



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Tel: 027 712 8160, Fax: 086 590 9711
Hopley Building, Van der Stel Street, Springbok, 8240

Enquiries: Ms D. A. Karsten **Ref:** NCS30/5/1/1/3/2/1 (12135) EM
E-Mail Address: Deidre.Karsten@dmr.gov.za
Sub-Directorate: Mine Environmental Management

REGISTERED MAIL

The Manager
West Coast Resources (Pty) Ltd
P O Box 723
PAROW
7499

Attention: Abegail Makgato

email: abegailm@transhex.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND NATIONAL ENVIRONMENTAL MANAGEMENT: THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR PROSPECTING ON FARMS KOINGNAAS NO 475, LINTJIES RIVER NO 484, HONDEKLIPBAY AND LANGKLIP NO 489 WITHIN THE MAGISTERIAL DISTRICT OF NAMAQULAND : 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 24 L of the National Environmental Management Act (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, 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 : appealsdirector@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 : (053) 807 1700
E-mail : Pieter.Swart@dmr.gov.za
By post : Private Bag X 6093, **KIMBERLEY**, 8300
By hand : Telkom Building, 41 Schmits Drift Street, **Kimberley**, 8300

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

.....
REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE:



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Private Bag X 14, Springbok, 8240, Tel: 027 712 8160, Fax: 086 590 9711
Hopley Building, Van der Stel Street, Springbok, 8240

ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/1/3/2/1 (12135) EM
Last amended:	First issue
Holder of authorisation:	West Coast Resources (Pty) Ltd
Location of activities:	Koiingnaas no 475, Lintjies River no 484, Hondeklipbay and Langklip no 489

DECISION

ACRONYMS

NEMA:	The National Environmental Management Act, 1998 (Act no 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
NHRA:	National Heritage Resources Agency
SAHRA:	South African Heritage Resources Agency
EIA REGULATIONS:	EIA Regulations, 2014
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) as amended
NEMA: WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended
EIA:	Environmental Impact Assessment

The Department is satisfied, on the basis of information availed 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(ies) 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, the Department hereby **grants** an application for EA by **West Coast Resources (Pty) Ltd** with the following contact details –

Ms Abegail Makgato

P O Box 723
PAROW
7612

Tel no: 021 937 2000

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 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 [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)]

(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.”

Activity 27- “ The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) The undertaking of linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

The description of prospecting activities includes non-invasive and invasive prospecting. The non-invasive activities will consist of airborne geophysical survey which entails a helicopter borne magnetic and SKYEM electromagnetic geophysical survey will be flown in an orientation perpendicular specific target areas within the prospecting area. Resource estimation includes capturing of the borehole, geophysical survey and analytical data/ results into the electronic database.

The initial invasive prospecting activities will consist of 10 and 40 diamond ore drill boreholes drilled as part of phase 2 and 3 respectively to a depth of approximately 500m and 250m respectively. No drill pads will be cleared, keeping disturbances to the native vegetation to the absolute minimum. The drill sumps will be filled in, the drill area rehabilitated and photographed.



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

1. Protected plant species must not be removed (disturbed, cut and destroy their products which may not be possessed, collected, removed, transported, exported, donated, purchased or sold) unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
2. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones
3. An Integrated Water Use License (IWUL) must be obtained from the Department of Water and Sanitation (DWS) prior commencement of activity.
4. Wetland and riverine areas are to be considered as no go zones unless authorisation is obtained. Ensure that construction activities are outside the demarcated wetland area. No activity should be allowed to encroach on to wetland system.



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

West Coast Resources (Pty) Ltd submitted an application for an EA for activities listed in the EIA Regulations.

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

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 [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)]

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The initial invasive prospecting activities will consist of 10 and 40 diamond ore drill boreholes drilled as part of phase 2 and 3 respectively to a depth of approximately 500m and 250m respectively. No drill pads will be cleared, keeping disturbances to the native vegetation to the absolute minimum. The drill sumps will be filled in, the drill area rehabilitated and photographed.

West Coast Resources (Pty) Ltd appointed EOH Coastal & Environmental Services (Pty) Ltd to undertake the Basic Assessment Report as required by Regulation 19 of the EIA Regulations.

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 31st January 2018;
- b) The information contained in the final BAR received by the Department on 22nd June 2018.
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) attached in (*Appendix B*) of the EMPr.
- e) The Rehabilitation Plan (Impact management) described in the EMPr
- f) The Environmental Awareness Plan described in the EMPr.
- g) The Palaeontological Assessment were compiled by John Peters prepared for Archean Resources. The conclusion and recommendations are as follows: The impact of the proposed prospecting programme is considered in the LOW. It is recommended that a requirement to be alert for possible fossil materials and archaeological material exposed in interdune blowouts, or in areas disturbed by mining (deflating dumps, eroding sides of excavations), be included in the Environmental Management Plan (EMP) for the proposed prospecting operations. Due the scarcity of fossil bones in the project area it is important that such ephemeral opportunities to rescue fossil bones and buried archaeology must not be overlooked. Such discoveries will result in a positive impact for palaeontology arising from the proposed prospecting operations

The mitigation measures proposed include:

- Implementation of an archaeological and palaeontological awareness programme
 - Implementation of the Fossil Find Procedure
 - Small fossil or archaeological finds may be encountered when sieving the sand samples prior to analysis. It is recommended that such material be kept and bagged, recording the details of the sample as for a fossil find. These samples should be examined by a specialist and finds of importance deposited in a curatorial institution.
- h) A Heritage Impact Assessment was prepared for West Coast Resources (Pty) Ltd by Tim Hart from the Archaeology and Heritage Specialists (ACO Associates CC). The conclusion of the report states that it is questionable that this study should have been required as it arguable does not trigger and HIA in terms of the NHRA. The proposed activity will not change the character of the site, does not involve rezoning or consolidation and the combined area of the landscape that will be affected is less than 5000sqm. It must be understood that the proponent is applying for prospecting rights only. Applications for rights to mine or bulk sample triggers an entirely new application and EIA process and must therefore be treated separately.

If the prospecting application is approved, and this does in time lead to a more intensive activity (such as bulk sampling) or mining a renewed application will be required. This impact assessment is an overall appraisal of the entire project area in response to a very limited and essentially non-invasive intervention. In contrast mining, if it does happen will be limited to a specific target or mining area



where the intervention on the landscape will be both destructive and invasive with the potential for significant impact on the heritage. In this event focussed heritage impact assessments must be carried out on the mining application areas that involve as near

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.

- i) 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 2014 for public involvement.
- j) The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMPr compiled by Kim Brent of EHO Coastal & Environmental Services.
- k) The Rehabilitation Plan (Impact management) described in the EMPr
- l) The Environmental Awareness Plan described in the EMPr.

4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process (PPP) attached in (Appendix 2A of the BAR and EMPr complied with Chapter 6 of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
 - Notices were placed at the project site;
 - Notices were sent to all key stakeholders and the registered interested and affected parties;
 - Registration on a database for Background Information Documents (BID);
 - Comments and issues raised by interested and affected parties were adequately addressed.

The following comments were received:

SAHRA: The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit does not accept the HIA or PIA submitted to the case, as the current EA and Prospecting Right application has not been assessed. SAHRA cannot endorse this proposed development and advises the Department of Environmental Affairs (DEA) and the Department of Mineral Resources (DMR) to reject the application to prospect on Koiingnaas 475, Zwart Lintjies River no 484, Hondeklipbay and Lang Klip no 489 Namakwaland Magisterial District, Northern Cape Province (NCS 30/5/1/1/2/1 12135PR). No HIA has been conducted as per section 38 (8) of the NHRA for the proposed development.

This comment must be forwarded directly to the competent authorities and proof of the submission and receipt must be provided to SAHRA.



DENC: Please find below some comments on the Basic Assessment Report: NCS 12135PR

Main Concerns and requests:

Baseline environment not adequately described.

- The section on the baseline environment (section 5, starting on page 30) lacks information on protected and sensitive species occurring on or close to the prospecting area (Damara terns and seal).
- Damara terns breed during the summer months on salt pans along the coast in the Northern Cape. These pans are one of only a few locations in South Africa where these critically endangered tern breed, and any disturbance, driving or walking on the pans should be forbidden.

Damara terns (*Stena balaenaru*) is listed as critically endangered on the marine TOPS list (National Environmental Management: Biodiversity Act (10:2004): Lists of marine species that are threatened or protected, restricted activities that are prohibited and exemption from restrictions, Regs GN476-30 May 2017). Harassment of Damara tern is a restricted activity for which a permit is needed. Damara tern is sensitive to human disturbance while breeding, and any activities in the salt pan will disturb the tern to such an extent that they may abandon chicks or nests, and discontinue their breeding on the pan.

- The largest breeding colony of Africa Fur Seals in South Africa is north of Kleinsee on the coast west of Karaspan (Red line on maps added in Appendix). This is inside/ adjacent to the prospecting area. This area should be avoided during the summer breeding period, as disturbance can cause stampeded and injury to pups and pupping females. Harassment of seals is a restricted activity under the marine TOPS regulations.
- A map of the proposed prospecting line in relation to the Critical Biodiversity Areas identified in the Northern Cape CBA map (available from <http://bqis.sanbi.org/Projects/Detail/203>) should be included in the assessment.

Map of sensitive areas where disturbance should be prohibited.

- Please include a map of sensitive areas. It should indicate restricted areas (all salt pans, but especially Dreyerspan, Karaspan and Bloupan), as well as buffer areas of 1km around salt pans on the seal colony.
- Any disturbance (including driving and walking) should be prohibited during all times in restricted areas.
- Drilling should be prohibited during the summer months in the buffer areas, to prevent disturbance to breeding terns and seals.

Other comments:

1. In the description of activities (page 16) it is indicated that vehicle access will be gained to the veld during mapping, and that temporary access roads maybe established to drill sites.
2. In the description of the sampling activities (page 17), it is indicated that surface sampling holes will be backfilled and rehabilitated. It is not indicated if the drill holes will also be backfilled and rehabilitated, or just sealed off. Please indicate what will happen to the drill holes (estimated 100 holes) after sampling took place.
3. In the description of sampling activities (page 17), please indicate how much time will be spent on each drill site.



4. Please indicate where samples will be taken for testing/ analyses, and also where samples will be discarded.
5. Please indicate where the soil that will be used for backfilling will come from.
6. Please include the Marine TOPS regulations under the Legislation/ Policy/ Guidelines table, since some of the Marine TOPS species occur on or close to the prospecting areas (African Fur Seal, Damara Tern, commorants).
7. Please include the Northern Cape Critical Biodiversity Area Map (the Biodiversity Plan for the Northern Cape under Legislation/ Policy/ Guideline Table).
8. Important considerations in the Basic Assessment include: CBA maps, Protected Area Expansion maps (provincial and national), sensitive habitats (National Freshwater Ecosystems).
9. Please reflect to what extent you consulted and incorporated the national Mining and Biodiversity Guideline developed by DEA (2013)



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 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 activities.
- 1.6. The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1. The holder of IEA 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
- 2.5.4 Postal address of the holder;
- 2.5.5 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 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.4 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.
- 3.5 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.
- 3.6 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the 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.
- 3.7 All vehicle must be serviced and maintained in the manner whereby no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.8 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.9. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.10 **The protection of all historical and pre-historical cultural resources must remain on site and no prospecting 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, these must immediately be reported to the South African Heritage Resource Agency (SAHRA). 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).

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.

- 3.11 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.12 Hydraulic fluid or chemicals 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.
- 3.13 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.
- 3.14 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).
- 3.15. 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.
- 3.16. The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.17. 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.
- 3.18. The holder of EA must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the Environmental Management Plan or Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 3.19. 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.

- 3.20. 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.
- 3.21 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.
- 3.22 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.
- 3.23 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.
- 3.24 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.
- 3.25 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.
- 3.26 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.
- 3.27 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 decided.
- 3.28 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

4. MANAGEMENT OF 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).
- 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 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must 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 IEA 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 IEA 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 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.12 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.
- 4.13 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.



- 4.14 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA
- 4.15 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.
- 4.16 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.
- 4.17. 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.
- 4.18. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

5 REPORTING TO THE DEPARTMENT

5. 1. The holder of EA must:

- 5.1.1. submit and Environmental Audit Report to this Department 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 EMPr/closure plan are adhered to;
 - 5.1.2 identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
 - 5.1.3 identify shortcomings in the EMPr/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 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) be identified, the holder must submit recommendation to amend the EMPr/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 –
- 5.6.1.1 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 IEA.

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 IEA and the person responsible for the operation of the site.

7. EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the IEA 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
 - 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 mining activity must take place within the phases and timeframes as set out in EMP or EMPr.

10. SITE CLOSURE

- 10.1 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.
- 10.2 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.
- 10.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes
- 10.4 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 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

11. ADDITIONAL CONDITIONS

- 11.1 The water user is expected to assess all the potential water uses (associated with mining) as defined under section 21 of the National Water Act, 1998 (Act 36 of 1998). All identified water uses will need to be authorized in terms of Section 40 of the National Water Act, unless such a water use is permissible under section 22 of the Act.

12. 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.

13. 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.

14. 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

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REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE.....