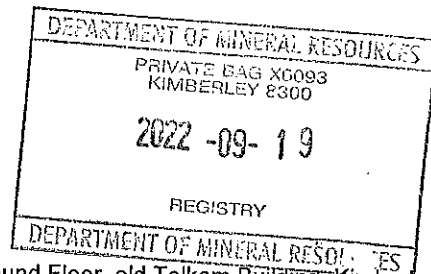




# mineral resources & energy

Department:  
Minerals Resources and Energy  
REPUBLIC OF SOUTH AFRICA



Private Bag X 6093, Kimberley, 8300, 41 Schimidtdrift Road Ground Floor, old Telkom Building, Kimberley 8300  
Tel: 053 807 1750 Fax: 053 832 5671 Email: Machalla.Ramaboea@dmr.gov.za Ref No: (NC) 30/5/1/2/3/ 2/1/252 (00170) MR

**From:** Mineral Regulation

**Enquiries:** Machalla Ramaboea

The Company

**Hotazel Manganese Mine (Pty) Ltd**

P.O Box 8186

Johannesburg

2000

Dear Sir/Madam

**APPLICATION FOR RECTIFICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, UNLAWFULLY COMMENCED WITH LISTED ACTIVITIES IN TERMS SECTION 24F OF THE NEMA, THE ACTIVITIES RELATED TO MINING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF MANGANESE ORE ON PORTION 4 OF THE FARM ADAMS NO.328, PORTION 5 OF THE FARM GOULD NO.329 AND FARM SINTERFONTEIN NO. 748, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN, 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 Environmental Impact Assessment Regulations, 2014 ("EIA Regulations"). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the EIA Regulations, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, of the date of the Department's decision in respect of your application and the provisions regarding the making of appeals must be provided for in terms of the National Appeal Regulations, 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs, within 20 days from the date of notification, and such appeal

must be lodged as prescribed by Chapter 2 of the National Appeal Regulation, 2014 by means of one of the following methods:

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

By facsimile: (012) 359 3609; or

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

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

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

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

Kind Regards



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*Act* REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGION

DATE 19/04/2022.....



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Minerals Resources and Energy  
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## ENVIRONMENTAL AUTHORISATION

Reference number: (NC) 30/5/1/2/3/2/252 (00170)MR  
Holder of authorisation: Hotazel Manganese Mine (Pty) Ltd  
Latest rectification: First Rectification(Section 24G of NEMA)  
Location of activity: Portion 4 of the farm Adams no.328, portion 5 of the farm Goold no.329 and farm Sinterfontein no. 748, situated in the Magisterial District of Kuruman, Northern Cape Region

## ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended  
DEPARTMENT: Department of Mineral Resources.  
EA: Environmental Authorisation.  
EMPr: Environmental Management Programme  
BAR: Basic Assessment Report  
I&AP: Interested and Affected Parties  
ECO: Environmental Control Officer  
SAHRA: South African Heritage Resources Agency  
EIA REGULATIONS: Environmental Impact Assessment 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 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 (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** of this environmental authorisation.

## ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by **Hotazel Manganese Mine (Pty) Ltd** with the following contact details –

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

The Company

**Hotazel Manganese Mine (Pty) Ltd**

P.O Box 8186

Johannesburg

2000

E-mail: wonder.sigwebela@south32.net

Tell: +27 53 742 2020

**B.** Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 8 December 2014

<b>NEMA and NEMWA Activities</b>	<b>Actual Activity</b>
Government Notice No. R983 Listing Notice 1 as Amended in GNR327 of 7 April 2017  27. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for____  (i) The undertaking of a linear activity:  (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.	The establishment of the North-East topsoil soil stockpile(14ha)
Listed activity in terms of NEMWA (921 of 2013) as amended: Category A	The use of Adams pit for the disposal of general waste (including rubbles and conveyor belts)

**C. LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA GNR 326, 8 DECEMBER 2014  
(as amended on April 2014)**

<b>NEMA Activities</b>	<b>Actual Activity</b>
<p>Government Notice No. R983 Listing Notice 1 As Amended in GNR327 of 7 April 2017</p> <p>27. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for___</p> <p>(i) The undertaking of a linear activity:</p> <p>(ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The establishment of the North-East topsoil soil stockpile(14ha)</p>

**D. PROPERTY DESCRIPTION AND LOCATION**

The topsoil stockpile area is located on Hotazel Manganese Mines (Pty) Ltd (Mamatwane) which is located approximately 25 km to the south of the town Hotazel, in the John Taolo Gaetsewe District Municipality (JTGDM) and Joe Morolong Local Municipality (JMLM) of the Northern Cape Province of South Africa

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

<b>Point No</b>	<b>Y coord</b>	<b>X coord</b>	<b>Longitude</b>	<b>Latitude</b>
1	1954,11	3026834,97	27°21'13.72053S	22°58'48.90006E
2	1808,62	3026735,48	27°21'10.48899S	22°58'54.19422E
3	1340,49	3027579,29	27°21'37.90487S	22°59'11.22357E
4	1512,65	3027703,04	27°21'41.92465S	22°59'04.95863E

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

**SLR Consulting (South Africa) (Pty) Ltd**

P.O Box 1596

Cramerview

2060

For attention: **Natasha Smyth**

E-mail: [nsmyth@slrconsulting.com](mailto:nsmyth@slrconsulting.com)

Tell: 011 467 0945

## **F. CONDITIONS OF AUTHORISATION**

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

- 1.1. The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holders of the EA contact details change including the name of the responsible person, physical/postal address or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- 1.6. The holder of the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
- 1.8. The holder of an authorisation as the case may be, must apply for an closure certificate upon the lapsing, abandonment or cancellation of the right in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a right relate . An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, and relinquishment.

## **2 APPEAL OF AUTHORISATION**

- 2.1 The holder of EA must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with EIA Regulation 4(2)-
- 2.2 Notify all registered I&APs of –
  - 2.2.1 The outcome of the application;
  - 2.2.2. The date of the decision;
  - 2.2.3. The date of issue of the decision and;
  - 2.2.4 The reasons for the decision as included in Annexure 1 and this Annexure 2 (Departmental Standard Conditions).
- 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,
- 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

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

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Roads for vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4 Appropriate notification sign(s) must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the prospecting site and presence of heavy vehicles and machinery.
- 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, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation

(NCNCA) Act no. 9 of 2009 must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.

- 3.8 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 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.11 Residents (if any) on the property and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.12 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.13 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (NCHRA) (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (NCHRA). Ensure that the monitoring programme for palaeontology are fully implemented.

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked



human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 3.14 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.
- 3.15 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) at all times comply with the approved EMPr.
- 3.16 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.
- 3.17 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.
- 3.18 The Department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio- visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.
- 3.19 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 issued provided that this activity must commence within 10 years. If the commencement of the mining 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.

#### 4 SITE SPECIFIC MANAGEMENT OF ACTIVITIES.

- 4.1. Areas devoted to the stockpiling of topsoil must fenced, gated and locked
- 4.2. Access to the topsoil stockpiles must be controlled by the Environmental Specialist or a suitable delegated person;
- 4.3. No topsoil may be removed without the prior consent of the Environmental Specialist;
- 4.4. A record of all topsoil transfers must be kept by the Environmental Specialist, this must include:
  - 4.4.1. The date of transfer;
  - 4.4.2. The volume transferred; and
  - 4.4.3. The reason for the transfer, and the area to where the topsoil has been approved for use;
  - 4.4.4. Topsoil stockpiles must be shaped to facilitate shedding of rainwater and prevent ponding and infiltration; and
  - 4.4.5. Invasive species must be removed in accordance with invasive species management programme
- 4.5. A topsoil management plan must be developed for the management this activity.
- 4.6. 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.
- 4.7. 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.
- 4.8. Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.
- 4.8. Any changes to or deviations from the activity description set out above must be approved in writing by the competent authority before such changes or deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the

significance and impacts of such changes or deviation and it may be necessary for the EA holder to apply for further authorisation in terms of the regulations.

4.20 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

## H. 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



**MR VINCENT MULA**

**ACTING REGIONAL MANAGER: MINERAL REGULATION**

**NORTHERN CAPE REGION**

DATE OF DECISION: 19/09/2002

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

NC 30/5/1/2/3/2/1/252 (00170) MR

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

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on the **17<sup>th</sup> of September 2020**, scoping report received on the **31<sup>st</sup> of July 2019** and Environmental Impact Report (EIR) and its Environmental Management Programme (“EMP”) received on the **27<sup>th</sup> of June 2020**;
- b) Site inspection conducted on the **25<sup>th</sup> of August 2021**;
- c) Administration fine issued by this Department on the **22<sup>nd</sup> of February 2022**;
- d) Proof of payment for administration fines dated **17 March 2023**;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) as amended;
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, as included in the EIR;
- h) The company provided sufficient amount of financial provision for the year 2021 which covers the activity applied for.

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

## **1. EXEMPTION**

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority.

## **2. PUBLIC PARTICIPATION**

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

The PPP conducted as part of the EIR process included:

- Notification to landowner and surrounding land owners;
- meetings;
- registered letters;
- Newspaper adverted notice;
- Site notice

## **3. ALTERNATIVES**

The area applied for rectification is the preferred site, no other alternatives in regard to the preferred site.

## **4. EMERGENCY PREPAREDNESS PLAN**

4.1 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:

- 4.1.1. Site Fire
- 4.1.2. Spillage
- 4.1.3. Natural disasters such as floods
- 4.1.4. Industrial action
- 4.1.5. Contact details of police, ambulances and any emergency centre closer to the site.

- 4.2. The holder of EA must ensure that an updated emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

## **5. INVESTIGATIONS**

- 5.1 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.
- 5.2 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.
- 5.3 Investigations carried out in terms of conditions 5.1 and 5.2 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.
- 5.4. Should the investigation carried out as per conditions 5.1 and 5.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

## **6. COMMISSIONING AND DECOMMISSIONING**

- 6.1 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.

## **7. SITE CLOSURE**

- 7.1 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.

7.2 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.

7.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.

## **8. IMPACTS IDENTIFICATION MINIMISATION AND REMEDIATION**

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management programme mitigation measures.

## **5. 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.

## **6. 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-