



## mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

**Directorate:** Mineral Regulation: North West Region,  
Private Bag A1, Klerksdorp, 2570 Cnr Margaretha Prinsloo & Voortrekker Streets  
Vaal University of Technology Building, Klerksdorp, 2571

**Enquiries:** Mrs Linah Tshisevhe Tel: (018) 487 4300 Fax: (018) 487 4350

**E-Mail:** [tshisikhawe.tshisevhe@dmre.gov.za](mailto:tshisikhawe.tshisevhe@dmre.gov.za) **Ref No.:** NW 30/5/1/3/3/2/1/ (10999) EM

### BY EMAIL

**The Manager**

**Henry Robert Innes Van Der Merwe**

731 Elandsfontein

Lichtenburg

2740

**Email:** [info@engedime.com](mailto:info@engedime.com)

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AS AMENDED (HEREIN REFERRED TO AS "NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (HEREIN REFERRED TO AS "EIA") FOR MINING ACTIVITIES OF DIAMOND (GENERAL AND ALLUVIAL), STONE AGGREGATE (GRAVEL) AND SAND (GENERAL) IN RESPECT OF PORTION 1 OF THE FARM WITKLIP NO. 6 IP, SITUATED IN THE MAGISTERIAL DISTRICT OF LICHTENBURG, NORTH-WEST REGION.**

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms Regulation 20 (1) (a) of NEMA: EIA Regulations, 2014 as amended. The Environmental Authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the NEMA: EIA Regulations, 2014 as amended 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 the Department of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (North West Regional Office) within 20 days from the date

of notification and such appeal must be lodged as prescribed in terms of Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

**Appeal to the Department of Environmental Affairs.**


**Attention** : Directorate Appeals and Legal Review  
**Email** : [appeals@environment.gov.za](mailto:appeals@environment.gov.za) &  
[mrakgogo@environment.gov.za](mailto:mrakgogo@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: North West Region  
**By facsimile** : (018) 487 4350  
**E-mail** : [Phumudzo.Nethwadzi@dmre.gov.za](mailto:Phumudzo.Nethwadzi@dmre.gov.za)  
**By post** : Private Bag A1, Klerksdorp, 2570  
**By hand** : Vaal University of Technology Building, Cnr Margaretha Prinsloo &  
Voortrekker Street, Klerksdorp, 2570

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.

Yours Faithfully,

  
.....  
**REGIONAL MANAGER: MINERAL REGULATION  
NORTH-WEST REGIONAL OFFICE**  
DATE: 18/08/2022.....



# mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag A1, Klerksdorp, 2570, Tel: (018) 487 4300, Fax: (018) 487 4350  
Vaal University of Technology Building, Cnr Margaretha Prinsloo & Voortrekker Street, Klerksdorp, 2570

## ENVIRONMENTAL AUTHORISATION

**Reference number:** NW 30/5/1/3/3/2/1/ (10999) EM  
**Last amended:** First issue  
**Holder of authorisation:** Henry Robert Innes Van der Merwe  
**Location of activity:** Portion 1 of the Farm Witklip No. 6 IP,  
Lichtenburg District

## DECISION

### ACRONYMS

**NEMA** : National Environmental Management Act, 1998 (Act 107 of 1998)  
as amended  
**DEPARTMENT** : Department of Mineral Resources  
**EA** : Environmental Authorisation  
**IEA** : Integrated 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, 2014  
**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.  
**EAP** : Environmental Assessment Practitioner  
**MHS** : Mine Health and Safety

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"** and **2** of this environmental authorisation.

### **ACTIVITIES APPLIED FOR AND AUTHORISED**

By virtue of the powers conferred on it by NEMA, the Department hereby grant an EA to Henry Robert Innes Van der Merwe with the following contact details—

**Attention: Henry Robert Innes Van der Merwe**

731 Elandsfontein  
Lichtenburg  
2740

**Email:** [info@engedime.com](mailto:info@engedime.com)

to undertake the following activities listed in the NEMA EIA Regulations, 2014.

#### **NEMA: LISTED ACTIVITIES:**

##### **Government Notice No. Regulation 327 of 07 April 2017**

*Any activity including the operation of that activity which requires a mining permit in terms of section 27 as amended by section 23 of the Mineral and petroleum Resources Development Act, 2002 (Act No. 28 of 2002) as amended, including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 as amended by section 76 of the Mineral and petroleum Resources Development Act, 2002 (Act No. 28 of 2002) as amended [**listed activity 21**].*

##### **Government Notice No. Regulation 327 of 07 April 2017**

*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 [**listed activity 27**].*

**Detailed specification of the activities are as follows:**

<b>Proposed mining activities details are as follows:</b>
Area to be covered by mobile processing plant: 0,5 ha
Total number of trenches to be opened at a time: 2
Sizes of trenches: 20m x 10m

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions). The Environmental Management Programme (EMPr) attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the lifecycle of the mining operation.

### **EA SITE SPECIFIC CONDITIONS**

1. All contractors and employees of the permit holder must be made aware of the EMPr
2. On completion of mining activities, all rocks material in and around the excavations including any stockpiled gravel or oversized rocks but excluding topsoil, shall be returned to the excavated area.
3. Permit holder is required to open 2 trenches with the sizes not exceeding 20m x 10m at a given time.

### **ANNEXURE 1: REASONS FOR THE DECISION**

#### **1. Background**

**Henry Robert Innes Van der Merwe** has submitted an application for EA for the activities listed in the NEMA: EIA Regulations, 2014 as amended:

#### **Government Notice No. Regulation 327 of 07 April 2017**

*Any activity including the operation of that activity which requires a mining permit in terms of section 27 as amended by section 23 of the Mineral and petroleum Resources Development Act, 2002 (Act No. 28 of 2002) as amended, including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 as amended by section 76 of the Mineral and petroleum Resources Development Act, 2002 (Act No. 28 of 2002) as amended [listed activity 21].*

#### 4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process complied with Chapter 6 of the NEMA: EIA Regulations R.982. The PPP included, *inter-alia*, the following:
  - A newspaper advertisement was placed in the local newspaper “Noordwester” dated 24 June 2022;
  - Site notices were placed in the public areas and also on site;
  - Notification letters sent by emails to the Provincial departments which administers law relating to environment;
  - Proof of a meeting held with interested and affected parties;
  - Consent letters from landowner/ lawful occupier and neighbouring farm owners

### ANNEXURE 2: DEPARTMENT STANDARD CONDITIONS

#### 1. SCOPE OF AUTHORISATION

- 1.1 The holder of EA shall be responsible for ensuring compliance with all 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 is 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 holder of the EA contact details change including name of the responsible person, physical or 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 activity/ activities.
- 1.6 The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

subsurface water flow and drainage measures must promote the dissipation of storm water runoff.

- 3.7 Vegetation clearance must be limited on areas where the individual activity/ies will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.8 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No.84 of 1998) protected plant species 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.
- 3.9 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of this 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 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.
- 3.11 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.
- 3.12 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. It is the holder of EA 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.
- 3.13 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes and 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 unusual noisy activities which are planned.
- 3.15 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.
- 3.16 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.

- 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 North West Province Heritage Resource Agency (NWPHERA) (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 North West Province Heritage Resource Agency (NWPHERA).
- 3.18 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.19 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. 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.
- 3.20 Hydraulic fluid 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.
- 3.21 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.
- 3.22 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.23 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.
- 3.24 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMP.
- 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 Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 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 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 licence is issued in respect of that activity if licence is required.
- 3.28 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity/ies until such time that the Minister allows you to commence with such activity/ies in writing.
- 3.29 The Department reserves the right to audit and/or inspect the activity/ies without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.30 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.
- 3.31 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.
- 3.32 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activities, the EA is valid for the period for which the aforesaid mining permit is granted provided that these activities must commence within 1 year. If the commencement of the proposed activities 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.
- 3.33 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 decided.
- 3.34 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.

#### **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 activities 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).
- 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 If applicable a buffer zone of 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licenced to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 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 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 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.
- 4.9 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr 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.
- 4.10 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.11 The holder of EA must ensure that the name 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.
- 4.12 The ECO must:
  - 4.12.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
  - 4.12.2 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.
  - 4.12.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
  - 4.12.4 Keep copies of all environmental reports submitted to the Department.
  - 4.12.5 Keep the records of all permits, licences and authorisations required by the operation.
  - 4.12.6 Compile a monthly monitoring report and make it available to the Department if requested.
  - 4.12.7 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.
  - 4.12.8 The footprint of the activity (ies) 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.

- 4.13 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.
- 4.14 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.
- 4.15 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

## **5 REPORTING TO THE DEPARTMENT**

### **5.1 The holder of EA must:**

- 5.1.1 Submit and Environmental Audit Report to this Department bi-annually and such report must be done by qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPPr/closure plan are adhered to;
- 5.1.2 Identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
- 5.1.3 Identify shortcomings in the EMPPr/closure plan, if applicable;
- 5.1.4 Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPPr/closure plan;
- 5.1.5 If applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
- 5.1.6 Specify the name of the auditor and must be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalized the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 Any complaint received from I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 5.4 The holder of the EA 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.
- 5.5 The holder of the EA must, within 24 hours of incidents occurring, notify the Competent Authority 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, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.

- 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 harmonization 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.

## 12. DISCLAIMER

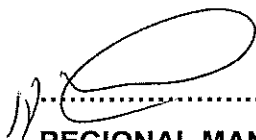
The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently 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.

## 13. RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies 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 activity/ies can be mitigated to acceptable levels. The authorisation is accordingly granted.

Your interest in the future of our environment is appreciated.

Environmental Authorisation Approved By



REGIONAL MANAGER: MINERAL REGULATION

NORTH WEST REGION

DATE: 18/08/2022