



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593  
Telkom Building, 41 Schmidtsdrift Street, Kimberley 8300

Enquiries: Kgaudi Shapo Ref No: NC 30/5/1/3/2/ (10696BP) EM  
E-mail address: kgaudi.shapo@dmr.gov.za  
Mine Environmental Management

## REGISTERED MAIL

**Municipal Manager**

**Kareeberg Municipality**

**Private Bag X226**

**Carnarvon**

**8925**

For attention: Mr F. Manuel

E-mail: munmanager@kareeberg.co.za

Cell: (053) 3823012

Dear Sir/ Madam

**APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED FOR ACTIVITIES RELATED TO MINING PERMIT (BORROW PIT ) AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF SAND (GENERAL) ON DIE VANWYKSVLEI NEDERSETTING 30, SITUATED IN KAREEBERG MUNICIPALITY NORTHERN CAPE REGION.**

With reference to the above mentioned 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") as amended. 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 has been 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, within 20 days from the date of notification, and such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulation, 2014, by means of one of the following methods:

By post: Attention: Appeals Directorate and Legal review  
The Minister of Department of Environmental Affairs  
Private Bag X 447  
PRETORIA  
0001

By facsimile: (012) 359 3609; or

By hand: Environmental House, Corner Steve Biko and Soutspanberg,  
Arcadia, Pretoria, 0083

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted to Mr Ziyaad Hassam ([appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)).

- 3 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 39 9000, E-mail: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

Should you decide to appeal, you must comply with the National Appeal Regulations, 2014 in relation to notification of all registered interested and affected.

Kind Regards



**REGIONAL MANAGER: MINERAL REGULATION**

**NORTHERN CAPE REGION**

25/09/2019



# mineral resources

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Mine Environmental Management

## REGISTERED MAIL

**Municipal Manager**  
**Kareeberg Municipality**  
**Private Bag X226**  
**Carnarvon**  
**8925**

For attention: Mr F. Manuel  
E-mail: munmanager@kareeberg.co.za  
Cell: (053) 3823012

Dear Sir/Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (AS AMENDED) (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2017: ACTIVITIES RELATED TO MINING PERMIT (BORROW PIT ) AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF SAND (GENERAL) ON DIE VANWYKSVLEI NEDERSETTING 30, SITUATED IN KAREEBERG MUNICIPALITY NORTHERN CAPE REGION.**

Your application in the above regard refers.

## DECISION ON ENVIRONMENTAL AUTHORISATION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2017, as amended ("EIA Regulations") the competent authority herewith **grants** environmental

authorisation to the applicant to undertake the list of activities specified in Section B below and as described in the BAR dated 27<sup>th</sup> August 2018.

The granting of this environmental authorisation is subject to compliance with the conditions set out in Section E below.

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

Kareenberg Municipality

Private Bag X226

Carnarvon

8925

Attention: Mr F. Manuel

E-mail: munmanager@kareeberg.co.za

Cell: (053) 3823012

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

#### **B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R.327 of 07 April 2017 –

Listing Notice 1: Activity Number: 21

Description:

- (a) Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum resources Development Act, 2002 (Act No. 28 of 2002), including (a) associated infrastructure, structures and earthworks, directly related to extraction of a mineral resource, or including activities for which an exemption has been issued in terms of section 106 of Mineral and Petroleum resources Development Act, 2002 (Act No. 28 of 2002);
- (b) The primary processing of a mineral including winning, extraction, classifying, concentrating, and crushing screening or washing; but excluding the secondary processing of a mineral resource, including the smelting beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in the Listing Notice 2 applies.

**PROPERTY DESCRIPTION AND LOCATION**

The listed activities will take place on Die Vanwyksvlei Nedersetting 30, situated in Kareeberg Municipality Northern Cape Region.

The SG digit codes are: C01700020000000700000

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

	LONGTUTE	LATITUTE
A	30°15'40.02"S	21°56'40.59"E

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

Guillaume Nel Environmental Consultants

Carina Nel

P. O. Box 2632

Paarl

7620

Tel: 0218701874

E-mail: carina@gnec.co.za

**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(ies) indicated in the EA and or on the approved EMPr.

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- 1.4 Where any of the holder 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 activity (ies).
  - 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.
  18. The holder of an authorisation as the case may be, must apply for a closure certificate upon the lapsing, abandonment or cancellation of the permit in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a permit relate to. 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 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4 Appropriate notification sign(s) must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.6 Vegetation clearance must be limited to 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 the 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 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.

- 3.10 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the operation. It is the applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.12 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.14 Residents (if any) on the property (ies) 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 The EA holder before the mining can commence must adhere with SAHRA and /or NCHRA condition or comments or recommendation. 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



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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 excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.19 Hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 3.20 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

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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 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, 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 (books or 0538328091 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 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is issued provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken. The activity (ies) must take place on the property (ies) which will be issued on the mining permit.
- 3.33 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.34 The listed activity (ies), 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.
- 3.35 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.
- 3.36 If the EA holder is not the surface owner must before commencement of the mining activities consult with the land owners for reasonable compensation of damages such

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as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.

3.37 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.

#### **4 MANAGEMENT OF ACTIVITY (IES)**

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (ies) 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 property (ies). 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 activity (ies) 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 Mining vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
- 4.10 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 are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.
- 4.13 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 mining area form part of mining permit.
- 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 activity (ies) at all times comply with the issued EA and approved EMPr.

## 4.16 The ECO must:

- 4.16.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material;
  - 4.16.2. Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints;
  - 4.16.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
  - 4.16.4. Keep copies of all environmental reports submitted to the Department;
  - 4.16.5. Keep the records of all permits, licences and authorisations required by the operation; and
  - 4.16.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.17 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 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.
- 4.19 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 gablons 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 skips and 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

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applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.

- 4.23 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 4.24 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
- 4.25 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.26 Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
- 4.27 If any soil contamination is noted during mining period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.
- 4.28 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

## **F. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

### **1. An appellant must –**

- 1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;

1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;

1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;

1.4. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

2. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Appeals Directorate and Legal review

The Minister of Department of Environmental Affairs  
Private Bag X 447  
PRETORIA  
0001

By facsimile: (012) 359 3609; or

By hand: Environmental House, Corner Steve Biko and Soutspanberg,  
Arcadia, Pretoria, 0083

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted to Mr Ziyaad Hassam.

3 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 399 9000, E-mail: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

#### G. DISCLAIMER

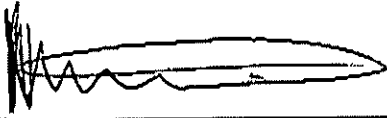
The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently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



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compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**Regional Manager: Mineral Regulation (Northern Cape)**

DATE OF DECISION: 25/09/2019

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**FOR OFFICIAL USE ONLY:****EIA REFERENCE NUMBER:**

NC 30/5/1/3/3/2/1 (10696 BP) MEM

**REASONS FOR THE DECISION**

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on the 25<sup>th</sup> July 2018, the Basic Assessment Report and Environmental Management Plan ("EMP")/closure plan received by the competent authority on the 27<sup>th</sup> August 2018;
- b) Relevant information contained in the Departmental information base, including, the Department's circular on the One Environmental Management System dated 08<sup>th</sup> December 2014;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") as amended;
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the Basic Assessment Report dated 27<sup>th</sup> August 2018;
- e) This application was submitted in terms of the 2017 NEMA Environmental Impact Assessment Regulations ("EIA Regulations") as amended;
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit; and
- H) The financial provision to the amount of **R109, 923.50** which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

**1. Exemption**

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process ("PPP") in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2017 (as amended) was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP and the

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Department was satisfied with the documentation that was submitted as a proof of the whole process.

## 2. Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R. 326.

The PPP conducted as part of the Basic Assessment process included:

- Identification of and engagement with I&APs;
- registered letter;
- Newspaper advertised notice;
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

## 3. Alternatives

No alternatives has been considered because the close proximity of the borrow pit to the proposed construction area will limit the hauling distance.

## 4. Impacts, assessment and mitigation measures

### 4.1. Activity Need and Desirability:

The borrow pit will provide bedding material to be used during the construction of the water pipeline from Carnarvon to van Wyksvlei.

### 4.2. Regional/ Planning Context:

The borrow pit will positively contribute to the social, health and economic environment of the area.

### 4.3. Services/ Bulk Infrastructure:

No bulk infrastructure will be erected.