

ANNEXURE 2: DEPARTMENTAL CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of 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 the EA.
- 1.2. Any changes to, or deviation from the project description set out in the EIR must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation. It may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations applicable at the time of the amendment.
- 1.3. The activity, which is authorised, may only be carried out within the co-ordinates indicated in this EA.
- 1.4. Where any of the contact details of the holder of the EA change, including the name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department within 14 (fourteen) calendar days.
- 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. This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 1.7. The holder of EA must note that in terms of 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).

- 1.8. The Department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and any frequency
- 1.9. Should there be any conflicting conditions between this EA and other approval granted by other authorities, the responsibility rests with the holder of EA to bring it to the attention of the Department for resolution.
- 1.10. Non-compliance with any condition of this EA and approved EMP 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.
- 1.11. The holder is reminded that in terms of section 49(A) (1) (c) of NEMA, 1998, as amended, a person is guilty of an offence if that person fails to comply with or contravenes a condition of an EA.
- 1.12. A person convicted of an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 (ten) years, or to both such fine or such imprisonment.

2. APPEAL OF EA

- 2.1. In accordance with Regulation 4(2) of the EIA Regulations, 2014 (as amended), within 14 (fourteen) calendar days from the date of this decision the holder of the EA must notify all registered I&APs in writing of the following:
 - 2.1.1 The outcome of the application;
 - 2.1.2 The date of the decision;
 - 2.1.3 The date of issue of the decision;
 - 2.1.4 The reasons for the decision as included in Annexure 1 and Departmental Conditions in Annexure 2;
 - 2.1.5 That an appeal may be lodged against the decision in terms of the National Appeals Regulations,
 - 2.1.6 The manner in which registered I&AP's may access the decision.

2.2. In addition to point 2.1 the holder of the EA must also provide the registered I&APs with:

- 2.2.1 Name of the holder (entity) of this EA;
- 2.2.2 Name of the responsible person for this EA;
- 2.2.3 Postal address of the holder;
- 2.2.4 Telephonic and fax details of the holder and
- 2.2.5 E-mail address of the holder if available.

2.3. Please take note that in terms of Section 43(7) of NEMA, 1998, as amended, an appeal suspends an EA. Therefore you may not commence with the mining operation until such time that the Minister allows you in writing, to start.

3. MANAGEMENT OF ACTIVITIES

3.1 The EMPr submitted as part of the EIR is hereby **approved** and all mitigation measures and commitments as stated in the EMPr must be adhered to throughout the life cycle of the operation.

3.2 Any additional or new activities not specified in the BAR and not approved as part of this EA must be applied for by the holder and authorised by the competent authority prior to the commencement of these activities.

3.3 A copy of the EA and approved EMPr must be kept at the property or at the site office where the activities will be undertaken. The EA and approved EMPr must be produced to any authorised official of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.

3.4 The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and any other people working on the site.

3.5 The holder of the EA must ensure that all non-recyclable wastes are disposed of at waste management facilities licenced to handle such wastes and also ensure that all recyclable wastes are collected by licenced waste management facilities for recycling, reuse or treatment.

4. ENVIRONMENTAL CONTROL OFFICER

- 4.1 The holder of the EA must appoint an ECO to ensure compliance with the conditions contained in this EA and approved EMPr and an ECO must always be available on site.
- 4.2 The holder of EA must ensure that the name and contact details of the ECO is submitted to this Department within 30 (thirty) calendar days of commencement of the mining operation.
- 4.3 The ECO must:
 - 4.3.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material.
 - 4.3.2 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.
 - 4.3.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.3.4 Keep copies of all environmental reports submitted to the Department.
 - 4.3.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.3.6 Compile a monthly monitoring report and make it available to the Department if requested.
- 4.4 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.5 Should the details of the ECO change at any time, the details of the newly appointed ECO must be sent to the Department within 14 (fourteen) calendar days of the changeover.

5. COMMENCEMENT OF THE ACTIVITIES

- 5.1 In order to ensure safety, all employees must be given the necessary PPE.
- 5.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.

- 5.3 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 project.
- 5.4 It is the responsibility of the holder of the EA 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.
- 5.5 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treatment, reuse and disposal where appropriate.
- 5.6 Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from SAHRA and/or AMAFA – KZN. 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 artefacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

6. SECURITY, ACCESS AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure access controls are in place during dredging operations

7. REPORTING TO THE DEPARTMENT

- 7.1 The holder of EA must:
- 7.1.1 Submit an Environmental Audit Report to this Department every two years.
 - 7.1.2 Such report must be done by a qualified independent auditor
 - 7.1.3 The audit report must specify whether conditions of this EA and approved EMP were and are adhered to;
 - 7.1.4 Identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 7.1.5 Identify shortcomings in the approved EMP, if applicable;

- 7.1.6 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the approved EMP;
 - 7.1.7 if applicable, specify whether the corrective action/s taken for the previous audit's non-conformities, were adequate;
 - 7.1.8 specify the name of the auditor and expertise; and
 - 7.1.9 be submitted by the holder to the competent authority within 30 (thirty) calendar days from the date on which the auditor finalised the audit.
- 7.2 Should any shortcomings be identified, in terms of Regulation 34(4) of GNR 982, December 2014, the holder must submit recommendations to amend the EMP in order to rectify the insufficient mitigation measures or unmitigated impacts.
- 7.3 All complaints received from I&AP's during any of the phases of the operation must be acknowledged to within five (5) working days and investigated accordingly. All complaints must be recorded and a report must be forwarded to the competent authority with all relevant details of the complaint, complainant and how the complaint was resolved within 30 (thirty) calendar days of receipt of the complaint.
- 7.4 The holder of the EA must, within 24 (twenty-four) hours of incidents, as defined in NEMA, 1998, as amended, occurring, notify this Department of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, has caused or may cause pollution of the environment, health risks, nuisance conditions or water pollution.

8. EMERGENCY PREPAREDNESS PLAN

- 8.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it biennially when conducting an audit and also re-evaluate the plan after each emergency and or major accident.
- 8.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the Department.

9. INVESTIGATIONS

- 9.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or are occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 9.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. If applicable, such investigation must include the monitoring of the water quality variables, at specific monitoring points and at such a frequency as may be specified by the Competent Authority.
- 9.3 Investigations carried out in terms of conditions 9.1 and 9.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

10. SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43(3) of the MPRDA, 2002, as amended within 180 days of the occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of MPRDA, 2002, as amended.
- 10.3 The holder of the EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002).

11. NEMA PRINCIPLES

- 11.1 The principles set out in Section 2 in Chapter 1 of NEMA, 1998,(as amended)must be applied to this mining operation and any matter relating to this operation; and must serve as a guideline for the interpretation, administration and implementation of all environmental requirements.
- 11.2 This mining operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into the planning and implementation of this dredging operation in order to ensure that the exploitation of mineral resources serves present and future generations.
- 11.3 The holder of this EA must at all times give effect to the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and must
- 11.4 Manage all environmental impacts as an integral part of the mining operation and must as far as it is reasonably practicable; rehabilitate the environment affected by the mining operations (where applicable) to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development.
- 11.5 The holder of the EA is responsible for any environmental damage, pollution or ecological degradation as a result of his or her mining operations and which may occur inside and outside the boundaries of the area to which this EA relates

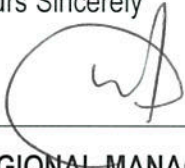
12. DISCLAIMER

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

13. RECOMMENDATIONS

In view of the BAR and management and mitigation measures proposed in the EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. The EA is accordingly granted to Transnet National Ports Authority.

Yours Sincerely

A handwritten signature in black ink, consisting of a large, stylized 'W' or 'M' shape with a vertical stroke extending upwards from the right side.

REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL REGIONAL OFFICE

DATE: 02/07/2018