



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093, Kimberley, 8300, 41 Schemidtsdrift Street, Telkom Building, Kimberley, 8301  
Tel: 053 807 1778 /1700 Fax: 053 832 5671 Email: [Takalani.Khorombi@dmr.gov.za](mailto:Takalani.Khorombi@dmr.gov.za), Ref: NC30/5/1/1/2/12076PR

From: Mineral Regulation      Enquiries: Takalani Khorombi  
Sub-Directorate: Mine Environmental Management

The Directors  
Nyezi Holdings (Pty) Ltd  
19 West Brooke Drive  
**SANDTON**  
2196  
By E-Mail: [mtshite@yahoo.com](mailto:mtshite@yahoo.com)  
[info@nyezi.co.za](mailto:info@nyezi.co.za)

**ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) READ WITH REGULATION 19 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS 2014, FOR PROSPECTING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON SCHMIDTSRIFT 248 PORTION 1 IN ADMINISTRATIVE DISTRICT OF HERBERT IN NORTHERN CAPE**

With reference to the abovementioned application, please be advised that the Department has decided to **grant** environmental authorisation for in terms of 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

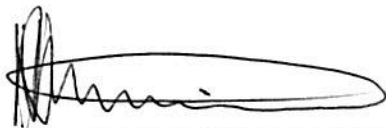
**Attention** : Directorate Appeals and Legal Review  
**Email** : [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)  
**By post** : Private Bag X 447, **PRETORIA**, 0001  
**By hand** : Environmental House, Corner Steve Biko and Soutpansberg Street,  
Arcadia, **Pretoria**,0083

## 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](mailto:Pieter.swart@dmr.gov.za)  
**By post** : Private Bag X 6093, **KIMBERLEY**, 8300  
**By hand** : Perm Building, 65 Phakamile Mabija Street, Kimberley, 8301

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:** 25/10/2019.....



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093, Kimberley, 8300, 65 Phakamile Mabija Street, Perm Building, Kimberley, 8301

Tel: 053 807 1778 /1700Fax: 053 832 5671 Email: [Takalani.Khorombi@dmr.gov.za](mailto:Takalani.Khorombi@dmr.gov.za)

## ENVIRONMENTAL AUTHORISATION

<b>Reference Number</b>	NC30/5/1/1/2/12076PR
<b>Last Amended</b>	First Issued
<b>Holder of Authorisation</b>	Nyezi Holding (Pty) Ltd
<b>Location</b>	SCHMIDTSRIFT 248 PORTION 1

## DECISION

### ACRONYMS

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

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014, ("EIA Regulations") the department herewith **grants** environmental authorisation to the **Nyezi Holding (Pty) Ltd** to undertake the list of activities specified in Section B below and as described in the Basic Assessment Report dated March 2017.

The Directors  
Nyezi Holdings (Pty) Ltd  
19 West Brooke Drive  
**SANDTON**  
2196

### **DECISION ON ENVIRONMENTAL AUTHORISATION**

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

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

The Directors  
Nyezi Holdings (Pty) Ltd  
19 West Brooke Drive  
**SANDTON**  
2196

The abovementioned **Nyezi Holding (Pty) Ltd** is the holder of this EA and is hereinafter referred to as "the holder".

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

**Activities Number:** 20 Government Notice No. R.983 of 4 December 2014 –

**Activities Description:**

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

The abovementioned list is hereinafter referred to as “the listed activities”.

### **C. PROPERTY DESCRIPTION AND LOCATION**

The listed activities will take place on Portion 1 of Schmidtsdrift 248, situated in the Magisterial District of Herbet, Northern Cape region.

Co-ordinates of the boundary of the properties are those that are described in the final site layout map attached hereto:

A	23.99838	-28.73995
B	24.00648	-28.72151
C	24.00476	-28.69593
D	24.02069	-28.66462
E	24.01845	-28.66359
F	24.01605	-28.66281
G	24.01151	-28.6619
H	24.00984	-28.6615
I.	24.00157	-28.66056
J	24.00097	-28.66178
K	24.96965	-28.6712
L	24.96135	-28.68489

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

Zandile Dwane  
Cell No. 083 265 7992  
[kamvisto@gmail.com](mailto:kamvisto@gmail.com)

### **E. EA SITE SPECIFIC CONDITIONS**

- Protected plant species that could be identified within mining area should not be removed and/or destroyed unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).

- 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 of Orange River
- Always remove and retain topsoil for subsequently rehabilitation.
- Clearance of vegetation should be limited to that absolutely necessary for the operation of the mine.
- Concurrent rehabilitation must be apply during the mining operation. When opencast mine technique is used, the extent of void may be minimised by progressive direct backfilling of overburdens in the mined out sections of the pit.
- Identified graves within the prospecting area must be protected.
- in the event of discovery of other heritage resources in future phases of the project, the Provincial Heritage Resources Authority or SAHRA must be alerted immediately and an archaeologist or heritage expert called to attend.
- If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, the Provincial Heritage Resources Authority or SAHRA must be alerted immediately.
- Any further recommendations and conditions provided by the SAHRA are supported and must be adhered to.
- Mine dams must be designed in manner that protect/prevent water from percolating to the ground.
- Regular monitoring must be conducted to all the environmental management measures

## **F. CONDITIONS OF AUTHORISATION**

1. This environmental authorisation is conditional upon the implementation of the approved EMPr.
2. This environmental authorisation will only be effective in the event that a corresponding prospecting right is issued in terms of the MPRDA and none of

the listed activities in this authorisation may commence without such prospecting right being issued.

3. This environmental authorisation does not absolve the holder of its obligation to comply with the requirements of the National Water Act and any other applicable legislation.
4. Subject to the commencement and duration requirements of the MPRDA, the EA for the listed mining activities is valid for the period for which the aforesaid right/prospecting right is granted provided that this activities must commence within 10 years.
5. The commissioning and decommissioning of individual activities within the overall listed mining activities must take place within the time periods as set out in the EMPr.
6. The listed activities, including site preparation, must not commence within 30 (twenty) calendar days of the date of the notification of the decision being sent to the registered Interested and Affected Parties ("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.
7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4(2) of the EIA Regulations.

7.1 Notify all registered I&APs of –

- 7.1.1 the outcome of the application;
  - 7.1.2. the reasons for the decision as included in Annexure 1;
  - 7.1.3. the date of the decision; and
  - 7.1.4. the date of issue of the decision;
8. 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 Regulation, 2014 detailed in Section F below; and

9. draw the attention of all registered I&APs to the manner in which they may access the decision.
10. Provide the registered Interested and Affected Parties with:
  - 10.1 name of the holder (entity) of this Environmental Authorisation;
  - 10.2 name of the responsible person for this Environmental Authorisation;
  - 10.3 postal address of the holder;
  - 10.4 telephonic and fax details of the holder; and
  - 10.5 e-mail address if any. Parasite

11. The holder is responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

11.1 The holder of the EA must implement an Emergency Preparedness Plan and review it biennially when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.

11.2 This EA only authorises activities specified in the EMPr and a new EA on must be applied for in respect of any new activities not specified as part of the BAR EMPr

11.3 A copy of the environmental authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMPr must be available on site to the aforesaid authorised official on request at all times.

12 Whenever any of the applicant's contact details, physical or postal address and/ or telephonic details change, the applicant must notify the competent authority in writing to that effect.



13. Non-compliance with a condition of this environmental authorisation 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.
14. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the Provincial Heritage Resources Authority. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
15. 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.
16. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the all phases/ of implementation before commencement of any land clearing to ensure compliance with the EMPr and the conditions contained herein.
17. The holder of the environmental authorisation must:
  - 17.1 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.

17.2 The holder of the authorisation must appoint an independent auditor to audit the site biennially. This auditor must compile an audit report documenting the findings of the audit.

The audit report must:

17.2.1 specifically state whether conditions of this environmental authorisation and EMPr are adhered to;

17.2.2 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;

17.2.3 identify shortcomings in the EMPr, if applicable;

17.2.4 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr ;

17.2.5 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate; and

17.2.6 be submitted by the holder to the competent authority within 30 calendar days from the date on which the auditor finalised the audit.

18. Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr in order to rectify any shortcomings identified with the aforementioned audit report.

19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.

20. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

21. The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest must be adhered to.
22. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
23. This approval doesn't purport to absolve from their common law obligations towards the owner(s) of the surface of land affected.
24. Mining activities must conform to all legislation and such other conditions as may be imposed by the Regional Manager or any other official of this office, duly authorized thereto.
25. The Department is responsible for all surface disturbances on the mining area, which includes all historical surface disturbances.
26. The operation must comply with GN 704 (Regulations on use of water for mining and related activities aimed at the protection of water resources).
27. No waste will be allowed to be deposited in a natural drainage lines, erosion gullies and or dongas, unless agreed thereto in writing with the Regional Manager.
28. The operation must implement and control measures that will prevent the pollution of any water resource by oil, grease, fuel or chemicals.
29. All topsoil must be stripped and stockpile for the future rehabilitation.
30. During the operation must ensure that it comply with all declared weeds must be controlled continuously in terms of Reg.15 and 16 of Act 43 of 1983.

31. At all the times keep any natural water free from any matter or obstruction which may affect the efficiency thereof
32. The environment affected by this operation shall be rehabilitated by the holder of the right holder.
33. Regular monitoring of all the environmental management measures shall be done to ensure that the conditions are being adhered to.

## **G. APPEALS**

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

### **1. An appellant must –**

- 1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 30 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
  - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
  - 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

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

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

Tel:                            (012) 399 9356

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

By e-mail:                    [Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za)

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

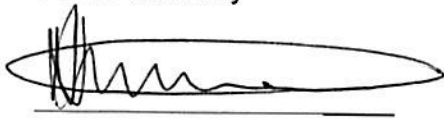
4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at URL <http://www.deat.gov.za>

## **G.    DISCLAIMER**

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

Your interest in the future of our environment is appreciated.

Yours faithfully

A handwritten signature in black ink, consisting of several vertical strokes followed by a wavy line, enclosed in a horizontal oval shape.

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

Date of decision: 25/10/2019

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

NC/30/5/1/1/2/12076 EM

**ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) The information contained in the application form which was received on the 13 October 2017. The Basic Assessment Report (BAR) and the Environmental Management Programme ("EMPr").
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
- d) The comments received from Interested and Affected Parties ("I&APs") and the
- h) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- i) The pre site inspection was not conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

## **1. Public Participation**

The PPP conducted as part of the EIA process included:

- identification of and engagement with I&APs;
- A notices were also placed on the different places and on the notice board at the close vicinity of the project site.
- These advertisements were compiled in both English and Afrikaans and published in Khatu Gazette on the 20th of September 2016
- At the entrance to the Tsantsabane Local Municipality offices
- On the fence along the main road at the start of the Prospecting Area
- On the gate of a farm house situated near the end of the Prospecting Area
- Affected and interested parties were registered
- Giving written notice to the owners and occupiers of land adjacent to the site
- Contacting the land owner and having personal meeting with him and the adjacent neighbouring property owners.
- Advertising the process in the local newspaper to invite public comment
- Phoning and then emailing the BID to all interested and affected parties

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

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

## 2. Impacts, assessment and mitigation measures

### 2.1. Activities Need and Desirability

Whilst the activity of prospecting itself will not benefit the surrounding communities or create employment, it will confirm the geology and feasibility of future mining prospects in line with the MPRDA.

Creating employment opportunities and improving social infrastructure are key goals set out in the Tsantsabane Local Municipality Integrated Development Plan ("IDP") and the establishment of any future mine would provide job opportunities for unskilled, and potentially skilled, labour from the surrounding areas.

During the prospecting activities, local services (drilling company, laboratory etc.) will be utilised as far as possible.

### 2.2. Topsoil management

- Topsoil shall be removed from all areas where physical disturbance other surface will occur
- The topsoil removed, shall be stored in a bund wall on the high ground side of the mining area outside the 1:50 flood level within the boundaries of the mining area.
- Topsoil shall be kept separate from overburden and shall not be used for building or maintenance of access roads.
- The topsoil stored in the bund wall shall be adequately protected from being blown away or being eroded.

### 2.3. Waste management

- Chemical toilet facilities or other approved toilet facilities such as a septic drain shall preferably be used and sited on the camp site in such a way that they do not cause water or other pollution.



- All effluent water from the camp washing facility shall be disposed of in properly constructed French drain, situated as far as possible, but not less than 200 metres, from any stream, river, pan, dam or borehole.
- Only domestic type wash water shall be allowed to enter this drain and any effluents containing oil, grease or other industrial substances must be collected in a suitable receptacle and removed from the site, either for resale or for appropriate disposal at a recognised facility.

#### 2.4. Biodiversity

- All remaining natural corridors identified as significant biodiversity features must be mapped identified as “no-go area”.
- No flora may be removed, damaged or disturbed except to the extent necessary for the carrying out the work.

#### 2.5. Oil spillage

- Spills shall be cleaned up immediately and/or the removing the spillage together with the polluted to the satisfaction manner.
- Non-biodegradable refuse such as glass bottles, plastic bags, metal scrap, etc., shall be stored in a container at a collecting point and collected on a regular basis and disposed of at a recognised disposal facility. Specific precautions shall be taken to prevent refuse from being dumped on or in the vicinity of the camp site.
- Biodegradable refuse generated from the office/camp site, processing areas vehicle yard, storage area or any other area shall either be handled as indicated above or be buried in a pit excavated for that purpose and covered with layers of soil, incorporating a final 0,5 metre thick layer of topsoil (where practicable).

#### 2.6 Rehabilitation of excavated areas.

- Rocks and coarse material removed from the excavation must be dumped into the excavation simultaneously with the tailings.
- Waste will not be prospecting right to be deposited in the excavations.
- Once excavations have been refilled with overburden, rocks and coarse natural materials and profiled with acceptable contours and erosion control measures, the topsoil previously stored, shall be returned to its original depth over the area.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analyzed and any deleterious effects on the soil arising from the mining/prospecting operation, be corrected and the area be seeded with a vegetation seed mix to his or her specification.

### 3. 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.

#### **4. Conclusion**

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

-END-