



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Roggebaai, 8001, Tel: 021 427 1030, Fax: 021 427 1046
15th floor The Box, 09 Corner Lower Burg and Riebeeck Street, Cape Town 8000
Enquiries: Ms N Magubane **E-Mail Address:** Nomfundo.Magubane@dmre.gov.za
Ref: (WC) 30/5/1/1/2/10384PR
From: Mineral Regulation **Sub-Directorate:** Mine Environmental Management

The Directors
Trans-Altantic Diamonds (Pty) Ltd
Office 1603 Portside
4 Bree Street
Cape Town
8001

Attention Mr. Anthony Peter
Tell 021 418 1587
Email anthony@transatlanticdiamonds.com

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, FOR PROSPECTING RIGHT APPLICATION OFFSHORE SEA CONCESSION 11C SITUATED IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP: WESTERN CAPE REGION

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environment, Forestry and Fisheries and a copy of such appeal to the Department of Mineral Resources and Energy (Western Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as

prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Forestry, Fisheries and the Environment.

Attention : Directorate Appeals and Legal Review
Email : appeals@dffe.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 and Energy

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : Pieter.Swart@dmre.gov.za
By post : Private Bag X 09, **Roggebaai**, 8012
By hand : 9th floor Atterbury House, 9 Riebeek Street, **Cape Town**, 8001

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, and a copy of the official appeal form can be obtained from the Department of Forestry, Fisheries and the Environment

Kind Regards

REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE:



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
15th floor The Box, Cnr Riebeeck and Lower Burg Street, Cape Town, 8001

Environmental Authorisation in terms of

National Environmental Management Act, 1998 (Act 107 of 1998) as amended ("NEMA") and 2014 EIA
Regulations as amended
For

Zirconium Ore, Zircon (Gemstone), Silver Ore, Sapphire (Gemstone), Rutile (Heavy Mineral), Rare Earths, PMG Monazite (Heavy Mineral), Iron Ore, Gold Ore, Garnet (Gemstone), Diamond (Alluvial) Titanium located within the Magisterial District of Vanrhynsdorp: Western Cape Province

Reference number:	(WC) 30/5/1/1/3/2/1/10384 PR
Last amended:	First issue
Holder of authorisation:	Trans-Atlantic Diamonds (Pty) Ltd
Location of activities:	Offshore Sea Concessions: 11C, situated in the Magisterial District of Vanrhynsdorp.

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral Resources
DFFE:	Department of Forestry, Fisheries & Environment
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIR:	Environmental Impact Report
EIA REGULATIONS:	EIA Regulations, 2014 as amended
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure “1”** and **“2”** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral Resources and Energy hereby **Grants** an Environmental Authorisation (EA) to **Trans-Atlantic Diamonds (Pty) Ltd** with the following contact details –

Trans-Atlantic Diamonds (Pty) Ltd

Office 1603 Portside

4 Bree Street

Cape Town

8001

Attention Mr. Anthony Peter

Tell 021 418 1587

Cell

Email anthony@transatlanticdiamonds.com

to undertake the following activities listed in the NEMA: EIA Regulations:

LISTED ACTIVITIES AUTHORISED:

Listed Activities	Activity and/or project description
<p>Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:</p> <p>Activity 19A</p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) the seashore;</p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</p> <p>(iii) the sea;</p>	<p>The proposed sampling activities would result in various forms of disturbance to the seafloor and would result in more than 5m³ of sediment being disturbed and moved.</p>

<p>Activity 20</p> <p>Any activity including the operation of that activity which requires a Prospecting Right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including —</p> <p>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or</p> <p>(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 in Listing Notice 2 applies.</p>	<p>The proposed project entails the removal and primary processing of seabed sediments to determine the presence of the proposed target minerals in an area of 164 023ha.</p>
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Detailed description of the activity are as follows:

The holder is hereby authorised to undertake **Zirconium Ore, Zircon (Gemstone), Silver Ore, Sapphire (Gemstone), Rutile (Heavy Mineral), Rare Earths, PMG Monazite (Heavy Mineral), Iron Ore, Gold Ore, Garnet (Gemstone), Diamond (Alluvial) Titanium** located within the Magisterial District of Vanrhynsdorp: Western Cape Province prospecting activities including the above listed activities as it relates to the development as follows in an area of 164 023Ha

Proposed prospecting details are as follows:	
1.	The geophysical/seismic – means (sound) this will be conducted using a dedicated survey vessel (Ship) with a hull-mounted multi-beam echo sounder (MBES). – <i>(Seismic surveys use reflected sound waves to produce a “CAT scan” of the Earth's subsurface. In this case, these surveys will produced the layout of the ocean floor in order to map the areas that are suitable for the invasive part of prospecting.</i> This process should take a month, the bathymetry of 11C will be modelled before the sampling can take place
2.	The sampling activities – will take place in target areas have been determined by surveying exercise. There are 4 methods of sampling that will utilized.
a)	Van Veen grab with the maximum capacity of 50kg, this will be used for the collection of the baseline environmental data, at 20-50 sites.
b)	Geotechnical samples will assist in understanding the sea floor geology be collected at 100-200sites, the diameter is approximately 10cm, and the depth will penetrate to the depths of 3-8m. this material will be brought to the surface for further analysis. The total surface area for the 200 samples is 1.57m ² which is 0.0157ha.
c)	Drilling – a specialized drill tool that will be used to drill the gravel from the seabed. This material will be processed on the vessel and the tailings will be discarded overboard. (This reconnaissance sampling) this phase will require 300 samples with 300m part from north to south with a footprint of 3 – 5m ² (which will be 0.15Ha.
21-digit surveyor general code	
Not applicable	
coordinates as referred to page 4 of the BAR	

11C		
ID	Latitude	Longitude
1	-31.2147217	17.1519451
2	-31.2148495	17.7586117
3	-31. 4551353	17. 9463882
4	-31. 4549999	17.2602787

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Site description and location:

The activities will be conducted Offshore Sea Concessions 11C situated 43 km northwest of Strandfontein and about 20km west offshore of Brand se baai located in the Magisterial District of Vanrhynsdorp.

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental Standard Conditions). The 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 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.



ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Prospecting activities must be conducted in accordance with the approved BAR/EMPr, attached site layout plan and recommendations of the specialist reports.
2. All the mitigation measures outlined in the final EMPr must strictly adhered to.
3. All contractor personnel & staff must undergo environmental awareness training which includes being briefed about the sensitives pertaining to marine mammals and heritage resources.
4. All Affected stakeholders must be notified one month before the commencement of the seismic survey.
5. A fisheries Liaison Officer (FLO) must be appointed to facilitate communication between affected the fishing sectors and advise on action to be taken in the event of encountering fishing gear near the surveying area.
6. No prospecting activity shall occur in any of the spawning areas. A buffer of at least 500m should be maintained in such areas.
7. If any unexpected archaeological or paleontological or shipwreck material is discovered during drilling and sampling activities, work must be stopped, and the South African Heritage Resource Agency (SAHRA) must be notified immediately by the on-site Environmental Control Officer.
8. If possible, processing of multibeam and sub-bottom profiler data collected to inform prospecting activities should include the noting of and reporting to the archaeologist of any seabed anomalies that could represent shipwrecks or maritime heritage resources, and the presence in the seismic data of any sediment horizons with pre-colonial archaeological potential.
9. All sea discharges shall be compliant to the International Convention for the Prevention of Pollution from Ships (MARPOL).
10. The vessel must be fitted with Passive Acoustic Monitoring (PAM) technology and must be incorporated into the survey programme. A designated PAM observer uses the PAM technology to detect the vocalisations of the marine mammals
11. Solid waste shall be transported to shore for disposal on registered landfill sites.
12. The temporary 500 m operational safety zone around the unit which would be in force, excluding vessels from entering the safety zone around the sampling vessel posing a direct impact to fishing operations in the form of loss of access to fishing grounds where overlap occurs shall only be implemented - during non-peak fishing periods.
13. No Sampling work in areas not shallower then 30m in water depth.
14. A designated onboard Marine Mammal Observer (MMO) must ensure compliance with mitigation measures during geophysical survey. MMO should conduct visual scans for the presence of cetaceans around the survey vessel prior to the initiation of any acoustic impulses.

15. The grab samples collected must be analysed as soon as possible to determine the benthic macrofaunal communities in the area. These results should be used to inform additional mitigation measures for the core drilling exercise.
16. Pre-survey scans should be at least 15 minutes prior to the start of survey equipment, where equipment permits, "soft starts" should be carried out for equipment with source levels greater than 210 dB re 1 uPa at 1 m over a period of 20 minutes to give adequate time for marine mammals to leave the vicinity
17. A map detailing the sampling locations must be submitted to the Department prior to the commencement of the drilling activities.
18. Halt the survey if any marine mammals show affected behaviour within 500m of the survey vessel or equipment until the mammal has vacated the area.
19. Avoid planning of geophysical surveys during the movement of migratory cetaceans (particularly whales) particularly between July to October ensure that migration paths are not blocked by sonar operations.
20. From June to November ensure that Passive Acoustic Monitoring is incorporated into any survey programme.
21. Avoid undertaking prospecting activities during peak fishing periods of the small pelagic purse-seine sector.
22. Geophysical data should be used to determine potentially sensitive habitats and prevent potential conflict with sampling targets. A buffer of 150m must be established around identified sensitive habitats during sampling activities.
23. If any information or data gathered during this project shall be seen to cause severe environmental degradation; the Department of Mineral Resources and Energy reserve the right to change/add/remove any condition in this EA or even withhold/suspend this EA.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

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

- 1.1.** The information contained in the application form received by the Department on **06 September 2021**
- 1.2.** The information contained in the final BAR/EMPr compiled by K Hutching, C Swart, S Sedick and B Clark of Anchor Environmental (Pty) Ltd, received by the Department on **15 February 2022**.
- 1.3.** The environmental impacts associated with the proposed activity outlined in the BAR and proposed mitigation measures outlined in the EMPr compiled by an independent Environmental Assessment Practitioners Mr K Hutching, C Swart, S Sedick and B Clark of Anchor Environmental (Pty) Ltd, received by the Department on **15 February 2022**
- 1.4.** A report on Public Participation Process and comments of Interested and Affected Parties and the manner in which they were addressed is acceptable
- 1.5.** Prospecting within a marine environment will promote scientific innovation in terms of the technology that is currently available.
- 1.6.** Maritime Archaeological Impact Assessment prepared by Mr J Gribble of ACO Associates CC, received by the Department on **15 February 2022**
- 1.7.** The Marine Specialist Impact Assessment compiled by Mr Kenneth Hutching, Aiden Biccadd, Kevin Schmidt & Barry Clark, , received by the Department on **15 February 2022**
- 1.8.** The objectives and requirements of the applicable and relevant legislation, frameworks and development plans, policies and guidelines, and the EIA Regulations.
- 1.9.** The Constitution of the Republic of South Africa, 1996, the NEMA principles that promotes sustainable development and other Specific Environmental Management Acts.
- 1.10.** Operation Phakisa initiatives and the National Development Plan will be achieved.
- 1.11.** The Applicant has complied with Section 24P of the National Environmental Management Act, 1998 (Act 107 of 1998) and provided the financial provision for remediation of environmental damage.

2. Findings

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

- 2.1. The environmental impact assessment identified and assessed all potential environmental impacts on the subject property and surrounding environment. Negative and positive impacts were identified.
- 2.2. The environmental management programme identified and assessed a range of mitigation measures to address negative environmental impacts. Provided application of mitigation measures, the impact significance rating range from medium to low.
- 2.3. Maritime Archaeological Impact Assessment Report provided recommendations to minimise and/or remedy negative impacts to heritage resources. The report concluded that there is low potential for presence of submerged prehistoric archaeological material in the sediments and presence of shipwrecks. The recommendations are incorporated as site specific conditions.
- 2.4. The Marine Specialist Impact Assessment, states that with the implementation of the mitigation measures the impact is reduced from medium to low.
- 2.5. The sampling operations, in view of the prospecting phase, are estimated to have a very limited impact, with a total footprint of approximately less the 5Ha within the Sea Concessions
- 2.6. Public Participation Process complied with Chapter 6 of the EIA Regulations. The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper **Aktuele Nuus** on **29 October 2021**
 - Several Interested and Affected Parties were registered including competent authorities, municipal offices, ward councillors
 - Site notices were place around public libraries
 - Notification letters and BIDs were circulated to Interested and Affected Parties;
 - Draft BAR was circulated to Interested and Affected Parties including Competent Authorities.
 - Comments and issues raised by Interested and Affected parties were adequately addressed in the Final BAR/EMPr; and
 - The register/list of interested and affected parties was opened and is included in the Final BAR/EMPr
- 2.7. The majority of the sampled material that is pumped to the vessel would be returned directly to the sea after the primary screening process. Typically, the coarser material sinks directly to the sea floor in and



around previously sampled areas and the fine discarded material forms turbid plumes that are carried away from the mining vessel by ambient currents

- 2.8. Natural deposition and currents, together with the transportation of sediment which is discharged by the rivers, result in the observed infill. Thus, the excavated sample footprints would be naturally infilled by seabed sediments which are remobilized and redistributed by wave base actions and ocean currents.
- 2.9. The development will cause low environmental impacts while promoting socio-economic growth.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1** The holder of the EA must 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 deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed 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 as amended.
- 1.3** The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMPr.
- 1.4** When any of the holders of the EA contact details change including name of the responsible person, physical or 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 EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1** 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:
- 2.2** Notify all registered I&APs of –
 - 2.2.1** The outcome of the application;
 - 2.2.2** The date of the decision;
 - 2.2.3** The date of issue of the decision and;
 - 2.2.4** The reasons for the decision as included in Annexure 1 and Departmental standard conditions in Annexure 2.

- 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations.
- 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 2.5 **Copy of the lodged appeal must be addressed to the Department of Mineral Resources on the address given on Page 2 of the EA.**
- 2.6 Provide the registered I&APs with:
 - 2.6.1 Name of the holder (entity) of this EA;
 - 2.6.2 Name of the responsible person for this EA;
 - 2.6.3 Postal address of the holder;
 - 2.5.4 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITY (IES)

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE) and any employee without PPE must not be allowed on site.
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Consultation must be done with key stakeholders prior to commencement of activities. Stakeholders must be provided with navigational coordinates of the sampling areas, timing and durations of activities and implications thereof. This includes Fishing Associations, Department of Forestry, Fisheries and Environment, South African Maritime Safety Authority (SAMSA), South African Navy Hydrographic Office, overlapping and neighbouring Petroleum License Holders and Transnet National Ports Authority.
- 3.4 Required safety zones around the prospecting vessels should be communicated via issuing of Daily Navigational Warnings for the duration of the sampling operations through the South African Naval Hydrographic Office.
- 3.5 Survey and sampling activities must be limited to the actual prospecting footprint in accordance with the approved layout plan, and mitigation measures must be implemented to reduce the risk of the environment.

- 3.6** Vessels used during the life of mine must be certified for seaworthiness through an appropriate internationally recognised certification programme. Proof must be submitted to the Department prior to commencement of activities.
- 3.7** All vessel used during prospecting (including supporting vessels) must ensure compliance with MARPOL 73/78 standards and Annexes, this includes discharges to sea [vessel machinery spaces (bilges), ballast water and deck drainage, sewage, food (galley) wastes, and detergents].
- 3.8** Avoid and minimize the discharge of galley waste material should obvious attraction of marine fauna be observed. No disposal within 3 nm of the coast. Disposal between 3 nm and 12 nm of the coast must be comminuted to particle sizes smaller than 25 mm.
- 3.9** An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the prospecting area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.
- 3.10** Keep a record of lost equipment and all items lost overboard and not recovered. When any items that constitute a seafloor or navigational hazard are lost on the seabed, or in the sea:
- Complete a standard form / record sheet, which records the location, date and cause of loss, details of equipment type, weather, sea state, etc.
 - Notify SAMSA and SAN Hydrographer.
 - Request that SAN Hydrographer send out a Notice to Mariners with this information.
- 3.11** Waste generated during bulk sampling activities that would not be discharged at sea must be stored safely and transported onshore to a registered disposal facility. Proof of disposal at a registered disposal facility must be kept and produced to any official of this Department on request.
- 3.12** In terms of sections 28 and 30 of NEMA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.13** Should any heritage material and/or shipwrecks be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) (in accordance with the applicable legislation). Heritage material and/or shipwrecks uncovered or disturbed

during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA).

- 3.14** Compliance with the requirements of MARPOL Annex VI - Prevention of Air Pollution from Ships will be required for all vessel engines and where vessels are fitted with garbage incinerators
- 3.15** Noise generated by survey and sampling activities must fall within an acceptable range of most fish and marine mammals.
- 3.16** The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorisation from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.17** This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.18** The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.19** This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.20** An appeal under Section 43(7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.21** Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.22** The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.23** Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed prospecting activities, the EA is valid for the period for which the Prospecting Right is granted provided that this activity commences within 5 years. If the commencement of the proposed activities does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations must be made for the activity to be undertaken.

- 3.24** Subject to the commencement and duration requirements of the MPRDA, the EA is valid for the period for which the Prospecting Right is granted. When the renewal application of the Prospecting Right is lodged; the EA validity, obligations and liabilities which were attached thereto immediately before the date on which it lapsed continue to be valid until the decision of the renewal is made and become valid again with the intervals of the approved renewal period.
- 3.25** This EA will only be effective on the event that a corresponding Prospecting Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a Prospecting Right.
- 3.26** The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 3.27** Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

4 MANAGEMENT OF ACTIVITY (IES)

- 4.1** A copy of the EA and EMPr must be kept at on board the vessel that will be used to undertake the activities. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).
- 4.2** The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3** Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 4.4** The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.5** The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.

- 4.6** Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.7** Only listed activity (ies) that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EA.
- 4.8** The Holder of EA must appoint the ECO before commencement of prospecting activities and ensure that the name 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 activities at all times comply with the issued EA and approved EMPr.
- 4.9** The ECO must:
- 4.9.1** Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.9.2** Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.9.3** Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.9.4** Keep copies of all environmental reports submitted to the Department.
 - 4.9.5** Keep the records of all permits, licences and authorisations required by the operation.
 - 4.9.6** Compile a monthly monitoring report and make it available to the Department if requested.
 - 4.9.7** The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.10** The footprint of the activities must be limited on the areas authorised for the actual prospecting works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.

5 REPORTING TO THE DEPARTMENT

- 5.1** The holder of EA must:

- 5.1.1 Submit an Environmental Audit Report to this Department biennial bases and such report must be done by qualified independent Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
 - 5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations as amended;
 - 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 5.1.4 identify shortcomings in the EMPr/closure plan, if applicable;
 - 5.1.5 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
 - 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
 - 5.1.7 be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.5.1 Correct the impact resulting from the incident;
 - 5.5.2 Prevent the incident from causing any further impact; and
 - 5.5.3 Prevent a recurrence of a similar incident.



- 5.5.4** In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 EMERGENCY PREPAREDNESS PLAN

- 6.1.** The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 6.1.1** Site Fire
 - 6.1.2** Spillage
 - 6.1.3** Natural disasters such as floods
 - 6.1.4** Industrial action
 - 6.1.5** Contact details of police, ambulances and any emergency center closer to the site.
- 6.2** The holder of EA must ensure that an up-to-date emergency register is kept during all phases of the operation.
- 6.3** The holder of the EA must, within 30 days prior to the commencement of the activities submit Emergency Preparedness Plan and Response Plan and Ballast Water Management Plan.
- 6.4** The holder of the EA must report all emergency incidents to the Department within 24 hours of occurrence and address them in accordance with section 30 of NEMA.

7 INVESTIGATIONS

- 7.1.** If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 7.2.** If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables and air quality, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 7.3.** Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution and/or degradation, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

- 7.4. Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.
- 7.5. The holder of the EA must comply with Section 28 of the NEMA and conduct prospecting activities in an environmentally friendly manner.

8 COMMISSIONING AND DECOMMISSIONING

- 8.1 The commissioning and decommissioning of individual activity within the overall listed prospecting activities must take place within the phases and timeframes as set out in EMPr.

10 SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.3 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA, management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11 NEMA PRINCIPLES

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

- the effects of decisions on all aspects of the environment to be taken into account;



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

12 DISCLAIMER

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

13 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. **The authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards,

**REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE**

DATE: 16/08/2023

DEPT. OF MINERAL RESOURCES AND ENERGY
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