



DEPARTMENT OF TOURISM,
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO
LE TSHOMARELO

DEPARTEMENT VAN TOERISME,
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Enquiries :
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Imibuzo : S.Mbanjwa
Navrae :

Date :
Lotha :
Umhla : 10 October 2008
Datum :

Reference :
Tshupelo : NNO 25/19
Isalathiso : NC/FB/KIM7/33/2007
Verwysings :

Ms A Dreyer
P.O. Box 616
Kimberley
8300
Fax: 053 839 4250

Dear Sir/ Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION/ ACTIVITY 1(B); 1(K); 1(O); 7; 12; 15 AND ACTIVITY 2 THE PROPOSED ALLUVIAL DIAMOND MINING AT ROOIPOORT NATURE RESERVE, KIMBERLEY, SOL PLAAJTIE MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2006, the Department hereby grants authorisation to/for **APPLICATION FOR ENVIRONMENTAL AUTHORISATION/ ACTIVITY 1(B); 1(K); 1(O); 7; 12; 15 AND ACTIVITY 2 THE PROPOSED ALLUVIAL DIAMOND MINING AT ROOIPOORT NATURE RESERVE, KIMBERLEY, SOL PLAAJTIE MUNICIPALITY, NORTHERN CAPE PROVINCE.** Schedule of Government Notice No. R.386: Item *Activity 1(b); 1(k); 1(o); 7; 12; 15 and activity 2 in GNR 387* a detailed description of the activity is given in the *Environmental Impact Report* dated June 2008, subject to the conditions listed in the environmental authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, 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 Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit No 69/2008



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, 2006, with the Member of the Executive Council, Ministry of Tourism, Environment and 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 MANAGEMENT

DATE OF DECISIONS: 10/10/2008

cc: Institute of Natural Resources
P.O. Box 100396
Scottsville
3209
Fax: 033 3460 895

Northern Cape Province
DEPARTMENT OF TOURISM,
ENVIRONMENT &
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA BOJANALA,
TIKOLOGO LE
SHOMARELO

ENVIRONMENTAL AUTHORISATION
In terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2006

Authorisation Register Number:	69/2008
Reference Number:	NC/FB/KIM7/33/2007
Last Amended:	N/A
Holder of Authorisation:	De Beers Consolidated Mines Ltd
Location of activity:	Rooipoot Nature Reserve

DEFINITIONS

- **EIA** – Environmental Impact Assessment means an environmental plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 34 of the Environmental Impact Assessment Regulations of 2006.
- **EAP** – means an environmental assessment practitioner as defined in the Environmental Impact Assessment Regulations of 2006.
- **Activity** – means an activity identified in Government Notice No. R. 386 and No. 387 of 2006 as a listed activity.
- **Applicant** – means a person who has submitted or intends to submit an application
- **Application** – means an application for an environmental authorisation in terms of chapter 3 of the Environmental Impact Assessment Regulations of 2006.
- **Basic Assessment** – means a process contemplated in regulation 22 of the Environmental Impact Assessment of 2006.
- **Basic Assessment Report** – means a report contemplated in regulation 23 of the Environmental Impact Assessment of 2006.
- **Interested and Affected party** – means any group of person 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)
- **WESSA** – Wildlife and Environment Society of SA

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 1.

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, 2006 the Department hereby authorises –

De Beers Consolidated Mines
with the following contact details –

Ms A Dreyer
P.O. Box 616
KIMBERLEY
8300
Tel: 053 839 4248
Fax: 053 839 4250

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

The proposed alluvial diamond mining at Rooipoort Nature Reserve (Schedule of Government Notice No. R. 386; **Activity 1(B); 1(k); 1(o); 7; 12; 15 and activity 2 in GNR 387. Activity 1. The construction of facilities or infrastructure, including associated structures or infrastructure, for-**

1(b) the above ground storage of 1000 tons or more but less than 100 000 tons of ore.

1(k) the bulk transportation of sewage and water, including storm water, in pipelines with –
(i) an internal diameter of 0,36 meters or more; or
(ii) a peak throughput of 20 litres per second or more;

1(o) the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days;

Activity 7, The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1000 cubic metres at any one location or site.

Activity 12, 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 15, 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 less than 30 metres.)

Activity 2, Any development activity, including associated structures and infrastructure, where a total area of the developed area is, or intended to be, 20 hectares or more.

at Rooipoort Nature Reserve, Kimberley also known as the farm Zandplaats 102 Portion 5, Vogelstruispan 98 and 101, Klipfontein 99 and Bergplaats 100 which falls within the jurisdiction of Sol Plaatjie local municipality of the Frances Baard district municipality, hereafter 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 activities 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) days 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 Department 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 & 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 or 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/ implemented during construction.

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 to in 24 must –

- specify the date on which the authorisation was issued;
- Inform the interested and affected party of the appeal procedure provided for in Chapter 8 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 record of decision, 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 Plan ("EMP") submitted as part of the application for environmental authorisation must be implemented.

Monitoring:

27. Officials in the employ of the Department shall be given access to the property as described above 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.

28. The developer must appoint an Environmental Control Officer (ECO) to monitor the contractors' compliance with the EMP during construction phase. The ECO must ensure that the management goals of the EMP are included into the contract documents and that the contractor understands.

29. A copy of this Authorization and an EMP must always be available on site so as to monitor compliance with the conditions outlined in both the documents (ROD and EMP). Both copies of an EMP and ROD must be used as on-site reference documents during all phases of this development.

Recording and Reporting to the Department:

30. 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.

31. 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 reasons for the non-compliance.

32. 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.

33. 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:

34. Should protected trees be destroyed, relocated and/or disturbed, permits must be obtained from Department of Water Affairs and Forestry (DWAF) and Department of Tourism, Environment and Conservation (DTEC).
35. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorization as soon as possible to the satisfaction of parties concerned.
36. No mining should take place in the riparian woodlands or floodplains and all pans should have a dedicated buffer zone around them.
37. Specific area must be demarcated for fueling and workshop services. And such area must be banded to reduce the possibility of soil and water contamination.
38. No effluent is to be released into the river without prior consultation and approval by the Department of Water Affairs & Forestry (DWAF).
39. Should waste water be released into the river, it must be filtered or pretreated prior to release.
40. The facility must apply for the necessary permits from the Department of Water Affairs and Forestry on the relevant and applicable forms available at their offices before commencement of the activity.
41. Pollution of ground or surface water must be reported immediately to DWAF within 48 hours of occurrence of the incident.
42. The authorized activity, including site preparation shall not commence before the statutory 30 days of an appeal period has expired.
43. The safety of the participants must be ensured by having regular safety inspections and ensuring participants are equipped with necessary safety equipments.
44. Open fire is strictly prohibited on site.
45. All threatened or endemic species should be relocated to either the offset area/s or areas of similar biodiversity which will not be disturbed.
46. Should any archeological artifacts and graves be found on site, the operation must be suspended and construction should only continue after consultation with South African Heritage Resources Agency (SAHRA).
47. Test pits (In case human remains are disturbed intentionally) must be undertaken to develop the extent of the grave sites located.
48. Untreated sewage must not be discharged directly into the natural environment.
49. Chemical toilets must be available for workers on site during construction phase only, i.e. sewage waste must be disposed of at the Municipal sewage plant on a regular basis. No "long drop" toilets will be allowed.
50. Movement of construction vehicles must be avoided in sensitive areas.
51. All invader species must be controlled and control should be linked on categorization of the invader species.
52. It is the applicant's responsibility to give his/her contractors and employees proper environmental training and induction.
53. It is the holder of this authorization's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.
54. Storm water drainage must be designed in a way that soil erosion is minimized. Erosion, during construction, operation and decommissioning phases, resulting from the project must be avoided.
55. The development must comply with the Municipal by-laws.
56. Seven (7) 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.

57. In terms of the National Environmental Management Act No. 107 of 1998, section 28 and 30, and the National Water Act No. 36 of 1998, section 19 and 20, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Applicant reads through and understands the legislative requirements pertaining to the project. It is the Applicant's 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.

Operation of the activity:

58. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.
59. Contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the substance concerned. And the disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.
60. The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from site when necessary. Servicing of equipments should not be allowed on site.
61. Appropriate signage should be placed to caution employees and contractors not to attempt to enter certain structures without being authorized.
62. Lighting technology that provide sufficient light where required while preventing light spillage elsewhere must be available, and must be incorporated in the lighting of entrances, roads and squares where required. Spotlight and lighting of areas outside the mining boundaries must be avoided.
63. Relevant Occupational Health and Safety Standards should be observed at all times.
64. Fire breaks must be established around the offset area/s and the mining area to prevent uncontrolled burning and destruction of the habitats.
65. General waste must be collected in drums containers or plastic bags disposed of weekly at a permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose.
NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.

Site Closure and Decommissioning:

66. The site must be rehabilitated to its natural state (same or similar to that of the surrounding area) in case of decommissioning or closure of the project.
67. Upon closure of the mine:
(a) Grass species for rehabilitation should comprise of an endemic seed mix.
(b) Investigation of the final pit lakes on the groundwater levels should be undertaken and the potential impact on the final post-closure hydro-geological regime should be quantified.
64. No alien or invasive species can be introduced on the site.

Non-compliance

65. In the event of non-compliance by employees and contractors during the construction, operation and decommissioning phases of the project, the applicant will be held liable.
66. The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise stated.
67. Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently

stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any other subsequent document emanating from this approval.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. 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, 2006, 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 ten (10) days of being notified of the decision, and an appeal must be lodged within thirty (30) days of lodging of the notice to appeal to:

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

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2006 Government Notice No. R. 385 of 21 April 2006.



MR. J.J. MUTYORAUTA
DIRECTOR: ENVIRONMENT MANAGEMENT

DATE OF ENVIRONMENTAL AUTHORISATION: _____

10/10/2008

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, De Beers Consolidated mines Ltd, applied for authorisation to carry on the following activity –

The proposed alluvial diamond mining at Rooipoort Nature Reserve.

The applicant appointed Institute of Natural Resources (Mr. David Cox) to undertake an environmental impact assessment process.

- a) The Scoping process was followed.
- b) Proof of public participation was submitted together with the scoping report and received by the Department by October 2007.
- c) Environmental Impact Report and the specialist's studies were received by the Department on the 27th June 2008.

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 Scoping Report and the EIR submitted by Mr. David Cox (Institute of Natural Resources) and reviewed by Ms. H Muhangane.
- b) 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), National Heritage Resources Act, 1983 (Act No. 25 of 1999), National Water Act, 1998 (Act No. 36 of 1998); and
- c) The findings of the site visit undertaken by Mr S Dywili, N Malise (DWAF), M.J Sinthumule (Sports, Arts and Culture), Mr David Cox (Consultant) and Mr R Molusi on the 12 September 2008.

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 with and the information contained in the Scoping Report and the EIR is to the satisfaction of this Department.
- b) The comments sent by WESSA, Department of Agriculture, Department of Water Affairs & Forestry and SAHRA.

4. Findings

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

- a) The Environmental Impact Report findings, given the nature of the project and the selected site and study area, concludes that the potential impacts associated with the proposed development can be reduced by the introduction of appropriate mitigation measures.

- b) The legal and procedural requirements have been complied with and the information contained in the Scoping Report, Environmental Impact Report and Environmental Management Plan is to the satisfaction of the Department.
- c) Section 24 of the Constitution of South Africa Act No. 108 of 1996 and Section 2 of the National Environmental Management Act No. 107 of 1998 were considered.
- d) The project may have a positive socio-economic impact such as improvement of neighborhood amenities.

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.