will occur to the extent that provisions must therefore be made. The chances of this impact occurring is defined as 50 %.
Highly Likely	It is most likely that the impacts will occur at some stage of the development. Plans must be drawn up before carrying out the activity. The chances of this impact occurring is defined as 75 %.
Definite	The impact will take place regardless of any prevention plans, and only mitigation actions or contingency plans to contain the effect can be relied on. The chance of this impact occurring is defined as 100 %.

The status of the impacts and degree of confidence with respect to the assessment of the significance must be stated as follows:

- **Status of the impact:** A description as to whether the impact would be positive (a benefit), negative (a cost), or neutral.
- **Degree of confidence in predictions:** The degree of confidence in the predictions, based on the availability of information and specialist knowledge.

Other aspects to take into consideration in the specialist studies are:

- Impacts should be described both before and after the proposed mitigation and management measures have been implemented.
- All impacts should be evaluated for the full-lifecycle of the proposed development, including construction, operation and decommissioning.
- The impact evaluation should take into consideration the cumulative effects associated with this and other facilities which are either developed or in the process of being developed in the region.
- The specialist studies must attempt to quantify the magnitude of potential impacts (direct and cumulative effects) and outline the rationale used. Where appropriate, national standards are to be used as a measure of the level of impact.

### **Mitigation**

The impacts that are generated by the development can be minimised if measures are implemented in order to reduce the impacts. The mitigation measures ensure that the development considers the environment and the predicted impacts in order to minimise impacts and achieve sustainable development.

#### *(i) Determination of Significance-Without Mitigation*

Significance is determined through a synthesis of impact characteristics as described in the above paragraphs. It provides an indication of the importance of the impact in terms of both tangible and intangible characteristics. The significance of the impact “without mitigation” is the prime determinant of the nature and degree of mitigation required. Where the impact is positive, significance is noted as “positive”. Significance is rated on the following scale:



**Table 12: Significance-Without Mitigation**

<b>NO SIGNIFICANCE</b>	The impact is not substantial and does not require any mitigation action.
<b>LOW</b>	The impact is of little importance, but may require limited mitigation.
<b>MEDIUM</b>	The impact is of importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels.
<b>HIGH</b>	The impact is of major importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable. Mitigation is therefore essential.

(ii) *Determination of Significance- With Mitigation*

Determination of significance refers to the foreseeable significance of the impact after the successful implementation of the necessary mitigation measures. Significance with mitigation is rated on the following scale:

**Table 13: Significance- With Mitigation**

<b>NO SIGNIFICANCE</b>	The impact will be mitigated to the point where it is regarded as insubstantial.
<b>LOW</b>	The impact will be mitigated to the point where it is of limited importance.
<b>LOW TO MEDIUM</b>	The impact is of importance, however, through the implementation of the correct mitigation measures such potential impacts can be reduced to acceptable levels.
<b>MEDIUM</b>	Notwithstanding the successful implementation of the mitigation measures, to reduce the negative impacts to acceptable levels, the negative impact will remain of significance. However, taken within the overall context of the project, the persistent impact does not constitute a fatal flaw.
<b>MEDIUM TO HIGH</b>	The impact is of major importance but through the implementation of the correct mitigation measures, the negative impacts will be reduced to acceptable levels.
<b>HIGH</b>	The impact is of major importance. Mitigation of the impact is not possible on a cost-effective basis. The impact is regarded as high importance and taken within the overall context of the project, is regarded as a fatal flaw. An impact regarded as high significance, after mitigation could render the entire development option or entire project proposal unacceptable.

**Assessment Weighting**

Each aspect within an impact description was assigned a series of quantitative criteria. Such criteria are likely to differ during the different stages of the project's life cycle. In order to establish a defined base upon which it becomes feasible to make an informed decision, it was necessary to weigh and rank all the criteria.

(iii) *Ranking, Weighting and Scaling*

For each impact under scrutiny, a scaled weighting factor is attached to each respective impact (refer Table 14). The purpose of assigning weights serves to highlight those aspects considered the most critical to the various stakeholders and ensure that each specialist's element of bias is taken into account. The weighting factor also provides a means whereby the impact assessor can successfully deal with the complexities that exist between the different impacts and associated aspect criteria.

Simply, such a weighting factor is indicative of the importance of the impact in terms of the potential effect that it could have on the surrounding environment. Therefore, the aspects considered to have a relatively high value will score a relatively higher weighting than that which is of lower importance.



**Table 14: Description of assessment parameters with its respective weighting**

EXTENT		DURATION		INTENSITY		PROBABILITY		WEIGHTING FACTOR (WF)		SIGNIFICANCE RATING (SR)	
Footprint	1	Short term	1	Low	1	Probable	1	Low	1	Low	0-19
Site	2	Short to Medium	2			Possible	2	Low to Medium	2	Low to Medium	20-39
Regional	3	Medium term	3	Medium	3	Likely	3	Medium	3	Medium	40-59
National	4	Long term	4			Highly Likely	4	Medium to High	4	Medium to High	60-79
International	5	Permanent	5	High	5	Definite	5	High	5	High	80-100
MITIGATION EFFICIENCY (ME)						SIGNIFICANCE FOLLOWING MITIGATION (SFM)					
High			0.2			Low			0 - 19		
Medium to High			0.4			Low to Medium			20 - 39		
Medium			0.6			Medium			40 - 59		
Low to Medium			0.8			Medium to High			60 - 79		
Low			1.0			High			80 - 100		

*(iv) Identifying the Potential Impacts Without Mitigation Measures (WOM)*

Following the assignment of the necessary weights to the respective aspects, criteria are summed and multiplied by their assigned weightings, resulting in a value for each impact (prior to the implementation of mitigation measures).

**Equation 1:**

Significance Rating (WOM) = (Extent + Intensity + Duration + Probability) x Weighting Factor

*(v) Identifying the Potential Impacts with Mitigation Measures (WM)*

In order to gain a comprehensive understanding of the overall significance of the impact, after implementation of the mitigation measures, it was necessary to re-evaluate the impact.

*(vi) Mitigation Efficiency (ME)*

The most effective means of deriving a quantitative value of mitigated impacts is to assign each significance rating value (WOM) a mitigation efficiency (ME) rating (refer to Table 14). The allocation of such a rating is a measure of the efficiency and effectiveness, as identified through professional experience and empirical evidence of how effectively the proposed mitigation measures will manage the impact.

Thus, the lower the assigned value the greater the effectiveness of the proposed mitigation measures and subsequently, the lower the impacts with mitigation.

**Equation 2:**

Significance Rating (WM) = Significance Rating (WOM) x Mitigation Efficiency

or WM = WOM x ME

*(vii) Significance Following Mitigation (SFM)*

The significance of the impact after the mitigation measures are taken into consideration. The efficiency of the mitigation measure determines the significance of the impact. The level of impact is therefore seen in its entirety with all considerations taken into account.



**b) The positive and negative impacts that the proposed activity (in terms of the initial site layout) and alternatives will have on the environment and the community that may be affected.**

(Provide a discussion in terms of advantages and disadvantages of the initial site layout compared to alternative layout options to accommodate concerns raised by affected parties)

Due to the location and presence of the potential mineral resources, the initial site layout (PR area) is the only alternative considered. The locations of the surface sampling points can only be established once the geophysical survey has been completed in the initial phases of the activity and once the locations have been discussed with the relevant landowners. This can only be done once the Prospecting Right has been approved. Until such time no layout other than the location of the Prospecting Right area is possible.

The identified potential impacts range from air pollution such as dust, noise pollution, soil pollution, waste pollution, water pollution and fauna and flora impacts. All these will be properly managed. None of these impacts will be significant since the proposed prospecting activities will be of small scale, short term, mitigation measures will be adhered to. Due to the non-invasive nature of the proposed prospecting activities all impacts were rated as Low significance. Refer to the tables above which review the significance of impacts by taking the proposed mitigation measures into consideration.

All anticipated impacts with the relevant mitigation measures have been included in the section above – Table 7 and Table 8.

Refer to Part A (4) (i) for comments and concerns raised by IAPs as well as the EAPs responses.

Concerns were raised regarding impacts to:

- housing,
- groundwater,
- air pollution,
- noise pollution
- roads, which will require upkeep/maintenance,
- fauna and flora
- rivers and wetlands
- protected and sensitive areas, including the Magaliesberg Biosphere Reserve, Marikana Thornveld vegetation type and the Magaliesberg IBA

Consultations with the Consulting Geologists on the project, *Shango Solutions*, have confirmed that, in all likelihood, only desktop studies and mapping would be required as part of the prospecting. No excavations, pits, trenches or boreholes will be constructed as part of this Prospecting Right Application. At this stage, it is also not anticipated that surface samples will be taken. However, should these become a requirement, access to the relevant properties will be arranged with the relevant landowners. Environmental impacts associated with the surface sampling will be low/insignificant and localised. Furthermore, no impacts to housing, groundwater, air pollution, fauna and flora, wetlands and rivers, noise pollution or roads, which will require upkeep/maintenance, will occur as result of the prospecting exercise.

The issues and comments which were raised were addressed on an individual basis. These individuals received email responses addressing their concerns/comments. All issues were also addressed in the Public Consultation document (Appendix 5). Please see Appendix 5 for a comprehensive Issues and Response trail indicating details on the above.



### **c) The possible mitigation measures that could be applied and the level of risk.**

(With regard to the issues and concerns raised by affected parties provide a list of the issues raised and an assessment/ discussion of the mitigations or site layout alternatives available to accommodate or address their concerns, together with an assessment of the impacts or risks associated with the mitigation or alternatives considered).

Refer to section (vii) above for a list of concerns raised and how these issues were addressed and accommodated in the layout plan. The mitigation measures related to the concerns include but are not limited to:

#### **Access agreements and safety**

- Landowners will be informed of all activities to be undertaken on site as soon as the information becomes available. Please note that should an authorisation be granted for prospecting access agreements will be put in place with the landowners that will stipulate these aspects.
- The access routes required will be made available to the landowners once the locations of the sampling sites have been established and this can only be done once the desktop component of the prospecting has been completed. All final locations will be discussed with the relevant landowners.

#### **Air pollution**

- Vehicles will stay on the approved or available tracks.
- Low speed limits will be set to avoid the creation of dust (40km/hr).
- All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions and noise from their engines.
- No excavations or other clearing activities will be undertaken.

#### **Noise pollution**

- All vehicles will be maintained in a road worthy condition.
- All work will be limited to daylight hours, i.e. between 6am and 6pm.

#### **Water pollution**

- All vehicles will be maintained in a road worthy condition.
- Ensure that vehicles are not leaking prior to site visits.

#### **Fauna and flora**

- Vehicles will remain on approved / existing tracks.
- All (if any) general waste to be removed immediately from sampling sites.

#### **Rehabilitation**

Due to the non-invasive nature (surface sampling only) of the proposed prospecting activities no Rehabilitation Phase will be required.

### **d) Motivation where no alternative sites were considered.**

No location alternatives were identified as the location of the proposed activities are determined on initial assessment of the geological data available which has determined that the area in question may have the proposed minerals chrome ore and platinum group metals.



**e) Statement motivating the alternative development location within the overall site. (Provide a statement motivating the final site layout that is proposed)**

Refer to section (ix) above. Each phase is dependent on the preceding phase and results thereof. The preferred location is thus the only location assessed. It should be noted that prospecting is a “locality bound” industry (it has to take place where the resources are) thus no alternative locations for prospecting can be assessed.

**f) Full description of the process undertaken to identify, assess and rank the impacts and risks the activity will impose on the preferred site (In respect of the final site layout plan) through the life of the activity.**

(Including (i) a description of all environmental issues and risks that were identified during the environmental impact assessment process and (ii) an assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures.)

Refer to section (6) (a) for the Methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks.

Refer to section (6) (b) for the significance statements of each identified impact as well as the table below.

All impacts were identified by desktop analysis, consultation process with landowners and I&APs and a site visit.



i) **Assessment of each identified potentially significant impact and risk**

(This section of the report must consider all the known typical impacts of each of the activities (including those that could or should have been identified by knowledgeable persons) and not only those that were raised by registered interested and affected parties).

**Table 15: Assessment of each identified potentially significant impact and risk**

Potential Impact	Significance without mitigation		Mitigation Efficiently		Significance with mitigation		Mitigation measures
<b>Air quality</b> – dust creation due to vehicle movement	Low	10	Medium to high	0.60	Low	6	<ul style="list-style-type: none"> <li>• Vehicles will stay on the approved or available tracks as far as practically possible.</li> <li>• Low speed limits will be set to avoid the creation of dust (40 km/hr).</li> <li>• All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions from their engines.</li> <li>• No excavations or other clearing activities will be undertaken.</li> </ul>
<b>Noise pollution</b> – vehicle movement	Low	5	Low	0.60	Low	3	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• All work will be limited to daylight hours, i.e. between 6am and 6pm.</li> </ul>
<b>Waste pollution</b> – general waste produced by workers	Low	8	Medium	0.80	Low	6.4	<ul style="list-style-type: none"> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	Low	5	Medium	0.80	Low	4	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	Low	8	Very high	0.80	Low	6.4	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	Low	8	Low	0.80	Low	6.4	<ul style="list-style-type: none"> <li>• Vehicles will remain on approved / existing tracks.</li> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>

### g) Summary of specialist reports.

(This summary must be completed if any specialist reports informed the impact assessment and final site layout process and must be in the following tabular form):-

Environmental impacts associated with the surface sampling too be undertaken as part of the proposed Prospecting Right activities will be low / insignificant and localised. Based on this information it was therefore determined that no specialist studies will be required as part of the BAR Process.

Should the proposed prospecting activities give an indication that the area has potential for mining activities in the future, i.e. it will be economically viable to mine the minerals applied for over the land in question, a mining right application will be submitted that will include a number of detailed specialist assessments such as Ecology Geohydrology and Surface Water.

### h) Environmental impact statement

#### i) Summary of the key findings of the environmental impact assessment;

If suggested mitigation measures are implemented and due to the small-scale, short-term, non-invasive nature of the prospecting activities, it is highly unlikely that the proposed development will create any long-term negative impacts of medium or higher significance. All the negative impacts identified can be mitigated to low or negligible significance.

#### ii) Final Site Map

Provide a map at an appropriate scale which superimposes the proposed overall activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers

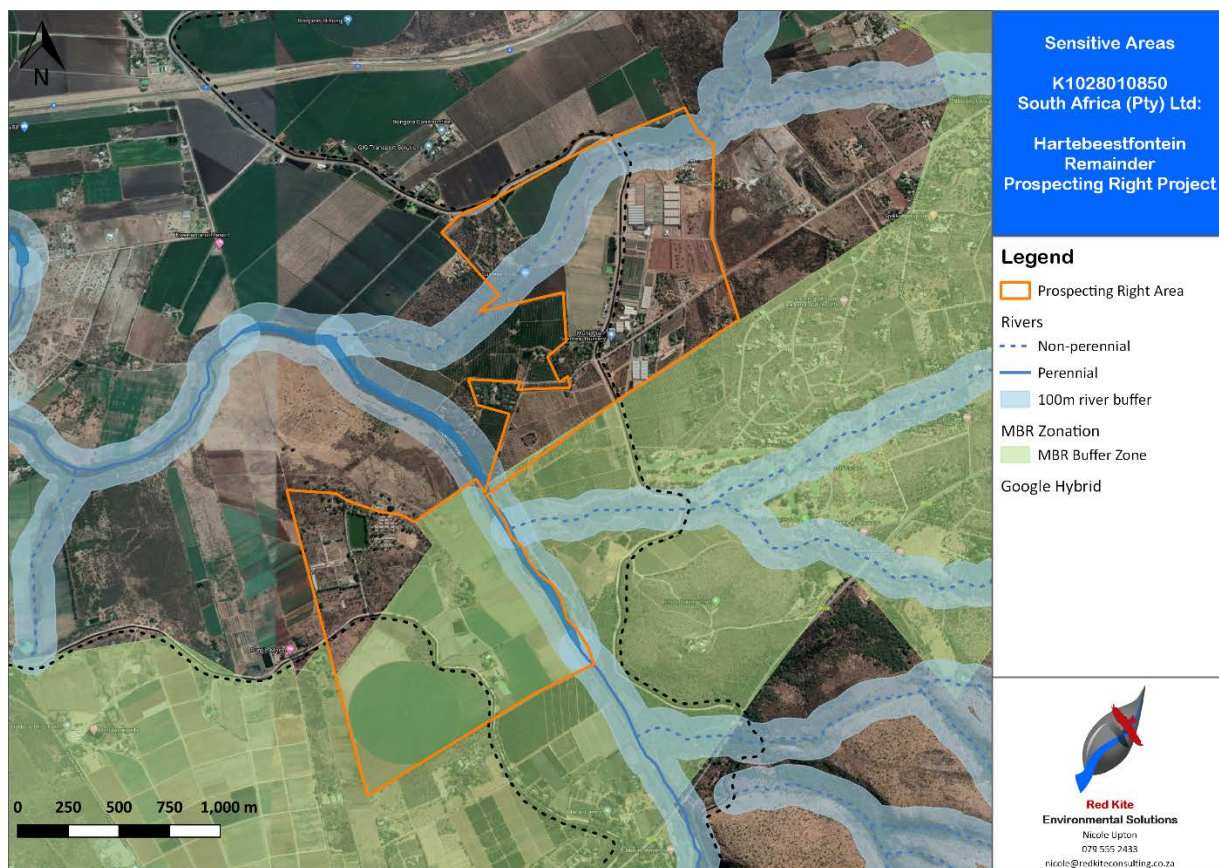


Figure 20: Final site map indicating sensitive areas

### **iii) Summary of the positive and negative impacts and risks of the proposed activity and identified alternatives**

The identified potential impacts range from air pollution such as dust, noise pollution, soil pollution, waste pollution, water pollution and fauna and flora impacts. All these will be properly managed. None of these impacts will be significant since the proposed prospecting activities will be of small scale, short term, mitigation measures will be adhered to. Due to the non-invasive nature of the proposed prospecting activities all impacts were rated as Low significance. Refer to the tables above which review the significance of impacts by taking the proposed mitigation measures into consideration.

### **i) Proposed impact management objectives and the impact management outcomes for inclusion in the EMPr;**

#### **Access agreements and safety**

- Landowners will be informed of all activities to be undertaken on site as soon as the information becomes available. Please note that should an authorisation be granted for prospecting access agreements will be put in place with the landowners that will stipulate these aspects.
- The access routes required will be made available to the landowners once the locations of the sampling sites have been established and this can only be done once the desktop component of the prospecting has been completed. All final locations will be discussed with the relevant landowners.

#### **Air pollution**

- Vehicles will stay on the approved or available tracks.
- Low speed limits will be set to avoid the creation of dust (40km/hr).
- All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions and noise from their engines.
- No excavations or other clearing activities will be undertaken.

#### **Noise pollution**

- All vehicles will be maintained in a road worthy condition.
- All work will be limited to daylight hours, i.e. between 6am and 6pm.

#### **Water pollution**

- All vehicles will be maintained in a road worthy condition.
- Ensure that vehicles are not leaking prior to site visits.

#### **Fauna and flora**

- Vehicles will remain on approved / existing tracks.
- All (if any) general waste to be removed immediately from sampling sites.

#### **Rehabilitation**

Due to the non-invasive nature (surface sampling only) of the proposed prospecting activities no Rehabilitation Phase will be required.



## **7) ASPECTS FOR INCLUSION AS CONDITIONS OF AUTHORISATION**

Any aspects which must be made conditions of the Environmental Authorisation

It is recommended that the following conditions be included in the Environmental Authorisation:

- All mitigation measures included in this report should be adhered to.
- No excavations, drilling or other clearing activities will be undertaken.

### **a) Description of any assumptions, uncertainties and gaps in knowledge**

(Which relate to the assessment and mitigation measures proposed)

- Due to the nature of the activities (non-invasive, small scale and short term) the site was not subjected to Terrestrial Ecology, Heritage, Wetland, Geohydrological Assessment, etc.

### **b) Reasoned opinion as to whether the proposed activity should or should not be authorised**

#### **i) Reasons why the activity should be authorized or not.**

Based on the analysis and findings as discussed throughout the report, there is no reason why the project should not be authorised. There are no environmental fatal flaws and all impacts can be effectively mitigated. The proposed prospecting activities are non-invasive (surface sampling) and impacts were rated having low / negligible significance. The spatial extent of disturbance related to this activity is minimal and short term. In addition to this, the activity should be authorised in order for a better understanding of the mineral potential in the area to be obtained. Once a deposit is defined, a better understanding of its economic value will be achieved and this will then provide a better platform for making an informed decision about the potential for mining operations in this area.

#### **ii) Conditions that must be included in the authorisation**

It is recommended that the following conditions be included in the Environmental Authorisation:

- All mitigation measures included in this report should be adhered to.
- No excavations, drilling or other clearing activities will be undertaken.

### **c) Period for which the Environmental Authorisation is required**

The authorisation is required for the duration of the prospecting right which is 3 years.

### **d) Undertaking**

Confirm that the undertaking required to meet the requirements of this section is provided at the end of the EMPr and is applicable to both the Basic Assessment report and the Environmental Management Programme report.

The undertaking has been included in Part B (EMPr) of this report.



## 8) FINANCIAL PROVISION

State the amount that is required to both manage and rehabilitate the environment in respect of rehabilitation.

### a) Explain how the aforesaid amount was derived.

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment. Therefore, no financial provision is made or required for the rehabilitation and closure costs.

### b) Confirm that this amount can be provided for from operating expenditure.

(Confirm that the amount, is anticipated to be an operating cost and is provided for as such in the Mining work programme, Financial and Technical Competence Report or Prospecting Work Programme as the case may be).

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment. Therefore, no financial provision is made or required for the rehabilitation and closure costs.

## 9) SPECIFIC INFORMATION REQUIRED BY THE COMPETENT AUTHORITY

### a) Compliance with the provisions of sections 24(4)(a) and (b) read with section 24 (3) (a) and (7) of the National Environmental Management Act (Act 107 of 1998). the EIA report must include the:-

#### i) Impact on the socio-economic conditions of any directly affected person.

(Provide the results of Investigation, assessment, and evaluation of the impact of the mining, bulk sampling or alluvial diamond prospecting on any directly affected person including the landowner, lawful occupier, or, where applicable, potential beneficiaries of any land restitution claim, attach the investigation report as an Appendix.

A consultation process was conducted (Appendix 5). During this process landowners, surrounding landowner, national, provincial and local government departments were identified and notified of the application. All comments and concerns were recorded and considered during compilation of this report. Appendix 5 provides comprehensive details on the PPP to date with sufficient proof.

#### ii) Impact on any national estate referred to in section 3(2) of the National Heritage Resources Act.

(Provide the results of Investigation, assessment, and evaluation of the impact of the mining, bulk sampling or alluvial diamond prospecting on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) with the exception of the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act, attach the investigation report as Appendix and confirm that the applicable mitigation is reflected in 2.5.3; 2.11.6. and 2.12. herein).

Due to the nature of the proposed prospecting activities being entirely non-invasive no impacts to heritage resources are expected and thus no Heritage Assessment was undertaken.

### b) Other matters required in terms of sections 24(4)(a) and (b) of the Act.

(The EAP managing the application must provide the competent authority with detailed, written proof of an investigation as required by section 24(4)(b)(i) of the Act and motivation if no reasonable or feasible alternatives, as contemplated in sub-regulation 22(2)(h), exist. The EAP must attach such motivation as Appendix).

Refer to Part A (3) (e) and (f) and (6) (d).



## PART B: ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT

### 1) DRAFT ENVIRONMENTAL MANAGEMENT PROGRAMME

#### a) Details of the EAP

(Confirm that the requirement for the provision of the details and expertise of the EAP are already included in PART A, section 1(a) herein as required).

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The requirement for the provision of the details and expertise of the EAP are included in PART A, section 1(a) of the Basic Assessment Report. Refer to Appendix 1 and 2 for qualifications and a comprehensive CV.

#### b) Description of the Aspects of the Activity

(Confirm that the requirement to describe the aspects of the activity that are covered by the draft environmental management programme is already included in PART A, section (1)(h) herein as required).

The requirement to describe the aspects of the activity is already included in PART A, section 3 (b) of the Basic Assessment Report.

#### c) Composite Map

(Provide a map (attached as an appendix) at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that any areas that should be avoided, including buffers)

See Appendix 3 for the locality map and Appendix 4 for sensitivity maps.

#### d) Description of Impact management objectives including management statements

##### i) Determination of closure objectives

(Ensure that the closure objectives are informed by the type of environment described)

The closure objectives provided below are to ensure that the closure of the site is compliant with the legislature and that the environment will be left in a state which is sustainable and not harmful. Closure objectives include but are not limited to:

- To ensure closure complies with the Mineral and Petroleum Resources Development Act 28 of 2002.
- To ensure that the prospecting footprints are rehabilitated to an acceptable standard or remain in their pre-prospecting state and that all environmental and social risks have been reduced and do not pose any threat to the environment.
- To implement management strategies that will ensure that the negative impacts (risks) associated with proposed prospecting are eliminated or minimized to acceptable standards.
- To leave the area in a manner that is environmentally safe and does not pose any health risks to the neighbouring communities.



**ii) Volumes and rate of water use required for the operation.**

No water will be required for the proposed prospecting activities.

**iii) Has a water use licence has been applied for?**

A water use licence has not been applied for and will not be required for the proposed prospecting activities.



**iv) Impacts to be mitigated in their respective phases**

Measures to rehabilitate the environment affected by the undertaking of any listed activity

Potential Impact	Phase	Mitigation measures	Compliance with Standards	Time period for implementation
<b>Air quality</b> – dust creation due to vehicle movement	Operational	<ul style="list-style-type: none"> <li>• Vehicles will stay on the approved or available tracks as far as practically possible.</li> <li>• Low speed limits will be set to avoid the creation of dust (40 km/hr).</li> <li>• All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions from their engines.</li> <li>• No excavations or other clearing activities will be undertaken.</li> </ul>		During site surveys as part of the surface sampling
<b>Noise pollution</b> – vehicle movement	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• All work will be limited to daylight hours, i.e. between 6am and 6pm.</li> </ul>	Noise; SANS 10103 and local municipal bylaws	
<b>Waste pollution</b> – general waste produced by workers	Operational	<ul style="list-style-type: none"> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>		
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>		
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>		
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	Operational	<ul style="list-style-type: none"> <li>• Vehicles will remain on approved / existing tracks.</li> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>		



## e) Impact Management Outcomes

(A description of impact management outcomes, identifying the standard of impact management required for the aspects contemplated in paragraph)

Potential Impact	Phase	Mitigation measures	Standard to be achieved
<b>Air quality</b> – dust creation due to vehicle movement	Operational	<ul style="list-style-type: none"> <li>• Vehicles will stay on the approved or available tracks as far as practically possible.</li> <li>• Low speed limits will be set to avoid the creation of dust (40 km/hr).</li> <li>• All the equipment and vehicles will be equipped with the manufactures stock standard exhaust systems which will minimise the amount of emissions from their engines.</li> <li>• No excavations or other clearing activities will be undertaken.</li> </ul>	Prevent air pollution by dust generation during operational phase.
<b>Noise pollution</b> – vehicle movement	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• All work will be limited to daylight hours, i.e. between 6am and 6pm.</li> </ul>	Reduce noise pollution. Adhere to relevant municipal by-laws.
<b>Waste pollution</b> – general waste produced by workers	Operational	<ul style="list-style-type: none"> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>	Eliminate littering and ensure that no waste remains on site once sampling is completed.
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>	Avoid hydrocarbon leaks / spills.
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	Operational	<ul style="list-style-type: none"> <li>• All vehicles will be maintained in a road worthy condition.</li> <li>• Ensure that vehicles are not leaking prior to site visits.</li> </ul>	Avoid hydrocarbon leaks / spills.
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	Operational	<ul style="list-style-type: none"> <li>• Vehicles will remain on approved / existing tracks.</li> <li>• All (if any) general waste to be removed immediately from sampling sites.</li> </ul>	Avoid damage to vegetation. Adhere to NEMBA.



## f) Impact Management Actions

(A description of impact management actions, identifying the manner in which the impact management objectives and outcomes contemplated in paragraphs (c) and (d) will be achieved).

Potential Impact	Phase	Mitigation type	Compliance with Standards	Time period for implementation
<b>Air quality</b> – dust creation due to vehicle movement	Operational	Control through management and monitoring		During site surveys as part of the surface sampling
<b>Noise pollution</b> – vehicle movement	Operational	Control through management and monitoring	Noise; SANS 10103 and local municipal bylaws	
<b>Waste pollution</b> – general waste produced by workers	Operational	Control through management and monitoring		
<b>Water pollution</b> (Surface and groundwater and wetlands) – due to possible spillages, leaks from vehicles	Operational	Control through management and monitoring		
<b>Soils</b> – pollution due to due to possible spillages, leaks from vehicles	Operational	Control through management and monitoring		
<b>Fauna and Flora</b> – due to uncontrolled vehicle movement	Operational	Control through management and monitoring		



**i) Financial Provision**

**(1) Determination of the amount of Financial Provision.**

*(a) Describe the closure objectives and the extent to which they have been aligned to the baseline environment described under the Regulation.*

The closure objectives provided below are to ensure that the closure of the site is compliant with the legislature and that the environment will be left in a state which is sustainable and not harmful. Closure objectives include but are not limited to:

- To ensure closure complies with the Mineral and Petroleum Resources Development Act 28 of 2002.
- To ensure that the prospecting footprints are rehabilitated to an acceptable standard or remain in their pre-prospecting state and that all environmental and social risks have been reduced and do not pose any threat to the environment.
- To implement management strategies that will ensure that the negative impacts (risks) associated with proposed prospecting are eliminated or minimized to acceptable standards.
- To leave the area in a manner that is environmentally safe and does not pose any health risks to the neighbouring communities.

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment.

*(b) Confirm specifically that the environmental objectives in relation to closure have been consulted with landowner and interested and affected parties.*

This draft report will be made available to all identified I&APs for review and comment. Comments and concerns will be recorded and incorporated in the Final BAR and EMPr which will be submitted to the DMR. PPP has been included in Appendix 5.

*(c) Provide a rehabilitation plan that describes and shows the scale and aerial extent of the main mining activities, including the anticipated mining area at the time of closure.*

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment.

*(d) Explain why it can be confirmed that the rehabilitation plan is compatible with the closure objectives.*

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment. Therefore, closure objective can and will be achieved without the implementation of a rehabilitation plan / phase.

*(e) Calculate and state the quantum of the financial provision required to manage and rehabilitate the environment in accordance with the applicable guideline.*



Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment. Therefore, no financial provision is made or required for the rehabilitation and closure costs.

*(f) Confirm that the financial provision will be provided as determined.*

Due to the nature of the proposed prospecting activities being entirely non-invasive no rehabilitation phase is envisaged to be necessary for the Prospecting Right activities. The prospecting activities will consist of an initial desktop analysis followed by possible surface sampling (soils and rocks) which is expected to have insignificant impacts on the environment. Therefore, no financial provision is made or required for the rehabilitation and closure costs.

**g) Mechanisms for monitoring compliance with and performance assessment against the environmental management programme and reporting thereon, including**

- a) Monitoring of Impact Management Actions
- b) Monitoring and reporting frequency
- c) Responsible persons
- d) Time period for implementing impact management actions
- e) Mechanism for monitoring compliance

The monitoring and performance of the prospecting activities will be conducted as prescribed in terms of regulation 55 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). Section 38 of the Act is also relevant as far as monitoring of impacts is concerned. This section stipulates that the holder of the prospecting right or permit is required to rehabilitate the land disturbed to its natural state or predetermined condition. An annual EMP performance assessment will be submitted to DMR. It is important to note that all environmental damage in the prospecting area will be the responsibility of the permit/rights holder.

Due to low / negligible impact of the proposed prospecting activities no monitoring programme is required.

**h) Indicate the frequency of the submission of the performance assessment/ environmental audit report**

Annual performance assessment reports (including review of the financial provision) must be done by an independent ECO. These reports must be submitted to the DMR.

**i) Environmental Awareness Plan**

***(1) Manner in which the applicant intends to inform his or her employees of any environmental risk which may result from their work.***

All employees will undergo an induction course when they are employed at the prospecting area which will inform them of the environmental issues / risks and requirements prior to work commencing. An annual refresher will be done thereafter. The following aspects of environmental training should be included within the induction course:

- Sustainability
- Environmental goals and manner of achieving these
- Rehabilitation
- Waste management / minimisation (including recycling)
- Saving water
- Dealing with soil contamination and spillages



- Solutions to environmental risks

The Site manager shall ensure that adequate environmental training takes place. All employees shall be given an induction presentation on environmental awareness. Where possible, the presentation needs to be conducted in a language understandable by all employees. The environmental training should, as a minimum, include the following:

- The importance of conformance with all environmental policies;
- The environmental impacts, actual or potential, of their work activities
- The environmental benefits of improved personal performance;
- The potential consequences of departure from specified operating procedures;
- The mitigation measures required to be implemented when carrying out their work activities;
- The importance of not littering; and
- Details of, and encouragement to, minimise the production of waste and re-use, recover and recycle waste where possible.

***(2) Manner in which risks will be dealt with in order to avoid pollution or the degradation of the environment.***

All employees must be provided with environmental awareness training to inform them of any environmental risks which may result from their work and the manner in which the risks must be dealt with in order to avoid pollution or the degradation of the environment. This should be in conjunction with the implementation of the EMP.

**j) Specific information required by the Competent Authority**

In terms of Section 24P of NEMA, K2018010850 (South Africa) (Pty) Ltd is required to make financial provision for the interim and final rehabilitation activities on the site. This provision will be reviewed annually for adequacy and amended to compensate for new activities and/or inflation. During the annual review, confirmation will be provided that this amount can be provided for from operating expenditure.



## 2) UNDERTAKING

The EAP herewith confirms

- a) the correctness of the information provided in the reports ☒
- b) the inclusion of comments and inputs from stakeholders and I&APs; ☒
- c) the inclusion of inputs and recommendations from the specialist reports where relevant; ☒ and
- d) that the information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties are correctly reflected herein. ☒



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Signature of the environmental assessment practitioner:

Red Kite Environmental Solutions (Pty) Ltd

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Name of company:

10 August 2020

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Date:

**-END-**

