



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeeck, Hopley Centre Building, Springbok, 8240

Tel: 027 712 8175 Fax: 027 712 1959 Enquiries: Linda Njemla Email: Linda.Njemla@dmr.gov.za,

Ref: NCS30/5/1/1/3/2/1 (12164) EM

From: Mineral Regulation Sub-Directorate: Mine Environmental Management

The Directors
Trans Hex Operations (Pty) Ltd
405 Voortrekker Road
Parrow
7500

Attention: Ms Abegail Makgatho

Email: abegailm@transhex.co.za

AN 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, 2014 FOR PROSPECTING ON SEA CONCESSION AREA 8B, SITUATED IN THE MAGISTERIAL DISTRICT OF NAMAQUALAND: 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 24L of National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, 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 : appealsdirectorate@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 : (027) 712 1959
E-mail : Pieter.Swart@dmr.gov.za
By post : Private Bag X 14, **Springbok**, 8240
By hand : Hopley Centre Building, Corner van der Stel & van Riebeeck Street, **Springbok**, 8240

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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REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE: 22/03/2019



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Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeck, Hopley Centre Building, Springbok, 8240

ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/1/3/2/1 (12164) EM
Last amended:	First issue
Holder of authorisation:	Trans Hex Operations (Pty) Ltd
Location of activities:	Sea Concession 8B situated in the Magisterial District of Namaqualand: Northern Cape Region

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEA	Department of Environmental Affairs
DEPARTMENT:	Department of Mineral Resources.
EA:	Environmental Authorisation.
ECO:	Environmental Control Officer
EIA REGULATIONS:	EIA Regulations, 2014
EIA:	Environmental Impact Assessment.
EMPr:	Environmental Management Programme
EA:	Integrated Environmental Management
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEM:WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
NEMA:	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
S&EIR:	Scoping and Environmental Impact Report
SAHRA:	South African Heritage Resource Agency

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this integrated 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 "I" of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA and NEMWA, the Department hereby grants an application for EA to Trans Hex Operations (Pty) Ltd with the following contact details –

P. O. Box 723
Parrow
7500

Physical address: Trans Hex Operations (Pty) Ltd
405 Voortrekker Road
Parrow
7500

Tel no: 021 937 2028

Fax no. 086 224 8310

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

NEMA: LISTED ACTIVITIES:

Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 20 – “Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”

The proposed EA application entails the following activities:

- Non-Invasive Prospecting which is geophysical surveys;

Detailed specifications of the activity are as follows:

Proposed prospecting details are as follows:
No physical sampling will be conducted
Co-ordinates
30°44 229 S 17° 29083 E
30° 70533 S 17° 44140 E
30° 70524 S 17° 48053 E
30° 44229 S 17° 33070 E

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 life cycle of the operation.

EA SITE SPECIFIC CONDITIONS

The conditions set in this EA below therefore take cognisance of the following:

- (i) Realisation of co-management of the environmental sector and other environmental legislation have been considered;
 - (ii) Implementation of mitigation measures to address the sustainable use of resources;
 - (iii) Implementation of measures to address the maintenance of biological diversity;
 - (iv) Implementation of measures to address pollution of the ocean environment from both land and sea-based sources;
 - (v) Implementation of measures to ensure co-operation with other marine users;
 - (vi) The interests of the whole community;
 - (vii) Implementation of measures to ensure that the environment for the workers is safe;
 - (viii) Coastal management programmes and promotion of the attainment of coastal management objectives in the area concerned.
-
1. This EA shall be applicable to the activities stipulated in the BAR only which are non-invasive prospecting activities.
 2. Geophysical survey may affect marine life in many ways way specifically marine mammals through Behavioural changes, displacement from habitat and changes in vocalization. This area is situated adjacent to marine mammals African Fur Seal and Cape Crown Cormorants therefore areas that have these should be avoided as far as possible.
 3. Noise exposure to the marine environment shall remain short and be according to the required frequency standards. Guide on best practices are available on the International Union for Conservation of Nature. The EA holder and its contractors shall familiarise themselves with such practices.
 4. Seismic vessels may be used, therefore emission and discharges may occur; for that reason, for any emissions and Discharges to Sea, the EA holder shall comply with MARPOL 73/78 standards and any other applicable Convention, legislation and regulations.

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

- (i) Trans Hex Operations (Pty) Ltd lodged an application for an Environmental Authorisation (EA) for activities listed in the 2017 EIA Regulations on the 23rd March 2018 as:

Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 20 – “Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”

- (ii) This application is supplementary to the prospecting Right and associated activities in terms of Section 24 of the National Environmental Management Act, 1998 (act 107 of 1998) read with Regulation 25 of the Environmental Impact Assessment Regulations, 2017, which are promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended.
- (iii) The company applied in terms of Regulation 19 which requires a submission of a Basic Assessment Report (BAR) which is prepared by Ms Yvonne Gutoona of Archeanresources (Pty) Ltd. The application was checked for compliance with formal requirements and found to be line with the criteria set in the Regulations. The required documents supporting the application were submitted on the 16th August 2018.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form received by the Department on the 23rd March 2018;
- b) The information contained in the final Basic Assessment Report submitted on the 16th August 2018, inclusive of the Environmental Management Programme that contains all the environmental risk associated with the project as well as the mitigation measures;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2017;
- d) Public Participation Process (PPP) conducted by the applicant for a minimum of 30 days;
- e) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, as included in the BAR including the comments from the Ocean and Coast Branch of the Department of Environmental Affairs as the competent authority to ocean related matters;

3. Key factors considered in making the decision

All the information presented to the Department was taken into account upon the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- a. The procedure that has been followed is in accordance with the NEMA and the EIA Regulations of 2017.
- b. A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2017 for public involvement. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMPr .
- c. The Constitution of the Republic of South Africa, 1996, the NEMA principles that promotes sustainable development and other Specific Environmental Management Acts.
- d. The activity will be done through non-invasive prospecting which has no significant impacts on the environment when proper mitigation measures are put in place.
- e. A financial provision of an amount of R10 000 (ten thousand rands) bank guarantee has been received on the 21st February 2019.

4. Findings

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

- a) The project poses no significant threat to the environment (environment as defined in the Act). The information provided by shows no significant impact to the environment and mitigation measures have been recommended. The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process (PPP) attached in terms of the EIA Regulations R.982 of 2017. The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper "Namakwalander" on the on 06th July 2018;
 - Notices were placed at the project site (Site notices were erected on site and at other strategic places;
 - Notices were sent to all key stakeholders and the registered interested and affected parties including State Departments;
 - Registration on a database for Background Information Documents (BID);
 - No objection was received from the consulted interested and affected parties;

ANNEXURE 2

DEPARTMENTAL STANDARD 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 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 deemed 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 (ies) 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 (ies).
- 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.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
- 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 Departmental Standard Conditions on Annexure 2.
- 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.
- 2.5 Provide the registered I&APs with:

- 2.5.1 Name of the holder (entity) of this EA
- 2.5.2 Name of the responsible person for this EA
- 2.5.3 Postal address of the holder;
- 2.5.4 Telephonic and fax details of the holder and
- 2.5.5 E-mail address of the holder if any.

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 Appropriate notification sign must be erected at the site, warning the public (residents, visitors etc.)
- 3.4 If any soil/sand 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 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.
- 3.5 **The protection of all historical and pre-historical cultural resources must remain on site and no mining activity/-ies is/are allowed within 100 diameters from those resources.** Should any heritage remains be exposed during operation or any actions on the site, the following shall be applied:
 - i. All work at the affected area must cease;
 - ii. These must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (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 (NIHRA).
 - iii. The area should be demarcated in order to prevent any further work there until an investigation has been completed;
 - iv. An archaeologist should be contacted immediately to provide advice on the matter;
 - v. Should it be a minor issue, the archaeologist will decide on future action. Depending on the nature of the find, it may include a site visit;
 - vi. If needed the necessary permit will be applied for with SAHRA. This will be done in conjunction with the appointed archaeologis;
 - vii. The removal of such archaeological material will be done by the archaeologist in lieu of the approval given by SAHRA, including any conditions stipulated by the latter;
 - viii. Work on site will only continue after the archaeologist/ SAHRA has agreed to such a matter.

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; maddens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artcrafts 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.

- 3.6 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.7 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.
- 3.8 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.
- 3.9 An appeal under Section 4 (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.
- 3.10 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.
- 3.11 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.
- 3.12 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 granted 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.
- 3.13 This EA will only be effective on the event that a corresponding right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without right.
- 3.14 The listed activity, 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.
- 3.15 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.
- 3.16 If any faunal species of conservation importance are recorded during prospecting, activities should temporarily cease and an appropriate specialist should be consulted to identify the correct course of action;

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 A buffer zone of 30 metres between the activity and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained as per the report by SAHRA.
- 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 licenced 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 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 This EA only authorises activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr.
- 4.10 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, removal or updating of any detail in the aforesaid 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 activity (ies) at all times comply with the issued EA and approved EMPr.
- 4.12 The ECO must:
 - 4.13.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material
 - 4.13 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.

- 4.13.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.13.4. Keep copies of all environmental reports submitted to the Department.
 - 4.13.5. Keep the records of all permits, licences and authorisations required by the operation.
 - 4.13.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.13 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 NEMWA and NEMA
- 4.14 The footprint of the activities must be limited on the areas authorised for operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.15 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.

5 REPORTING TO THE DEPARTMENT

- 5.1 The holder of EA must:
- 5.1.1. submit and Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must 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, 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
 - 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised 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 the 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.
- 5.6 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.6.1 Correct the impact resulting from the incident;
 - 5.6.2 Prevent the incident from causing any further impact; and
 - 5.6.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6. SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at each entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the operation of the site.

7. EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
 - 7.1.1. Site Fire
 - 7.1.2. Spillage
 - 7.1.3. Natural disasters such as floods
 - 7.1.4. Industrial action Contact details of police, ambulances and any emergency centre closer to the site.
- 7.2 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.

8. INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 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. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 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.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

9. CLOSURE

- 9.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 9.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 9.3 The holder of 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). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

10. 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.

11. 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.

12. 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 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.

Kind Regards



.....
REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE..... 22/03/2019