

Department of Environment and Nature Conservation

Lefapha La , Tikologo
Le Tshomarelo

Departement van Omgewing en Natuur Bewaring

Isebe Indalo Nolondolozo

Metlife Towers
T-Floor
Private Bag X6102
KIMBERLEY
8300
Isakhiwo se Metlife
T-Floor
Inqxowa yeposi X6102
KIMBERLEY
8300

Moago wa Metlife
T-Floor
Kgetsanaposo X6102
KIMBERLEY
8300
Metlife Towers
T-Vloer
Privaatsak X6102
KIMBERLEY
8300

Tel: (053) 807 -7430

Fax: (053) 831 3530

Enquiries :
Dipatlisiso : Mr S.G Mbanjwa
Imibuzo :
Navrae :

Reference :
Tshupelo : NC/KGA/KAT3/13/2008
Isalathiso : (Amendment)
Verwysings

Date :
Leshupelo : 30th May 2013
Umhla :
Datum :

Mr. Willie Human
Sishen Iron Ore Company (Pty) Ltd
P.O. Box 9679
Centurian
0046

Tel: 012 679 2138

Dear Sir/Madam

**THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR:
LISTED ACTIVITIES: GNR 386: ACTIVITY 12, 15: THE PROPOSED
DEVELOPMENT OF 3500 ERVEN ON 280HA VACANT LAND AT PORTION OF
REMAINDER OF FARM SEKGAME 461, KATHU, GAMAGARA LOCAL
MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY,
NORTHERN CAPE PROVINCE.**

By virtue of the powers delegated to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, **THE DEPARTMENT HEREBY GRANT THE ENVIRONMENTAL AUTHORISATION FOR: LISTED ACTIVITIES: GNR 386: ACTIVITY 12, 15: THE PROPOSED DEVELOPMENT OF 3500 ERVEN ON 280HA VACANT LAND AT PORTION OF REMAINDER OF FARM SEKGAME 461, KATHU, GAMAGARA LOCAL MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Full EIA Report dated March 2008** subject to the conditions listed in the environmental authorization and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of receiving of this letter, of the Departments decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

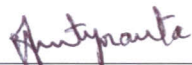
Permit 55/2008

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2010, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 10 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

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

Yours faithfully



Mr J.J. Mutyorauta

DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT

DATE OF DECISIONS: 10th June 2013

CC : Ms. Marline Medallie – Synergistics Environmental Services (Pty) Ltd
Fax : 011 326 4118

Permit 55/2008



ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010

Authorisation Register Number:	PERMIT 55/2008
Reference Number:	NC/KGA/KAT3/13/08
Last Amended:	12/03/2013
Holder of Authorisation:	SISHEN IRON ORE COMPANY (PTY) LTD
Location of activity:	PORTION OF REMAINDER OF FARM SEKGAME 461,GA-MAGARA LOCAL MUNICIPLAITY, KGALAGADI DISTRICT MUNICIPALITY NORTHERN CAPE PROVINCE

DEFINITIONS

Activity means an activity identified in Government Notice No. R. 544 and No. R. 545 of 2010 as a listed activity.

Applicant means a person who has submitted an application.

Application means an application for an environmental authorization in terms of chapter 3 of the Environmental Impact Assessment Regulations of 2010.

Basic assessment report means a report contemplated in regulation 22.

Environmental Impact Report means a report contemplated in regulation 31 of the Environmental Impact Assessment Regulations of 2010.

EAP means an environmental assessment practitioner as defined in section 1 of the Act.

Interested and affected party means a interested and affected party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes:

- ◆ Any person, group of persons or organisation interested in or affected by an activity, and
- ◆ Any organ of state that may have jurisdiction over any aspect of the activity.

Public participation process means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

The Act means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

DECISION

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

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

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

Sishen Iron Ore Company

with the following contact details –

Willie Human

Sishen iron Ore Company (Pty) Ltd
P.O. Box (679
Centurion
0046
Tel:
Fax: 086 506 4061

to undertake the following activity (hereafter referred to as "the activity")

Proposed development of 3500 Erven on 280ha vacant land, at portion of remainder of Farm Sekgame 461, Kathu, Gamagara Local Municipality, John Taola Gaetsewe District Municipality, Northern Cape, will hereafter be referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity(s) which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 (SEVEN) if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs & Tourism, National Department of Agriculture, Department of Housing & Local Government, Department of Water Affairs & Forestry, Department of Minerals and Energy, Department of Transport, Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Administration clerk (Impact Management Unit) before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.

c. The said notice must also include proof of compliance with the following conditions described herein:

i. Conditions: 11 and 23

13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials
18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
20. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implement

Appeal of authorisation:

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
24. The notification referred in 23 must –
 - specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
25. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented.
27. The working hour must be reduced (07h00 to 17h00) to avoid the accumulative noise impacts unless a written representation with reason for increasing the work hours is forwarded to the Department for scrutiny and approval.

Monitoring

26. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented.
27. The monitoring of the constructors, compliance with conditions of this Environmental Authorization is essential and must be done on a weekly basis. Any deviances from the conditions of this Environmental Authorization must be rectified immediately.
28. The ECO shall be appointed before commencement of any land clearing or construction activities.

29. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
30. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
31. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and Reporting to the Department:

32. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
33. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by the reason for non-compliance.
34. Records relating to the compliance/non-compliance with the conditions of the authorisation and contracts must be kept in good order. Such records must be made available to the Department within 7 days of receipt of a written request by the Department for such records.
35. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.

Commissioning of the activity:

36. 14 days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
37. The authorised activity shall not commence within thirty (30) days of the date of signature of the authorisation.
38. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the minister in writing.

39. The developer should assign areas for all types of waste during construction period from where it must be disposed off at a waste disposal site licensed for such waste.
40. The demarcation must be positioned well away from sensitive areas (e.g. protected trees) and must be emptied weekly. In such cases where accumulation for such waste is higher than the carry capacity of the designated area, emptying of the area should be carried out more regularly to avoid environmental problems (i.e. less than a week's interval).
41. Burning of waste on site is strictly prohibited.
42. Removal of vegetation should be limited to development area to avoid distribution of the surrounding environment.
43. Access roads must be well maintained to avoid pollution.
44. It is recommended that no threatened or protected species should be destroyed. Fauna and flora (including protected or endemic species) relocated or destruction should only be done if there is authorisation by Department of Agriculture, Forestry and Fisheries and Directorate of the Department of Environment and Nature Conservation.
45. Large Acacia Erioloba and Acacia Haematoxylon trees taller than 6 meters should not be removed at all, they must be marked and GPS recorded and information made available to the Department and the Department of Agriculture, Forestry and Fisheries. Where it is possible to maintain them a permit should be obtained from the Department of Agriculture, Forestry and Fisheries.
46. Each and every Erf should be designed to accommodate the type of trees mentioned in 45.
47. Should protected trees and other vegetation be destroyed, relocated and /or disturbed, permits must be obtained from the department of Agriculture, Forestry and Fisheries.
48. Spillage of petrochemical products must be avoided. The following product must be stored in the area that is banded and demarcated to avoid soil and underground water contamination.
49. Access roads should be restricted to the proposed area to limit the disturbance within the proposed area.
50. Movement of construction vehicles in sensitive area must be avoided.
51. Specific area must be demarcated for fuelling and workshop service. The area must be banded and spills are cleaned and disposed at a registered

site. All hazardous substances spillages must be reported to the Department of Water Affairs within 48 hrs of the incident.

52. Chemical toilets must be made available for workers on site during construction and sewage must be disposed on the municipal sewerage plant on a weekly basis.
53. These facilities must be provided at a ratio of one facility per every ten people.
54. Relevant occupational health and safety standards should be observed at all times.
55. The construction process must ensure that the necessary safety signage and personal protective clothing is in place.
56. The regulations pertaining to the Occupational health and safety Act must be adhered to at all times.
57. Access roads to the construction site must be watered regularly to mitigate the dust impact.
58. Disturbed areas must be rehabilitated progressively to minimise total open area.
59. Noise generation during construction must be mitigated by ensuring that all regulations related to noise generation area observed and by restricting work to normal working hours.
60. All machines must be equipped with appropriate noise reduction equipment and all vehicles must be roadworthy.
61. Proper road signage must be strategically placed in area of the construction site.
62. No vehicle or construction machinery may be extensively repaired on site.
63. Mixing of concrete in the area where excess material could enter drainage systems must be avoided.
64. Should any archaeological artefacts, graves or protected and endangered biota be found on site, the operation must be suspended and construction should only continue after consultation with South African Heritage Resources Agency (SAHRA).
65. The safety of the participants must be ensured by:
 - involving qualified engineers in the design and construction of the proposed Structure and associated infrastructure.
 - Having regular safety inspections and ensuring participants are equipped with necessary safety equipment.

66. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorisation as soon as possible to the satisfaction of parties concerned.

Operation of the activity:

67. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

68. The proposed residential development and access road must be well maintained and kept in good order at all times.

69. General waste must be transported and disposed off at a registered waste disposal site.

70. There must be procedures in place for the regular inspection and maintained of the proposed residential development and access road to ensure that environmental degradation is prevented and possible measures are put in place so that impacts arising from operation are mitigated.

71. All the mitigation measures and recommendations as laid down in the scoping report, EIA report and the attached specialist studies should be implemented unless stated differently in this Environmental Authorisation.

72. Operations in the final phase of the development must not commence before the waste water treatment plant is upgrade as indicated in the agreement between Sishen Mine and the Gamagara Municipality.

Site closure and decommissioning:

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

74. No alien vegetation or invasive species must be introduced during rehabilitation

DURATION AND PERIOD OF VALIDITY

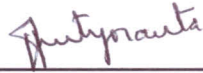
This activity(s) must commence within a period of three (3) years from the date of issue. If commencement does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be launched at least six months before the validity period lapses. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the **activity to be undertaken**.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



MR J.J MUTYORAUTA
DIRECTOR ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 10th June 2013

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Sishen Iron Ore Company (Pty) Ltd**, applied for authorisation to carry on the following activity –

Proposed development of 3500 Erven on 280ha vacant land, at portion of remainder of Farm Sekgame 461, Gamagara Local Municipality, John Taolo Gaetsewe District Municipality, Northern Cape province.

Activity No. 12 of GN. R.386 of 21 April 2006:

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Activity No. 15 of GN. R.386 of 21 April 2006:

The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity No. 2 of GN. R.387 of 21 April 2006:

Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

The applicant appointed MEG Omgewingsimpakstudies BK to undertake an Environmental Impact assessment process of which the Authorisation was granted by the department on the 10 October 2008 (permit/2008). The applicant was to develop 100 erven in 280Ha of vacant land

The applicant Matlapeng Housing Company appointed the same Environmental Consultant (MEG Omgewingsimpakstudies BK) to apply for the amendment; " to develop 3500 housing units on the same property site. These changes will not change the footprint of the development but will cause the increase in capacity needed for services.

The applicant appointed **Synergistics Environmental Service (Pty) Ltd** to undertake an amendment for the changing of the holder of the Environmental Authorization from Matlapeng Housing Company to the Sishen Iron Ore Company.

Full EIA Process was followed.

2. Information considered in making the decision

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

- a) The information contained in the Application.
- b) The information contained in the Scoping and Environmental Impact assessment Report dated March 2008 and the application for amendment received by the department on the 12 November 2009.
- c) Comments from relevant Authorities and affected and interested parties.
- d) The public participation process as undertaken following the relevant information contained in the Departmental informational base including-
 - Public Participation Guideline.
 - EIA regulations 2006.
 - The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the national Environmental management act, 1998 (Act No. 107 of 1998).

- e) The findings of the site visit undertaken by H.H.Ndindani on 12 September 2010.

3. Key factors considered in making the decision

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

- a) The legal and procedural requirements have been complied and the information contained in the document is to the satisfaction of the Department.
- b) The comments raised by interested and affected parties were taken into account

4. Findings

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

- a) All legal and procedural requirements have been met.
- b) The proposed development is compatible with the proposed site for the development with the implementation of the conditions in this ROD
- c) Assessment of the main identified issues and impact have been done.

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