



Grasaro (Pty) Ltd
Environmental Consultants

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10/03/2020

NOTIFICATION OF ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, (107 OF 1998), AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS 2014 AS AMENDED, FOR COPPER MINING ACTIVITIES ON PORTION 23 OF FARM 132 MELKBOSCHKUIL, NAMAQUALAND DISTRICT.

ENVIRONMENTAL AUTHORISATION

Project Reference: NCS 30/5/1/3/3/2/1/10734 MP

DECISION:

By virtue of the powers conferred on it by the National Environmental Management Act 1998 (Act No. 107 of 1998), the Environmental Impact Assessment Regulations, 2014 (NEMA EIA Regulation, 2014) as amended and the Department of Mineral Resources hereby **grants** Environmental Authorisation (EA) to **Carolusberg Copper (Pty) Ltd**.

The granting of this EA on **06 February 2020 (EAP only received via email on the 26 February 2020)** is subject to the conditions set out below (site specific) and in Annexure 2 (departmental standard conditions). The Environmental Management Programme (EMPr) attached as part of the reports for the above development submitted as part of the application for an EA complies with section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS:

1. A copy of the EA and EMPr must be kept at the property or on-site office where the activity (ies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who requested to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies). Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMP must be available on site to the aforesaid authorised official on request at all times.
2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for Approval.
3. Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.
4. A buffer zone of 100 meters between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
5. The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
6. The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
7. The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
8. Prospecting vehicles must be service and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
9. Non-compliance with any condition of this EA or EMPr may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of Section 31L of NEMA.
10. Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a

material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.

11. Only listed activities that are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department before such activities may be commenced with. This condition is also applicable in the applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.
12. Any changes to or deviation from the activity description set out above must be approved in writing by the competent authority before such changes or deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the EA holder to apply for further authorisation in terms of the regulations.
13. Rehabilitation of the disturbed surface caused by the operation at all times must comply with the conditions set in the approved EMPr. The historical liability in the mining area form part of mining permit.
14. The holder of the EA must ensure that the names and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.
15. The duties and responsibilities of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA and NEMWA.
16. The footprint of the activity (ies) must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as “no go” areas.
17. Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilising action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
18. The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.
19. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
20. The holder of the environmental authorisation must annually assess the environmental liabilities of the operation by using the master rates in line with the

applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.

21. The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
22. A person convicted of an offence or failure to comply with compliance notice is liable to a fine not exceeding five million rand or imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
23. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
24. Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
25. If any soil contamination is noted during mining period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.
26. Notwithstanding the Companies Act, 2009 (Act No 71 of 2008) or the Close Corporations Act, 1984 (Act No. 69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

A. DETAILS OF APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:

For Attention : Mr. Johann Appies
Cell : 074 872 2277
Tel : 021 830 5974
Email : johann@xwena.com

Postal Address: Carolusberg Copper Pty Ltd
Spaces
No 1. Bridgeway Road
Bridgeways Precinct
Century City
7441

B. LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA:

Listed Activities
<p>Activity 21 of GN 327 as amended April 2017 <i>Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act (MPRDA), 2002 (Act No 28 of 2002), including –</i></p> <p><i>(a) associated infrastructure, structures and earthworks, directly related to extraction of a mineral resource,</i></p> <p><i>(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 of Listing Notice 2 applies.</i></p>
<p>Activity 22 of GN 327 as amended April 2017 <i>The decommissioning of any activity requiring-</i></p>

- i. A closure certificate in terms of section 43 of the MPRDA, 2002 (Act 28 of 2002); or
- ii. A prospecting right, mining right, mining permit, production or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.

But excluding the decommissioning of an activity relating to the secondary processing of a –

(a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or

(b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products; -

In which case activity 31 in the Notice applies.

C. PROPERTY DESCRIPTION AND LOCATION:

The listed activities will take place on Portion 23 (Remaining Extent) of Farm 132 Melkboschkuil in the Magisterial District of Namaqualand, Northern Cape at the following co-ordinates:

The area of interest is situated approximately 10.4 km west of Springbok.

Point	Latitude	Longitude
A	-29.646547	17.949167
B	-29.647856	17.952064
C	-29.649328	17.952608
D	-29.649633	17.951658
E	-29.647422	17.949283

The SG 21-digit code for each farm portion is: C05300000000013200023.

D. DETAILS OF THE ENVIRONMENTAL PRACTITIONER:

Grasaro Pty Ltd

Mrs. L.V. Pretorius
Postnet Suite 295
Private Bag X15
Somerset West
7129

Cell no. – 082 302 0039

Email - leeann@grasaro.co.za

Fax2email – 086 672 8399

E. CONDITIONS OF THE AUTHORISATION:

The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:

- 1.1. Notify all registered I&APs of –
 - 1.1.1. The outcome of the application;
 - 1.1.2. The date of the decision,
 - 1.1.3. The date of issue of the decision and;
 - 1.1.4. The reasons for the decision as included in Annexure 1 and departmental standard conditions in Annexure 2.
- 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,
- 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 1.4. Provide the registered I&APs with:
 - 1.4.1. Name of the holder (entity) of this EA;
 - 1.4.2. Name of the responsible person for this EA;
 - 1.4.3. Postal address of the holder;
 - 1.4.4. Telephonic and fax details of the holder and
 - 1.4.5. E-mail address of the holder if any.

F. APPEALS:

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected parties, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal of any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision:

2. An appellant (if NOT the holder) must –
 - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision

3. The holder (if NOT the appellant), the decision maker, I&APs and Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below:

Appeal to the Department of Environmental Affairs

Attention : Directorate Appeals and Legal Review
Email : appealsdirector@environmental.gov.za
By post : Private Bag X 447, Pretoria, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region
By Facsimile : (053) 832 8593
By Email : Ntombi.Mayekiso@dmr.gov.za
By post : Private Bag X 6093, Kimberley, 8300
By hand : DMR Building, 65 Phakaamile Mabija Street, Kimberley, 8301

ANNEXURE 1: REASON FOR DECISION:

1. Background

Carolusberg Copper Pty Ltd submitted an application for EA for the activities listed in the EIA Regulations 2014.

Listed activities triggered by the project were as follows:

Listed Activities
<p>Activity 21 of GN 327 as amended April 2017</p> <p><i>Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act (MPRDA), 2002 (Act No 28 of 2002), including –</i></p> <p><i>(a) associated infrastructure, structures and earthworks, directly related to extraction of a mineral resource,</i></p> <p><i>(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 of Listing Notice 2 applies.</i></p>
<p>Activity 22 of GN 327 as amended April 2017</p> <p><i>The decommissioning of any activity requiring-</i></p> <p><i>i. A closure certificate in terms of section 43 of the MPRDA, 2002 (Act 28 of 2002);</i> <i>or</i></p> <p><i>ii. A prospecting right, mining right, mining permit, production or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.</i></p> <p><i>But excluding the decommissioning of an activity relating to the secondary processing of a –</i></p> <p><i>(a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or</i></p> <p><i>(b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products; -</i></p> <p><i>In which case activity 31 in the Notice applies.</i></p>

Carolusberg Copper Pty Ltd appointed Grasaro Pty Ltd to undertake the Environmental Impact Assessment process as required by the EIA Regulations 2014. Basic Assessment process as contemplated on Regulation 19 of the EIA Regulations 2014 was followed.

2. KEY FACTORS CONSIDERED IN MAKING THE DECISION:

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

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on the 15 February 2019, the Basic Assessment Report received by the competent authority on the 05th of July 2019;
- b) Relevant information contained in the Departmental information base, including, the Department's circular on the One Environmental Management System dated 8 December 2014;
- c) The Objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
- d) The comments received from Interested and Affected Parties ("I&Aps") and the responses provided thereon, as included in the BAR dates 05th July 2019;
- e) This application was submitted in terms of the 2014 NEMA Environmental Impact Assessment Regulations ("EIA Regulations");
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit, and;
- h) The financial provision to the amount of R 190 000 provided in the form of a bank guarantee on the 07th December 2019, which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact.

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

3. FINDINGS:

Exemption

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

Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R. 326.

The PPP conducted as part of the EIAR process included:

- Notification to landowner and adjacent landowners;
- Fixing a notice board at the site and any alternative site showing the listed activities;

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

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

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviations may be affected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property(ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holders of the EA contact details change including the name of the responsible person, physical/postal address or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6. The holder of the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
- 1.8. The holder of an authorisation as the case may be, must apply for a closure certificate upon the lapsing, abandonment or cancellation of the right in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a right. An application for a closure certificate must be made to the Regional Manager in whose region the

land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, and relinquishment.

G. NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- The effects of decisions on all aspects of the environment to be taken into account;
- The consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- The co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- The resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- The selection of the best practicable environmental option.

H. DISCLAIMER

The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction in temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

I. RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMP/ closure plan, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

Yours Sincerely



Lee-Ann Pretorius

Grasaro Pty Ltd