

GRANTING OF ENVIRONMENTAL AUTHORISATION

VARDOCUBE (PTY) LTD, IRRIGATION PROJECT, COPPERTON, SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE

DMR Ref: V-MR_NC10146MR_NC-00187-MR/102

19 October 2021

Dear Interested or Affected Party

Notification

On behalf of Vardocube (Pty) Ltd, notification is hereby given that the Department of Mineral Resources and Energy (DMRE) has, in terms of the Mineral and Petroleum Resources Development Act 28 of 2002 (as amended), read with the National Environmental Management Act 107 of 1998 (as amended) ("NEMA"), granted an Environmental Authorisation (EA) to Vardocube (Pty) Ltd for the Vardocube irrigation project.

The EA was granted to Vardocube (Pty) Ltd on the 13th of October 2021 and, therefore, this notification has been given within 14 days from the date of the decision as prescribed by Regulation 4 of the Environmental Impact Assessment Regulations, 2017 published in terms of NEMA.

In accordance with Regulation 4(2) of the Environmental Impact Assessment Regulations, 2017, this letter serves to provide registered interested and affected parties with access to the decision, the reasons for such decision, as well as to inform all registered interested and affected parties of the fact that an appeal may be lodged against the decision.

Reason for Decision and Appeals

Please refer to the EA appended to this letter for the reason for the decision. Should any registered interested and affected party, wish to appeal against the granting of the decision, a notice of intention to appeal in terms of the National Appeal Regulations, 2014 must be lodged as prescribed in the EA and summarised below:

- An appellant must lodge the appeal to the appeal administrator in the prescribed form, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that you received this notification of the decision.
- An appeal submission must be:
 - (a) submitted in writing in the prescribed form obtainable from the appeal administrator; and
 - (b) accompanied by
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of the National Appeal Regulations, 2014.

Should you have any queries with respect to this letter, please contact the undersigned.

Kind Regards

Ms. Chané Coetzee

Tel: +27 74 797 3333

e-mail: prieskapp@abs-africa.com

Postal address: PO Box 14003, Vorna Valley, 1686

KENNISGEWING VAN OMGEWINGSMAGTIGING

VARDOCUBE (EDMS.) BPK., BESPROEINGS PROJEK, COPPERTON, SIYATHEMBA PLAASLIKE MUNISIPALITEIT, NOORD-KAAP

DMR Ref: V-MR_NC10146MR_NC-00187-MR/102

19 Oktober 2021

Geagte Belanghebbende en Geaffekteerde Party

Kennisgewing

Hiermee word kennis gegee namens Vardocube (Edms) Bpk dat die Departement van Minerale Hulpbronne, ingevolge die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne 28 van 2002 (soos gewysig), gelees met die Wet op Nasionale Omgewingsbestuur 107 van 1998 (soos gewysig) ("NEMA"), 'n Omgewingsmagtiging (EA) aan Vardocube (Edms) Bpk vir die Vardocube besproeiings projek toegeken het.

Die EA is op 13 Oktober 2021 aan Vardocube (Edms) Bpk toegestaan en is hierdie kennisgewing binne 14 dae vanaf die datum van die besluit uitgereik, soos voorgeskryf deur Regulasie 4 van die Regulasies vir Omgewingsimpakbepalings, 2017 gepubliseer ingevolge NEMA.

In ooreenstemming met Regulasie 4 (2) van die Regulasies vir Omgewingsimpakbepalings, 2017, dien hierdie brief om geregistreerde belanghebbende en geaffekteerde partye toegang te bied tot die besluit, die redes vir sodanige besluit, asook om alle geregistreerde belanghebbende en geaffekteerde partye in kennis te stel van die feit dat 'n appél teen die besluit ingedien kan word.

Rede vir Besluit Toegestaan en Appél Proses

Die rede vir die besluit om die EA te magtig is aangeheg aan hierdie brief. Indien 'n geregistreerde belanghebbende en geaffekteerde party 'n beroep wil doen op die toekenningsbesluit, moet 'n kennisgewing van voorneme om te appelleer ingevolge die Nasionale Appélregulasies, 2014 ingedien word soos voorgeskryf in die EA en soos volg opgesom:

- ➔ 'n Appellant moet die appél aan die appéladministrateur in die voorgeskrewe vorm indien, en 'n afskrif van die appél aan die Applikant gestuur word. Enige geregistreerde belanghebbende en geaffekteerde party en enige staatsorgaan met belangstelling in die aangeleentheid moet binne 20 dae vanaf die datum waarop u het hierdie kennisgewing van die besluit ontvang 'n appél indien.
- ➔ 'n Appél indiening moet:
 - (a) skriftelik ingedien word in die voorgeskrewe vorm verkrygbaar by die appél administrateur; en
 - (b) vergesel word deur
 - i. 'n verklaring waarin die gronde van appél uiteengesit word;
 - ii. ondersteunende dokumentasie waarna verwys word in die appélvoorlegging; en
 - iii. 'n verklaring, insluitende ondersteunende dokumentasie, deur die appellant om te voldoen aan regulasie 4 (1) van die Nasionale Appélregulasies, 2014.

Indien u enige navrae het, kontak asseblief die ondergetekende.

Die Uwe

Me. Chané Coetzee

Tel: +27 74 797 3333

e-pos: prieskapp@abs-africa.com

Pos adres: PO Box to 14003, Vorna Valley, 1686



mineral resources & energy

Department
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift road, Telkom Building, Kimberley 8301, Enquiries: Takalani Khorombi E-mail: Takalani.khorombi@dmr.gov.za
Ref No: NC30/5/1/2/2/10146/00081 EM

PER REGISTERED MAIL

The Directors

Vardocube (Pty) Ltd

Dunkeld Court

16 North Road, Dunked West

Johannesburg

2196

marcus.birch@orionminerals.com.au

Dear Sir/Madam

RE: AMENDMENT ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2017: ACTIVITY RELATED FOR MINING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON THE REMAINING EXTENT OF PORTION 1 OF THE FARM VOGELSTRUISBULT 104, SITUATED IN THE MAGISTERIAL DISTRICT OF PRIESKA, NORTHERN CAPE REGION.

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24 L of 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 2017, 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 Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Northern 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 per prescribed below:

Appeal to the Department of Environmental Affairs

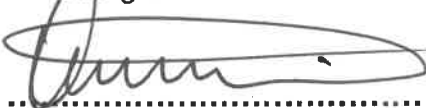
Attention : Directorate Appeals and Legal Review
Email : appealsdirector@environment.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street,
Arcadia, **Pretoria**, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region
By facsimile : (053) 8328 593
E-mail : Ntombi.mayikiso@dmr.gov.za
By post : Private Bag X 6093, **Kimberley**, 8300
By hand : DMR Building, 41 Schmidtdrift Street, **Kimberley**, 8301

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 Environmental Affairs.

Kind Regards



REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGIONAL OFFICE

DATE: ...13/10/2021...



mineral resources & energy

Department
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift road, Telkom Building, Kimberley 8301, Enquiries: Takalani Khorombi E-mail: Takalani.khorombi@dmr.gov.za

Ref No: NC30/5/1/2/2/10146/00081 EM

AMENDMENT ENVIRONMENTAL AUTHORISATION

Reference Number	NC30/5/1/2/2/10146/00081
Last Amended	Second Issued
Holder of Authorisation	Vardocube (Pty) Ltd
Location	On the remaining extent of portion 1 of the farm Vogelstruisbult 104.

DECISION

ACRONYMS

NEMA:	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
DEPARTMENT:	Department of Mineral Resources.
EA:	Environmental Authorisation.
EMPr:	Environmental Management Programme
BAR:	Basic Assessment Report
I&AP:	Interested and Affected Parties
ECO:	Environmental Control Officer
SAHRA:	South African Heritage Resources Agency
EIA REGULATIONS:	EIA Regulations, 2017
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
EIA:	Environmental Impact Assessment.

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA** and **EIA** listed activities specified below. Details

regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this integrated environmental authorisation.

By virtue of the powers conferred on it by NEMA the Department hereby grant an application for EA by Vardocube (Pty) Ltd with the following contact details—

The Directors
Vardocube (Pty) Ltd
Barkley West
8375

To undertake the following activities listed in the NEMA and EIA Regulation.

LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA

Activity Number: 1 Government Notice No. R325 of 4 December 2017 –

Activity Description:

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) With an internal diameter of 0,36 metres or more; or
- (ii) With a peak throughput of 120 litres per second or more; excluding where—
 - (a) Such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or
 - (b) Where such development will occur within an urban area.

Activity Number: 27 Government Notice No. R325 of 4 December 2017 –

Activity Description:

The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) The undertaking of a linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

Activity Number: 12 Government Notice No. R324 of 4 December 2017 –

Activity Description:

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.

PROPERTY DESCRIPTION AND LOCATION

A listed activity will take mining right and related infrastructural activities on the remaining extent of portion 1 of the farm Vogelstruisbult 104., Situated in the Magisterial District of Prieska, Northern Cape Region.

Co-ordinates of the boundary of the property are those that are described in the final site layout map attached hereto hereinafter referred to as "the site".

LONGITUDE X	LATITUDE (Y)
29°53'6.85S	22°18'47.82E
29°53'9.39S	22°18'50.23E
29°55'17.15S	22°20'51.1E
29°55'35.86S	22°20'24.49E
29°55'35S	22°19'21.3E
29°56'31.2S	22°19'20.55E
29°56'30.65S	22°20'24.14E
29°56'46.61S	22°20'26.49E
29°57'18.22S	22°19'53.97E
29°56'50.29S	22°19'20.6E
29°56'16.82S	22°18'15.87E
29°55'53.88S	22°18'9.53E
29°55'51.6S	22°18'38.42E
29°55'13.44S	22°18'38.46E
29°54'56.32S	22°18'22.74E
29°54'47.22S	22°17'58.79E
29°54'26.28S	22°18'9.82E
29°53'6.85S	22°18'47.82E

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Chane Pretorius

ABS Africa (Pty) Ltd.

TEL NO.: +27 11 805 0061

PO Box 14003, Vorna Valley, 1686

chane@abs-africa.com / louisa@abs-africa.com

E. EA SITE SPECIFIC CONDITIONS

1. Wetland identified within the study area should be clear defined be zoned for sustainable conservation.
2. Any development or activities should not cause a damage the live hood of wetland.
3. Establishing 150m buffer zone together with complementary mitigation and preventatives measure against jeopardizing the wetland ecosystem.
4. Protected plant species that could be identified within mining area should not be removed and/or destroyed unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
5. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas
6. Always remove and retain topsoil for subsequently rehabilitation.
7. Clearance of vegetation should be limited to that absolutely necessary for the operation of the mine.
8. Concurrent rehabilitation must be apply during the mining operation. When opencast mine technique is used, the extent of void may be minimised by progressive direct backfilling of overburdens in the mined out sections of the pit.
9. Excavation must take place only within the approved demarcated mine.
10. No waste shall under any circumstances be disposed of in the veld or burning of waste is prohibited.

F. CONDITIONS OF AUTHORISATION

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 deviation 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 deviation and it may be necessary for the holder of the EA to apply for further authorization in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the properties 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 activities.
- 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 an 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.

2 APPEAL OF AUTHORISATION

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

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 this Annexure 2 (Departmental Standard Conditions).

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.

3 COMMENCEMENT OF THE ACTIVITIES

3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).

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 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.

- 3.4 Appropriate notification signs must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.6 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.7 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation (NCNCA) Act no. 9 of 2009 must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 3.8 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.9 If any soil contamination is noted at any phase of the proposed activities, the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.10 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.

- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), 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 operation. 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.
- 3.12 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.14 Residents (if any) on the properties and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.15 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.17 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (NCHRA) (in accordance with the applicable legislation). Heritage remains 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) and or Northern Cape Heritage Resource Agency (NCHRA).
- 3.18 Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks;

and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

3.19 Since the Department did not receive the comment from SAHRA, is still your responsibility to ensure compliance regarding any comment that SAHRA can issue after the granting of this EA.

3.20 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.

3.21 Hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.

3.22 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works.

3.23 The holder of EA must ensure that any water uses listed in terms of section 21 of National Water Act, 1998 (Act 36 of 1998) must get authorization from Department of Water and Sanitation prior to the commencement of such activities. The holder of the EA shall note that in terms of Section 19 (1) of the national Water Act, 1998 (Act No. 36 of 1998). "An owner of land , a person who occupies or uses the land on which – (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring."

Therefore any pollution incident (s) associated with the proposed project shall be reported to the relevant Regional Office of the DMR and Department of Water and Sanitation within 24 hours.

- 3.24 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.
- 3.25 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) at all times comply with the approved EMPr.
- 3.26 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.
- 3.27 The holder of EA must note that in terms section 43A of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the approved EMPr. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the approved EMPr.
- 3.28 The holder of EA must note that in terms section 20 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of section 19(3) for that activity or a waste management license is issued in respect of that activity if license is required.
- 3.29 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.
- 3.30 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence/continue with the activities until such time that the Minister allows you to commence with such activities in writing.

- 3.31 The Department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio- visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.
- 3.32 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rain water from getting in contact with the waste.
- 3.33 The storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.34 You shall not store any fuel either above or underground, with a combined capacity of 80 cubic metres or more without an authorisation in each of the above mentioned sites. All fuels and lubricants that are allowed to be stored in the sites must be stored inside a bounded area.
- 3.35 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is issued provided that this activity must commence within 10 years. If the commencement of the proposed activity 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 should be made for the activity to be undertaken.

- 3.36 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.37 The listed activities, 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 authorization is suspended until such time as the appeal is finalized.
- 3.38 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.
- 3.39 If the EA holder is not the surface owner must before commencement of the mining activities consult with the land owners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activities.
- 3.40 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.

4 MANAGEMENT OF ACTIVITY (IES)

- 4.1. A copy of the EA and EMPr must be kept at the property or on site office where the activity (lies) will be undertaken. 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 properties. 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.

- 4.2. The content 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. 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.
- 4.4 A buffer zone of 100 meters between the activities and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 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.
- 4.7 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.
- 4.8 Mining vehicles must be serviced 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.
- 4.9 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.
- 4.10 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.

- 4.11 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 case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.
- 4.12 Any changes to or deviations 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 authorization in terms of the regulations.
- 4.13 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.
- 4.14 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 activities at all times comply with the issued EA and approved EMPr.
- 4.15 The ECO must:
 - 4.16.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material;
 - 4.16.2. 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;

4.16.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;

4.16.4. Keep copies of all environmental reports submitted to the Department;

4.16.5. Keep the records of all permits, licences and authorisations required by the operation; and

4.16.6. Compile a monthly monitoring report and make it available to the Department if requested.

4.16 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

4.17 The footprint of the activities 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 a “no go” areas.

4.18 Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.

4.20 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 minimize the risk involved. Records of training and verification of competence must be kept by the holder EA.

4.21 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

4.22 The holder of the environmental authorization 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.

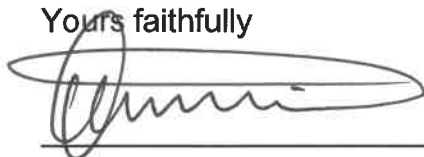
- 4.23 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 4.24 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
- 4.25 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.26 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.
- 4.27 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.
- 4.28 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.

G. 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



NDLELENHLE ZINDELA

Regional Manager: Mineral Regulation (Northern Cape)

DATE OF DECISION: 13/10/2021

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

NC30/5/1/2/2/10146/00081 EM

ANNEXURE 1

REASONS FOR 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 28 of October 2019, the Basic Assessment Report (BAR) received by the competent authority on the 10th of December 2020.

- 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
- 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

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.

1. 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.

2. 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;
- PPP Presentation slides
- PPP meeting
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this 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.

3. Alternatives

The proposed mining area is selected as it contains good quality sand located in a convenient position in close proximity to transport routes. The layout and technology of this sand mining project has been determined by the shape, position, and orientation of the mineral resource.

No other alternatives in regard to the preferred site, activities and technology is considered as the current planning is to be best possible option at this stage to ensure minimal environmental disturbance and cost effective mining operation.

4. Impacts, assessment and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management plan mitigation measures.

5. 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.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, 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.

-END-