



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593

41 Schmidtsdrift Road, Telkom Building, Kimberley 8300

Ref No: NC 30/5/1/3/3/2/1/ (10663) MP

Enquiries: Johannes Nematatani

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Mine Environmental Management

## **BY HAND**

The Directors

Thaya Trading Enterprise (Pty) Ltd

9705 Eerste Laan

Rooisand

**Kathu**

8446

For attention: Kwindla Nobaza

Cell: (071) 959 9207

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (AS AMENDED) (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: ACTIVITIES RELATED TO MINING PRODUCTION AND ASSOCIATED INFRASTRUCTURE FOR MINING PERMIT FOR DIAMONDS ON A CERTAIN PIECE OF ERF 10, SITUATED IN THE MAGISTERIAL DISTRICT OF BARKLEY WEST, NORTHERN CAPE PROVINCE.**

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 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) 8328 593

**E-mail** : [Ntombi.Mayekiso@dmr.gov.za](mailto:Ntombi.Mayekiso@dmr.gov.za)

**By post** : Private Bag X 6093, **Kimberley**, 8300

**By hand** : DMR Building, 41 Schmidtsdrift Road, **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

  
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**REGIONAL MANAGER: MINERAL REGULATION**

**NORTHERN CAPE REGIONAL OFFICE**

**DATE:** 11/12/2019.....



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## ENVIRONMENTAL AUTHORISATION

<b>Reference number:</b>	NC 30/5/1/3/3/2/1/ (10663) MP
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Thaya Trading Enterprise (Pty) Ltd
<b>Location of activities:</b>	A Certain Piece of ERF 10, situated in the magisterial district of Barkley West, Northern Cape Province.

## 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>EMPr:</b>	Environmental Management Programme
<b>BAR:</b>	Basic Assessment 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>EIA:</b>	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** and **EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this integrated environmental authorisation.

### **ACTIVITY APPLIED FOR**

By virtue of the powers conferred on it by NEMA the Department hereby grant an application for EA by **Thaya Trading Enterprise (Pty) Ltd** with the following contact details –

The Directors  
Thaya Trading Enterprise (Pty) Ltd  
P.O Box 51288  
Waterfront  
8002

**Tel no:** (071) 959 9207      **Email address:** [khnobaza@gmail.com](mailto:khnobaza@gmail.com)

To undertake the following activities listed in the NEMA and EIA Regulation.

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

**Government Notices No. R.983 of 4 December 2014 as amended –**

#### **Activity Number: 21 of GNR983**

Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction 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).

## PROPERTY DESCRIPTION AND LOCATION

A listed activity will take place on certain piece of ERF 10, situated in the magisterial district of Barkley West, Northern Cape Province.

The SG digit code is:

**C00700000000010000000**

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

## EA SITE SPECIFIC CONDITIONS

1. Caution must be exercised at all times when working closer to Power lines and pylons of Eskom. Safe distances must be observed as determined by ESKOM from time to time. Where necessary permission must be sought from Eskom as well as Mine Health Safety directorate of the Department of Mineral Resources.
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. Water Use License (WUL) 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

**Thaya Trading (Pty) Ltd** submitted an application for an EA for activities listed in the EIA Regulations Listed Activities.

**Thaya Trading (Pty) Ltd** appointed **Zandile Dwane** to review the Basic Assessment Report and Environmental Management Programme Report process 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 19<sup>th</sup> March 2018;
- b) The information contained in the BAR was received by the Department on 19<sup>th</sup> March 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 on BAR and online;

### 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. 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
- b. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the BAR compiled by **Zandile Dwane**.

- c. Financial provision to the value of **R45 548.00** has been submitted in a form of cash deposit. The applicant has been advised to upgrade the financial provision once the EA is issued as it has been noted that the applicant is planning to excavate 20 trenches of 25m X 15m which can reach the depth of 7m.

#### **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 *EMPr* included, *inter-alia*, the following:
- A newspaper advertisement was placed in the local newspaper (DFA);
  - Public participation Materials are attached on annexure A of BAR.
  - No objections were received from the consulted interested and affected parties;



## **ANNEXURE 2**

### **DEPARTMENTAL STANDARD CONDITIONS**

#### **1. SCOPE OF AUTHORISATION**

- 1.1.** The holder of EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2.** Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3.** The activities, which are authorised, may only be carried out at the property indicated in the EA and or on the approved BAR.
- 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 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 EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:

**2.2** Notify all registered I&APs of –

**2.2.1.** The outcome of the application;

**2.2.2.** The date of the decision;

**2.2.3.** The date of issue of the decision and;

**2.2.4.** The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions on Annexure 2.

**2.3** Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,

**2.4** Draw the attention of all registered I&APs to the manner in which they may access the decision.

**2.5** Provide the registered I&APs with:

**2.5.1.** Name of the holder (entity) of this EA

**2.5.2.** Name of the responsible person for this EA

**2.5.3.** Postal address of the holder;

**2.5.4.** Telephonic and fax details of the holder and

**2.5.5.** E-mail address of the holder if any.

## **3. COMMENCEMENT OF THE ACTIVITY (IES)**

**3.1.** In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).

- 3.2. This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3. Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4. Appropriate notification sign must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5. Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.6. Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.7. The holder of EA must note that in terms of the National Forest Act (Act No.84 of 1998) protected plant species, must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and fisheries.
- 3.8. Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.9. If any soil contamination is noted at any phase of the proposed activities the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.



- 3.10. An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.11. In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the 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.
- 3.12. Construction 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 authorized landfill site.
- 3.13. Residents (if any) on the property and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.14. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.15. 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.
- 3.16. The **protection of all historical and pre-historical cultural resources must remain on site and no mining activities 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