

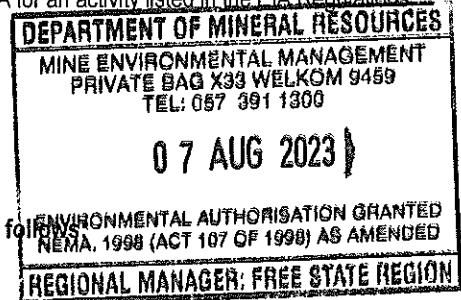
ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Harmony Gold Mining Company Limited submitted an application for an EA for an activity listed in the EIA Regulations as:

NEMA: LISTED ACTIVITIES:

Listed in the EIA Regulations GNR 327 and 324 of 2017 as amended as follows



Activity 46- *"The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—*

- (iii) *has an internal diameter of 0,36 metres or more; or*
- (iv) *has a peak throughput of 120 litres per second or more; and*

(b) *where the facility or infrastructure is expanded by more than 1 000 metres in length; or*
(b) *where the throughput capacity of the facility or infrastructure will be increased by 10% or more; excluding where such expansion—*

(aa) *relates to the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve or railway line reserve; or*

(bb) *will occur within an urban area"*

Activity 12- *"*

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

b. Free State

- v. *Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has This gazette is also available free online at*

www.gpwonline.co.za 124 No. 40772 GOVERNMENT GAZETTE, 7 APRIL 2017 been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

- vi. Within critical biodiversity areas identified in bioregional plans;
- vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- viii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.

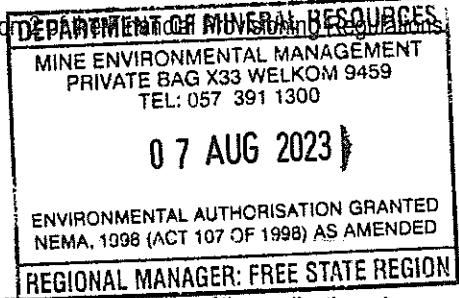
2. Information considered in making the decision

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

- a) The information contained in the EA amendment application form received by the Department on the 06th of September 2022;
- b) The information contained in the revised BAR & EMP_r received by the Department on the 13th of July 2023;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations ;
- d) Public Participation Process (PPP) attached in the EIR and EMP_r.
- e) Relevant information contained in the Departmental information database, including, the Department's circular on the One Environmental Management System dated 8 December 2014;
- f) The comments received from "I&APs" and the responses provided thereon, as included in the BAR and EMP_r received by the Department on the 13th of July 2023;
- g) The sense of balance of the negative and positive impacts and mitigation measures;
- h) The Environmental Emergency Procedure Report included in the BAR and EMP_r,
- i) The Environmental Awareness Plan Report included to the BAR and EMP_r,
- j) The comments received from Mine Health and Safety on the 04th of August 2022,
- k) The findings of the Wetland Impact Assessment conducted by Mr. Ivan Baker of Biodiversity Company on behalf of Harmony Gold Mining Company Ltd is included on the revised BAR and EMP_r.
- l) The findings of the Heritage Impact Assessment conducted by Mr. Wouter Fourie of PGS Heritage on behalf of Harmony Gold Mining Company Ltd.



- m) The findings of the Palaeontology Impact Assessment conducted by Mr.Elize Butler of PGS Heritage on behalf of Harmony Gold Mining Company Ltd.
- n) The findings of the pre-approval inspection conducted on the 04th of July 2022.
- o) The applicant has determined the financial provision as required in terms of the Financial Provisioning Regulations, 2015. Moreover, an amount of R 296 665.00 was provided for the environmental liability associated with this EA. This amount is deemed sufficient to cater for the purposes set in regulation 23(1)(b) of the Environmental Management Act, 1998.



3. Key factors considered in making the decision

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

- a) Sufficient PPP was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations for public involvement;
- b) The environmental impacts associated with the activity will be addressed by the implementation of mitigation measures outlined in the BAR and EMPr compiled by Mr.Sikhumbuzo Mahlangu of EIMS and submitted to the Department on the 13th of July 2023;
- c) The Environmental Awareness Plan contained in the revised BAR and EMPr submitted to the Department on the 13th of July 2023; compiled by Mr.Sikhumbuzo Mahlangu of EIMS is in support of the development;
- d) The findings of the Wetland Impact Assessment conducted by Mr. Ivan Baker of Biodiversity Company on behalf of Harmony Gold Mining Company Ltd is included on the revised BAR and EMPr;
- e) The findings of the Heritage Impact Assessment conducted by Mr. Wouter Fourie of PGS Heritage on behalf of Harmony Gold Mining Company Ltd;
- f) The findings of the Palaeontology Impact Assessment conducted by Mr.Elize Butler of PGS Heritage on behalf of Harmony Gold Mining Company Ltd.
- g) The findings of the pre-approval inspection conducted on the 04th of July 2022.

4. Findings

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

- a) The potential impacts on the site were clearly investigated and mitigation measures were also outlined.
- b) The PPP complied with Chapter 6 of the EIA Regulations GNR 326. The PPP included, *inter-alia*, the following:
 - Identification of and engagement of I&As was undertaken on the 13th of October 2021;
 - Notification of I&As about the BA report was done on the 26th of November 2021.
 - Fixing a notice board at the site where the listed activity is to be undertaken;
 - Giving written notice to the owners and occupiers of land including the owners and occupiers of the land adjacent to the site where the listed activity is to be undertaken, the municipality, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity;
 - The newspaper adverts published on Vista on the 14th October 2021.

