



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

DMR 10

Private Bag X33, Welkom, 9460, Tel: 057 391 1342, Fax: 057 357 6003  
The Strip Building, 314 Stateway Street, Welkom, 9459

Enquiries: Ms. N.Mhlarhi Ref: FS 30/5/1/1/3/2/1 (10527) EM  
E-Mail Address: [Nkateko.Mhlarhi@dmr.gov.za](mailto:Nkateko.Mhlarhi@dmr.gov.za)  
Sub-Directorate: Mine Environmental Management

## BY REGISTERED MAIL

The Directors  
Lenitrax (Pty) Ltd  
P.O Box 900-200  
Pyramid  
0120

For attention: **Mr Tshepo Baloyi**  
Tel: **082 537 7278**  
Fax: **086 536 7278**  
E-mail: [tshepob@vodamail.co.za](mailto:tshepob@vodamail.co.za)



**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED), FOR PROSPECTING DIAMONDS IN RESPECT OF THE FARM DE RUST 1201 SITUATED WITHIN THE MAGISTERIAL DISTRICT OF FAURIESMITH IN THE FREE STATE REGION.**

With reference to the abovementioned application, please be advised that this office has decided to **grant** an environmental authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998). 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 (as amended) you are instructed to notify all registered Interested and Affected Parties, in writing within 14 (fourteen) calendar days, from the date of this office's decision in respect of your application and the relevant provisions regarding the lodgement of an 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 (Free

State 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 as amended by means of the methods as per prescribed below:

**Appeal must be submitted in writing to the Department of Environmental Affairs**

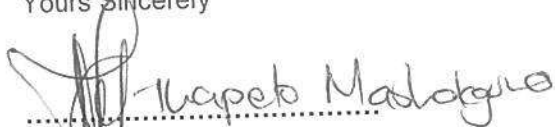
Attention : Mr Z. Hassam, Director: Appeals and legal Review  
Email : [appeals@environment.gov.za](mailto:appeals@environment.gov.za)  
Tel : (012) 399 9356  
By post : Private Bag X447, Pretoria, 0001  
By hand : Environmental House, (473 Steve Biko) Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

**Copy of the lodged appeal to the Department of Mineral Resources**

Attention : Regional Manager: Free State Region  
By facsimile : 057 357 6003  
E-mail : [mamokete.mpatane@dmr.gov.za](mailto:mamokete.mpatane@dmr.gov.za)  
By post : Private Bag X33, Welkom, 9460  
By hand : The Strip Building, 314 Stateway Street, Welkom, 9459

Should you decide to appeal, you must comply with the National Appeal Regulations of 2014 in relation to notification of all registered Interested and Affected Parties, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Yours Sincerely



K. KEWUTI

ACTING REGIONAL MANAGER: MINERAL REGULATION  
FREE STATE REGION

DATE: 19/06/2019



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

DMR 10

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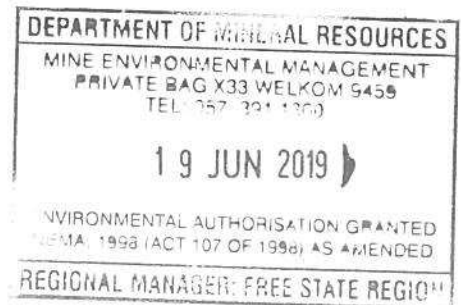
## ENVIRONMENTAL AUTHORISATION

Reference number: FS 30/5/1/1/3/2/1 (10527) EM  
Last amended: First Issue  
Holder of Authorisation: Lenitrax (Pty) Ltd  
Location of activity: The Farm De Rust 1201 situated in the Magisterial District of Fauresmith in the Free State Region.

## DECISION

### ACRONYMS

NEMA: The 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  
S&EIR: Scoping and Environmental Impact Report  
I&AP: Interested and Affected Parties  
ECO: Environmental Control Officer  
SAHRA: South African Heritage Resources Agency  
EIA REGULATIONS: EIA Regulations, 2014 (as amended)  
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



**NWA:** National Water Act, 1998 (Act 36 of 1998) as amended.

**EIA:** Environmental Impact Assessment.

**FINANCIAL PROVISIONING REGULATIONS:** The National Environmental Management Act, 1998 (Act 107 of 1998), regulations pertaining to the financial provision for prospecting, exploration, mining or production operations.

This office 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 activity specified below. Details regarding the basis on which this office reached this granting decision are set out in **Annexure "1"** and **"2"** of this Environmental Authorisation.

#### ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby **Grants** an EA to **Lenitrax (Pty) Ltd** with the following contact details –

**Lenitrax (Pty) Ltd**

P.O Box 900-200

Pyramid

0120

**For attention:** Mr .Tshepo Baloyi  
**Tel:** 082 537 7278  
**Fax:** 086 536 7278  
**E-mail:** [tshepob@vodamail.co.za](mailto:tshepob@vodamail.co.za)



to undertake the following activity listed in the EIA Regulations.

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

Listed in the EIA Regulations GNR 327 of 2017 as follows:

*Activity 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-*

(a) associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource; or

(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, 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 Listing Notice 2 applies”.

Detailed specifications of the activity are as follows:

Proposed prospecting activities details are as follows:

Area under application- 1 500 ha

**Phase 1: Non-invasive prospecting activities.**

- Data collection, geological interpretation and projection.
- Resource mapping and surface sampling.
- Desktop study.
- Planning logistics of the physical drilling programme.
- Geological mapping sampling and analysis.
- Planning of logistics of the physical drilling programme.



**Phase 2: Invasive prospecting activities.**

- Installation of ablution facilities.
- Existing access roads will be utilised.
- Diesel tank storage.
- Water will be sourced locally from Luckhof and transported to the drilling sites. Water tanks with the capacity of 15000 litres will be installed on site. A temporary 260 litres vertical water storage tank for drinking water and general use will be provided at the drill sites.
- Erection of temporary offices.
- Drilling (15 boreholes) of an average of 100 meters in depth (6 boreholes in phase 2 and 9 boreholes in phase 3 respectively).
- 1 borehole per 100 hectares with a dimension of 450m x 100m(depth)
- Sampling.

### Phase 3: Rehabilitation phase:

- Drill sumps must be backfilled with the excavated material and respreads with stored topsoil.
- Maintain and minimise impacts to the ecosystem within the application area.
- Re-establishment of the pre-developed land capability to allow for a suitable post-prospecting area.
- Prevent soil, surface water and ground water contamination.
- Comply with the relevant local and national regulatory requirements.
- Maintain and monitor the rehabilitated areas.
- The visible remains of concrete, either solid, or from washings, shall be physically removed immediately and disposed of as waste.
- All excess aggregate shall be removed.
- Shape, level and de-compact the final landscape after removing all the project infrastructure, dress with topsoil and where necessary vegetate with indigenous species.
- Remove access roads with no beneficial re-use by ripping, shaping and levelling after the removal and disposal of any culverts, drains, ditches and or infrastructure. Natural drainage patterns are to be reinstated as closely as possible.
- Shape all channels and drains to smooth slopes and integrate into the natural drainage pattern.
- Construct contour banks and energy dissipating structures to protect disturbed areas from erosion prior to stabilisation.
- Promote re-vegetation through the encouragement of the natural process of secondary succession.
- Remove alien and/or exotic vegetation.
- Undertake a seeding programme where necessary.
- Permanent survey markers must be kept to a minimum and wooden pegs must be used instead steel pegs.

### Phase 4: Monitoring and maintenance

Provision must be made to monitor any unforeseen impact that may arise as a result of the proposed prospecting activities and incorporated into post-closure monitoring and management.

### Phase 5: Post-closure monitoring and maintenance.

Prior to decommissioning and rehabilitation activities, a monitoring programme shall be developed

and submitted to the relevant authority for approval, as a part of the final rehabilitation plan.

**The Farm De Rust 1201**

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The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions). The 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 mining operation.

**EA SITE SPECIFIC CONDITIONS**

1. Land owners and occupiers must be re-consulted at least 1 month prior to any site activities being undertaken once drill sites have been identified.
2. Prior the commencement of prospecting activities it is incumbent on the right holder to ensure that a Heritage Impact Assessment (HIA) is conducted.
3. Any heritage resources that may be impacted such as archaeological or paleontological resources, built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflicts, and cultural landscapes or viewsapes must also be assessed.
4. The PalaeoSensitivity Map on SAHRIS indicates zero, moderate and high paleontological sensitivity in the proposed area. Therefore, the SAHRA APM Unit requires a desktop Palaeontological Impact Assessment conducted by a professional palaeontologist to be included in the HIA.
5. If the property is very small or disturbed and there is no significant site, the heritage specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.
6. Before any invasive activity commence onsite, a suitably qualified ECO must inspect the site for the presence of any endangered fauna.
7. A chance Find Protocol must be adhered to, if fossils are found once coring has commenced they must be rescued, and a palaeontologist must be called to assess and collect a representative sample.

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| <b>DEPARTMENT OF MINERAL RESOURCES</b>  |
| MINE ENVIRONMENTAL MANAGEMENT<br>PRIVATE BAG X33 WELKOM 9459<br>TEL: 057 391 1300 |
| <b>19 JUN 2019</b>  |
| ENVIRONMENTAL AUTHORISATION GRANTED<br>(EMA, 1998 (ACT 107 OF 1998) AS AMENDED)   |
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8. Maintain a minimum of 500m buffer from any infrastructure or dwelling.
9. Ecology survey of any identified drill site and access routes that may fall within any critical endangered ecosystems must be conducted before drilling activities are conducted.
10. Accommodation must not be provided onsite.
11. Once the core drilling sites have been identified they must be inspected by a heritage specialist.
12. Indigenous animals and birds that are found in the area must not be harmed and must be protected as far as it is practicable.





## ANNEXURE 1: REASONS FOR THE DECISION

### 1. Background

Lenitrax (Pty) Ltd submitted an application for an EA for an activity listed in the EIA Regulations as:

#### Listed in the EIA Regulations GNR 327 of 2017 as follows:

**Activity 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-

(a) associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource; or

(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcination or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies”.

### 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 24<sup>th</sup> of July 2018;
- b) The information contained in the revised BAR & EMPr received by the Department on the 26<sup>th</sup> of April 2019;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations ;
- d) Public Participation Process (PPP) attached in the BAR and EMPr.
- e) Relevant information contained in the Departmental information database, including, the Department’s circular on the One Environmental Management System dated 8 December 2014;
- f) The comments received from “I&APs” and the responses provided thereon, as included in the revised BAR and EMPr received by the Department on the 26<sup>th</sup> of April 2019;

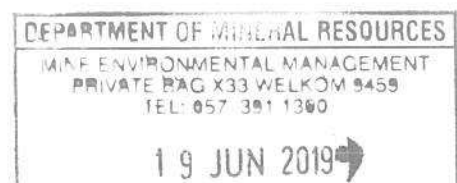


- g) The comments from the South African Resources Agency received by the Department on the 3<sup>rd</sup> of June 2019;
- h) The sense of balance of the negative and positive impacts and mitigation measures;
- i) The Environmental Emergency Procedure Report included in the BAR and EMPr,
- j) The Environmental Awareness Plan Report included in the BAR and EMPr,
- k) The applicant has determined the financial provision as required in terms of the Financial Provisioning Regulations, 2015. Moreover, an amount of **R 161,099.15** was calculated to be the environmental liability associated with this EA. This amount is deemed sufficient to cater for the purposes set in regulation 2 of the Financial Provisioning Regulations. This amount must be made available before any activities are conducted on site.

### 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) Sufficient PPP was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations for public involvement;
- b) The environmental impacts associated with the activity will be addressed by the implementation of mitigation measures outlined in the BAR and EMPr compiled by Yvonne Gutoona of Archean Resources (Pty) Ltd and submitted to the Department on the 26<sup>th</sup> of April 2019;
- c) The Environmental Awareness Plan contained in the BAR and EMPr submitted to the Department on the 26<sup>th</sup> of April 2019; compiled by Yvonne Gutoona of Archean Resources (Pty) Ltd is sufficient.
- d) The rehabilitation and closure plan contained in the revised BAR and EMPr submitted to the Department on the 26<sup>th</sup> of October 2019 is sufficient.



#### 4. Findings

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

- a) The potential impacts on the site were clearly investigated and mitigation measures were also outlined.
- b) The PPP complied with Chapter 6 of the EIA Regulations R 982. The PPP included, *inter-alia*, the following:
  - Identification of and engagement (public meeting) with I&APs;
  - Fixing a notice board at the site where the listed activity is to be undertaken;
  - Giving written notice to the owners and occupiers of land including the owners and occupiers of the land adjacent to the site where the listed activity is to be undertaken, the municipality, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity; and
  - The newspaper adverts published on Volksblad Newspaper on the 27<sup>th</sup> of September 2018.



## ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

### 1. SCOPE OF AUTHORISATION

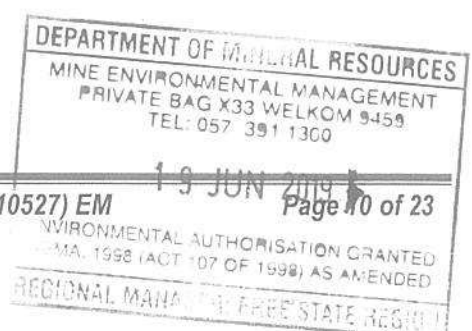
- 1.1 The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to 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 the 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 activity (ies), which is/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 authorized 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 regulation 4(2) of the EIA Regulation 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 in 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 NEMA: 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 The site establishment and drilling must not exceed an area of 0.64ha per drill site.
- 3.2 Prepare drill pads and benches with the minimum of disturbance and earthwork required.
- 3.3 Minimise vegetation removal by avoiding large trees and leave rootstock in the ground to assist with stabilisation and natural regeneration.
- 3.4 The dozing of earth and excavated material down steep slopes from which it cannot be readily recovered is to be avoided.
- 3.5 Avoid creating hard bare rock areas which cannot support vegetation growth.
- 3.6 Sumps must be situated away from the drip line of trees to avoid impacts on the root zone.
- 3.7 The use of an excavator to assist in the construction of the pads must be done on steep slopes.
- 3.8 Drill holes that are likely to intersect artesian aquifers must be pre-collared and have a pressure cementing casing of adequate strength and to a sufficient depth.
- 3.9 All the mitigation matters to prevent negative environmental impacts must be implemented as the BAR and EMPr.
- 3.10 No activity is to occur within wetlands and their 100m buffer zones, within rivers and their 100m buffer zones/ 1: 100 year flood line without the necessary authorization under NEMA and NWA.

- 3.11 Protected species must remain in situ until the necessary permits are obtained under NEM: BA.
- 3.12 Heritage sites and 50m buffer zones will be preserved at all times unless the necessary permits are obtained under SAHRA.
- 3.13 Heritage studies must be conducted by a specialist once prospecting sites are identified, before a specialist conduct heritage assessment the holder is permitted to commence with the non-invasive prospecting activities only. Invasive prospecting can commence after a heritage impact assessment has been conducted on the proposed sites.
- 3.14 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 3.15 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.16 Access routes for prospecting vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of prospecting vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.17 Appropriate notification sign must be erected at the prospecting site, warning the public (residents, visitors etc.) about the hazard around the prospecting area and presence of heavy vehicles and machinery.
- 3.18 Prospecting and all related activities must be limited to daytime hours on Mondays to Saturdays and no work must be undertaken on Sundays as indicated in your report.
- 3.19 Noise abatement equipment such as mufflers on diesel engines must be maintained in good condition.
- 3.20 Prospecting 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.
- 3.21 Vegetation clearance is not permitted, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.22 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 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.
- 3.23 Construction of storage areas is not permitted onsite, topsoil and subsoil must be protected from contamination or pollution.
- 3.24 All prospecting activities must occur in the low flow season, during the drier months.
- 3.25 An active search for floral and faunal Species of Conservation Concern (SCC) must be conducted in areas where prospecting activities are planned prior to such activities taking place.

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| DEPARTMENT OF MINERAL RESOURCES  |                           |
| MINE ENVIRONMENTAL MANAGEMENT<br>PRIVATE BAG X33 WELKOM 9459<br>TEL: 057 391 1300  |                           |
| Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM | 19 JUN 2012 Page 12 of 23 |
| ENVIRONMENTAL AUTHORISATION GRANTED<br>EMA, 1998 (ACT 107 OF 1998) AS AMENDED      |                           |
| REGIONAL MANAGER: FREE STATE REGION  |                           |



the anticipated prospecting footprint along with all access roads and the immediate vicinity must be investigated.

- 3.26 Any activity proposed within the water courses and associated buffer zones, including rehabilitation must be authorized by the DWS in terms of section 21 (c) & (i) of the National Water Act, 1998 ( Act 36 of 1998).
- 3.27 The prospecting activity foot print must fall outside the 1:100 year flood line of the watercourse or 100m from the edge of the feature, whichever distance is the greatest.
- 3.28 Prospecting activities must not take place on sensitive areas as indicated on the sensitivity map, the sensitivity map must be considered when selecting prospecting areas.
- 3.29 The construction of site camp is not permitted.
- 3.30 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.
- 3.31 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treatment, reuse and disposal where appropriate. 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.
- 3.32 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the NWA, 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.
- 3.33 Heritage remains be exposed during operation or any actions on the site, these must immediately  
Prospecting vehicle must be serviced and maintained in the manner whereby no excessive smokes are produced and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorized landfill site.
- 3.34 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusual noisy activities are planned.
- 3.35 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.

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- 3.36 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.
- 3.37 Maintenance and refuelling of machineries must be done at specified areas to minimize soil contamination.
- 3.38 Drilling muds must be contained in lined drill sumps, and the material must be removed from site and disposed in an environmental friendly manner.
- 3.39 Spill kit must be available on each site where prospecting activities will be taking place.
- 3.40 Should any be reported to the South African Heritage Resource Agency (SAHRA) and (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 SAHRA. The Department must also be informed about such exposure in writing. 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.
- 3.24 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.
- 3.25 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.
- 3.26 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).
- 3.27 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.

Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM



- 3.28 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.29 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.
- 3.30 The holder of EA must note that in terms section 43A of NEM: WA, 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 Plan or 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 Environmental Management Plan or EMPr.
- 3.31 The holder of EA must note that in terms section 20 of the NEM: WA, 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.
- 3.32 An appeal under Section 43 (7) of NEMA suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.33 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.
- 3.34 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.
- 3.35 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.
- 3.36 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.
- 3.37 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed Prospecting activity is valid for the period for which the aforesaid Right is 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.
- 3.38 This EA will only be effective on the event that a corresponding Permits or rights is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without permit.
- 3.39 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.

*Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM*

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| DEPARTMENT OF MINERAL RESOURCES<br>MINE ENVIRONMENTAL MANAGEMENT<br>PRIVATE BAG X33 WELKOM 5159<br>TEL: 057 359 1211 |
| Page 15 of 23  |
| 19 JUN 2019  |
| ENVIRONMENTAL AUTHORISATION GRANTED<br>(M.A. 1958 (ACT 107 OF 1958) AS AMENDED)                                      |
| REGIONAL MANAGER: FREE STATE REGION  |

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.

- 3.40 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is the EA holder's responsibility to bring it to the attention of the Department for resolution.
- 3.41 Should any Species of Conservation Concern (SCC) or other protected floral and faunal species be encountered within the study area, the following must be done
- ❖ If any threatened species will be disturbed, ensure effective relocation of individuals to suitable offset areas
  - ❖ Permit applications must be obtained from the relevant authorities where applicable; and
  - ❖ A suitable qualified specialist must oversee all rescue and relocation plans.

#### 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 (lies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).
- 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 metres between the activity (ies) and the residential areas, cemeteries or burial grounds, Eskom power lines and the fuel pipe line 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 licenced to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.8 All watercourses are off-limits to all prospecting vehicles and personnel

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Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM 19 JUN 2019 Page 16 of 23

ENVIRONMENTAL AUTHORISATION GRANTED  
M.A. 1998 (ACT 107 OF 1998) AS AMENDED  
REGIONAL MANAGER FREE STATE REGION

- 4.9 All sanitary facilities provided onsite must be emptied on a weekly basis and be maintained in a good hygienically condition.
- 4.10 No fire is permitted in or near the prospecting area
- 4.11 Alien and invasive vegetation control must take place throughout the duration of the prospecting activities
- 4.12 Alien species must be eradicated and controlled to prevent their spread beyond the footprint area.
- 4.13 Alien and weed species encountered within the footprint area must be removed to comply with the existing legislation (amendments to the regulations under the Conservation of Agricultural Resources Act, 1983 and section 28 of the National Environmental Management Act, 1998).
- 4.14 Collection of plant material for any purpose is prohibited.
- 4.15 Hunting or trapping of fauna is not allowed.
- 4.16 Existing farm roads must be utilised, no new access roads must be established
- 4.17 All vehicles must be regularly inspected for leaks.
- 4.18 Refuelling of vehicles and machineries must take place on a sealed surface area to prevent soil contamination.
- 4.19 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.
- 4.20 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.
- 4.21 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.
- 4.22 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
- 4.23 In the event of vehicle breakdown, maintenance must be done with care. Drip trays must be used to control oil spillages.
- 4.24 All oil spillages must be immediately cleaned up and treated accordingly.
- 4.25 Sheet runoff from access roads must be slowed down by the strategic placement of berms
- 4.26 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.
- 4.27 All alien vegetation in the vicinity of the study area should be removed regularly and reseeded with indigenous grasses and sedges throughout the life cycle of the of the prospecting activities

- 4.28 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.
- 4.29 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.
- 4.30 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.31 Rehabilitation must be applied on an on-going basis and no sites must be left exposed for more time than necessary to obtain the necessary data.
- 4.32 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 available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.
- 4.33 The ECO must:
- 4.33.1 Keep and maintain a detailed incidents register including any spillages of fuels, chemicals or any other material.
  - 4.33.2 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.
  - 4.33.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
  - 4.33.4 Keep copies of all environmental reports submitted to the Department.
  - 4.33.5 Keep the records of all permits, licences and authorisations required by the operation.
  - 4.33.6 Compile a monthly monitoring report and make it available to the Department if requested.
- 4.34 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 NEMA.





## 5. REPORTING TO THE DEPARTMENT

5.1 The holder of EA must:

- 5.1.1 Submit and Environmental Audit Report to this Department annually 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 EMPr 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 EMPr , if applicable;
- 5.1.4 Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr/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) of the EIA Regulations be identified, the holder must submit recommendation to amend the EMPr 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 as contemplated in the Financial Provisioning Regulations, 2015 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.

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| Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM                                   | 19 April 2018 |
| ENVIRONMENTAL AUTHORISATION GRANTED<br>NEMA, 1998 (ACT 107 OF 1998) AS AMENDED<br>REGIONAL MANDATE FREE STATE REGION |               |

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 –

5.6.1.1 Correct the impact resulting from the incident;

5.6.1.2 Prevent the incident from causing any further impact; and

5.6.1.3 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

7.1.3 Spillage

7.1.3 Natural disasters such as floods

7.1.4 Industrial action

7.1.5 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. COMMISSIONING AND DECOMMISSIONING

9.1 The commissioning and decommissioning of individual activity within the overall listed prospecting activity must take place within the phases and timeframes as set out in EMPr

## 10. SITE CLOSURE

10.1 The holder of EA must apply for a closure certificate in terms of section 43 of the MPRDA within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.

10.1.1 The application for closure indicated above must be submitted together with all relevant documents as indicated in section 43 of the MPRDA.

10.1.2 Vegetation growth must be retained around the proposed prospecting areas to protect the soil.

DEPARTMENT OF MINERAL RESOURCES  
MINE ENVIRONMENTAL MANAGEMENT  
PRIVATE BAG X33 WELKOM 9459  
TEL: 057 351 1300

Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM 19 JUN 2019 Page 21 of 23

ENVIRONMENTAL AUTHORISATION GRANTED  
MMA, 1998 (ACT 107 OF 1998) AS AMENDED  
REGIONAL MANAGER: FREE STATE REGION

- 10.1.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.
- 10.1.4 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 the MPRDA. Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.
- 10.1.5 The following must also be implemented as per the BAR and EMPr:
- 10.1.5.1 Removal of infrastructures ( drill rig, mobile diesel tank, mobile water tank and chemical toilet
- 10.1.5.2 Capping boreholes as per legal requirements
- 10.1.5.3 Ensure that no foreign matter is left behind on the drill site
- 10.1.5.4 Refilling the sump required for the drilling activities, the plastic lining will be removed and disposed of in a registered landfill site and the soil returned for rehabilitation purposes.
- 10.1.5.5 The drill sites will be inspected for any signs of hydrocarbon pollution.
- 10.1.5.6 Any identified soil polluted will be removed and disposed of in an environmental friendly manner
- 10.1.5.7 Any area compacted as a result of the drilling will be ripped and any ruts created by accessing or leaving the site for the drilling activity will be filled in to prevent erosion.
- 10.1.5.8 Re-vegetation in the affected areas, and
- 10.1.5.9 The applicable land owners will be requested to inspect the rehabilitated sites.

## 11. 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 organs 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;

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| Environmental Authorisation for file reference number FS 30/5/1/1/3/2/1 (10527) EM |  |
| 19 JUN 2015 Page 22 of 23  |  |
| ENVIRONMENTAL AUTHORISATION GRANTED  |  |
| NEMA 1998 (ACT 107 OF 1998) AS AMENDED   |  |
| REGIONAL MANAGER FREE STATE REGION   |  |

- 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.

## 12. DISCLAIMER

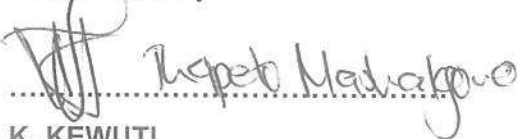
The Department, in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for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

## 13. RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMPr, 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.

Yours Sincerely

  
 K. KEWUTI

ACTING REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGION

DATE.....19/06/2019.....