



# mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538311314, 41 Schmidtsdrift Roads, Kimberley

8300 Building, Kimberley 8300, Enquiries: E-mail: [Ndidzulafhi.Mavhungu@dmre.gov.za](mailto:Ndidzulafhi.Mavhungu@dmre.gov.za)

Ref No: NC 30/5/1/1/3/2/1/13003 PR

## The Directors

Lesego Diamond Mining (Pty) Ltd  
17B Bodley and Corner Waterworks  
Albertynshof  
Kimberley  
8301

Dear Sir/Madam

**INTERGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMMENDED (“NEMA”) AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT 59 OF 2008) FOR ACTIVITIES RELATED TO PROSPECTING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF DIAMOND (ALLUVIAL, KIMBERLITE AND GENERAL) ON THE REMAINING EXTENT OF FARM NO.225, SITUATED IN THE MAGISTERIAL DISTRICT OF BARKLY WEST, 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 regulation 20(1) (a)/24(1) (b) of the Environmental Impact Assessment Regulations, 2017 (“EIA Regulations”). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the EIA Regulations, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, of the date of the Department’s decision in respect of your application and the provisions regarding the making of appeals must be provided for in terms of the National Appeal Regulations, 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](mailto: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.Mayekiso@dmre.gov.za](mailto:Ntombi.Mayekiso@dmre.gov.za)

**By post** : Private Bag X 6093, **Kimberley**, 8300

**By hand** : 41 Schmidtsdrift Street, Old Telkom Building, **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



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**Act REGIONAL MANAGER: MINERAL REGULATION**

**NORTHERN/CAPE REGIONAL OFFICE**

**DATE:** 14/09/2022 .....



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Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538311314  
41 Schmdtsdrift Roads, Kimberley 8300

## ENVIRONMENTAL AUTHORISATION

Reference number:	NC 30/5/1/1/3/2/1/13003 PR
Holder of authorisation:	Lesego Diamond Mining (Pty) Ltd
Last amended:	First issue
Commodity:	Diamond (Alluvial, Kimberlite and General)
Location of activity:	The Remaining Extent of Farm No.225, situated in the Magisterial District of Barkly West in Northern Cape Region

## 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:	Environmental Impact Assessment Regulations, 2017
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
EIA:	Environmental Impact Assessment.

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”** of this environmental authorisation.

## ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by **Lesego Diamond Mining (Pty) Ltd** with the following contact details –

### A.DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Lesego Diamond Mining (Pty) Ltd  
17B Bodley and Corner Waterworks  
Albertynshoof  
Kimberley  
8301

E-mail: [js@morgenson.co.za](mailto:js@morgenson.co.za)  
Cell: 083 537 1496

to undertake the following activities listed in the NEMA EIA Regulation-

### B. LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA GNR 983, GNR 984, GNR 985, 8 December 2014 (as amended on April 2017)

1. *Listing Notice 1 GNR 327, Activity 20*
2. *Listing Notice 1 GNR 327, Activity 27*
3. *Listing Notice 1 GNR 327, Activity 9*
4. *Listing Notice 1 GNR 327, Activity 10*
5. *Listing Notice 1 GNR 327, Activity 19*
6. *Listing Notice 2 GNR 325, Activity 19*
7. *Listing Notice 3 GNR 324, Activity 12*
8. *NEM:WA 59 of 2008: category A (15)*

### D. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on the remaining extent of farm No.225, situated in the Magisterial District Barkly West Northern Cape Region.

The SG digit codes are: C00700000000022500000

## **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

### **Milnex CC**

P.O Box 1086

Schweizer-Reneke

2780

For attention: Percy Sehaole (EAPASA) Pr. Sci. Nat

E-mail: percy@milnex-sa.co.za

Tell: 018 011 1925

Fax: 087 231 7021

## **E. 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 authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property 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 prospecting, the relinquishment of the portion of the prospecting of the land to which a right relate . 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 ACTIVITY (IES)**

- 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 Roads for vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4 Appropriate notification sign(s) must be erected at the prospecting site, warning the public (residents, visitors etc.) about the hazard around the prospecting 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.
- 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 contractor 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 property 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).

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.

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



3.19 Hydraulic fluids or chemicals required during construction and prospecting activities 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.

3.20 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.

3.21 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 activity (ies). 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.

3.22 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.

3.23 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) at all times comply with the approved EMPr.

3.24 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.

3.25 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.

- 3.26 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.
- 3.27 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.
- 3.28 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.
- 3.29 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.
- 3.30 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.
- 3.31 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.

- 3.32 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.
- 3.33 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed prospecting 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.
- 3.34 The commissioning and decommissioning of individual activity within the overall listed prospecting activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.35 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 authorisation is suspended until such time as the appeal is finalized.
- 3.36 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.
- 3.37 If the EA holder is not the surface owner must before commencement of the prospecting 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.
- 3.38 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 ACTIVITIES

- 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.
- 4.4. 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.
- 4.5. A buffer zone of 100 meters between the activities and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.6. The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.7. 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.
- 4.8. 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.
- 4.9. Prospecting 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. Vehicles and machinery must not be serviced onsite as there is no provision of a workshop on the application and assessment done. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.

- 4.10 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.
- 4.11 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.
- 4.12 Only listed activities that is 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.
- 4.13 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 authorisation in terms of the regulations.
- 4.14 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 prospecting area form part of prospecting right.
- 4.15 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.
- 4.16 The ECO must:
- 4.15.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material;

- 4.15.2. 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;
  - 4.15.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
  - 4.15.4. Keep copies of all environmental reports submitted to the Department;
  - 4.15.5. Keep the records of all rights, permits, licences and authorisations required by the operation; and
  - 4.15.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.17 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
- 4.18 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.
- 4.19 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 minimise 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 bins are not overfilled.
- 4.22 The holder of the environmental authorisation must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 4.23 The right holder must also provide the outstanding financial provision as described on the arrangement done with the Regional Manager.

- 4.24 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.
- 4.25 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.
- 4.26 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.27 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.
- 4.28 If any soil contamination is noted during prospecting 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.
- 4.29 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.

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.

## **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 EIR process included:

- Notification to landowner and surrounding land owners;
- meetings;
- registered letters;
- Newspaper adverted notice;
- Site notice

## **3. Alternatives**

The property on which or location where it is proposed to undertake the activity; the geological formation supports the possibility that the minerals applied for are still found within the application area as it was mined before and further prospecting was done.

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 prospecting operation.

## **4. Impacts, assessment and mitigation measures**

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management programme 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-