



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Roggebaai, 8012, Tel: 021 427 1000, Fax: 021 427 1046
The Box, 15th floor, Cnr of Riebeeck and Lower Burg Street, Cape Town, 8001

Enquiries: Willy van Breda **Ref:** WC 30/5/1/3/2/10294 MP

E-Mail Address: willy.vanbreda@dmre.gov.za

Sub-Directorate: Mine Environmental Management

Barend Bartholomeus Theron
21 Melsetter Estate
Bernard Road
Lovemore Heights
Port Elizabeth
6070

Attention: Barry Theron
Email: barry.theron@vodamail.co.za
Cc email: botmaj@tiscali.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR MINING PERMIT APPLICATION IN RESPECT OF MINING ACTIVITIES FOR GRAVEL ON A PORTION OF THE REMAINDER OF THE FARM LEEUWENFONTEIN 6 SITUATED IN THE MAGISTERIAL DISTRICT OF MURRAYSBURG: WESTERN CAPE REGION

With reference to the above-mentioned application, please be advised that the department has decided to **grant** environmental authorisation in terms 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 Forestry, Fisheries and Environment and a copy of such appeal to the Department of Mineral Resources & Energy (Western 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 prescribed below:

Appeal to the Department of Forestry, Fisheries and Environment

Attention : Directorate Appeals and Legal Review
Email : appeals@dfre.gov.za
By post : Private Bag X 447, Pretoria, 0001
By hand : Environmental House, Corner Steve Biko and
Soutpansberg Street, Arcadia, Pretoria, 0083

Please provide a copy of the lodged appeal to the Department of Mineral Resources & Energy

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : pieter.swart@dmre.gov.za
By post : Private Bag X 09, Roggebaai, 8012
By hand : 15th Floor, The Box, 9 Cnr Riebeeck & Lower Burg Street, Cape Town, 8001

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 Forestry, Fisheries and Environment.

Kind Regards



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**REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE**

DATE: 29/07/2022



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Private Bag X9, Roggebaai, 8012, Tel: 021 427 1000, Fax: 021 427 1046
The Box, 15th floor, Cnr of Riebeeck and Lower Burg Street, Cape Town, 8001

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") AND THE 2014 EIA REGULATIONS AS AMENDED FOR SAND AND GRAVEL MINING ACTIVITIES

Reference number:	WC 30/5/1/3/2/10294 MP
Last amended:	First issue
Holder of authorisation:	Barend Bartholomeus Theron
Location of activities:	A Portion of the Remainder of the farm Leeuwenfontein 6 situated in the Magisterial District of Murraysburg: Western Cape region

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral Resources & Energy
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

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 activities specified below. Details regarding the basis on which the department reached this granting decision are set out in **Annexure "1"** and **"2"** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral Resources hereby **Grants** an Environmental Authorisation (EA) to **Barend Bartholomeus Theron** with the following contact details

Barend Bartholomeus Theron
21 Melsetter Estate
Bernard Road
Lovermore Heights
Port Elizabeth
6070

Attention: Barry Theron
Email: barry.theron@vodamail.co.za
Cc email: botmaj@tiscali.co.za

to undertake the following activities listed in the NEMA EIA Regulations:

Listed Activities Authorised	Activity and/or project description
<p>Activity 21 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p><i>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 —</i></p> <p><i>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or</i></p> <p><i>(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.</i></p>	<p>The project and/or development involves an application for mining permit in an area of 4.43ha.</p>
<p>Activity 27 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p><i>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></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Mining activities will result in the clearance of natural and degraded Eastern Upper Karoo vegetation of up to 4.43ha in size.</p>

Activity 28 of Government notice No. R 983 as amended by GN 327 of April 2017

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:
(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

The mining activities will be conducted on land used for agricultural activities and occurs outside the urban area and is bigger than 1 hectare.

Detailed description of the activities are as follows:

The holder is hereby authorised to undertake mining activities including the above listed activities as it relates to the development as follows:

- The actual area to be mined will be 0.5ha in extent. The entire fenced area including the stockpiles will be 4.43ha in extent.
- An amount of approximately 10 000m³ will be mined from the quarry for the nearby Wind Farms Development.
- The depth of the quarry will be up to 5m.
- The mine will be opencast with blasting as required. Loosened gravel will be excavated by an excavator.
- The gravel material mined will be stockpiled within the quarry and hauled to the wind farm close by as required.
- The top 200mm topsoil in front of the mining face will be removed and stockpiled.
- Rehabilitation will entail sloping the quarry walls and leaving the quarry as dam for the landowner.
- Existing access road to the site and existing farm roads on site will be used for mining activities and no new roads will be constructed.
- No permanent infrastructure will be placed on site. Site infrastructure will be limited to:
 - Chemical toilets
 - Two office containers
 - Two boreholes
 - Generator and fuel storage
 - Crusher plant.

Site description and location:

The Surveyor General Code for the farm portion is: C05200000000000600002.

The activities will be conducted on a Portion of the Remainder of the farm Leeuwenfontein 6, Murraysburg Magisterial District at the following co-ordinates:

Point	Latitude	Longitude
LQ1	-31.66733985	23.67437161
LQ2	-31.66837912	23.67250825
LQ3	-31.66990346	23.67381181
LQ4	-31.66884886	23.67569267

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 the reports for the above development submitted as part of the application for an EA complies with section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Mining activities must be conducted in accordance to the approved Environmental Management Programme and the attached layout plan.
2. Proposed mitigation measures and rehabilitation plan must be adhered to. Alien invasive plan must be in place.
3. A 50m buffer zone between the northern boundary of the site and a small drainage line north of the approved mining area must be maintained. This buffer zone is a no-go zone.
4. Visible semi-permanent markers must be placed on the mining boundary before mining activities commences and must be kept for the duration of mining. Mining activities must strictly be conducted within the demarcated area.
5. Access to the site must be restricted to the holder and its employees.
6. Mining activities must be conducted concurrent with rehabilitation and measures such as mulching and/or immediate cover with vegetation must be taken to make sure that the rehabilitated surface is protected from forces of erosion.
7. After rehabilitation the soil depth must at least be 50cm on top of the underlying clay/gravel layer.
8. Topsoil must be stored within the approved mining area. The management of topsoil must be done as per the approved EMPr and this EA.
9. The stockpiled topsoil must be protected from and/ or against losses by water and wind erosion. Driving over topsoil stockpile is prohibited.

10. Access to the site must be through an existing access road and the construction of new access road is prohibited.
11. Alien vegetation must be cleared on an ongoing basis during mining activities and after rehabilitation of each block.
12. A surface slope must be maintained across the mining area in the drainage direction, so that excavation is freely drained.
13. Product material leaving the site must be covered with tarpaulin cloth during transportation to prevent blowing away by wind and causing pollution nuisance to other road users and the general public.
14. Dust suppression measures must be implemented during mining activities and this may include spraying the mining area and access road with water and/or an environmentally friendly dust-allaying agent.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

All the information presented to the Department was taken into account during 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) The information contained in the application form received by the department on 4 January 2022.
- b) The information contained in the BAR compiled by the Environmental Assessment Practitioner Dr Josephine Bothma from Chameleon Environmental received by this department on 19 April 2022.
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the NEMA EIA Regulations.
- d) The environmental impacts associated with the proposed activity outlined in the EIAR and the proposed mitigation measures outlined in the EMPR.
- e) Public Participation Process Report (PPP) as enclosed within the BAR & EMPR. The Public Participation Process (PPP) that was undertaken by the applicant has satisfied the minimum requirements prescribed in the EIA Regulations R982 of 2014 as amended by (GN 326) for public involvement and the PPP results shows that the concerns raised by the I&APs and the Authorities were addressed by the Applicant in the BAR and EMPR.
- f) The Biodiversity Assessment conducted by Flori Scientific Services attached to the BAR in Appendix K.
- g) The Palaeontological Impact Assessment conducted by Dr Heidie Fourie attached to the BAR in Appendix K.

- h) The Cultural Heritage Impact Assessment conducted by JA van Schalkwyk attached to the BAR in Appendix K.
- i) The Applicant has complied with Section 24P of the National Environmental Management Act, 1998 (Act 107 of 1998) and provided the financial provision for the management of environmental impacts.
- j) Comments received from the Principal Inspector of Mines, Commission on Restitution of Land Rights, CapeNature, Department of Environmental Affairs and Development Planning, Department of Agriculture.

2. 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 were outlined.
- b) The need and desirability of the project was clearly addressed.
- c) The site has been transformed. It was mainly used as grazing for sheep.
- d) The assessment discussed the significance of each potential impact looking into the following aspects: (a) cumulative impacts, (b) the nature, significance and consequence of the impact and risk, (c) the extent and duration of the impact and risk occurring, (d) the probability of the impact and risk occurring, (e) the degree to which the impact can be reversed, (f) the degree to which the impact and risk may cause irreplaceable loss of resources, and (g) the degree to which the impact and risk can be avoided, managed or mitigated.
- e) Public Participation Process complied with Chapter 6 of the 2014 EIA Regulations R.982 as amended by (GN 326). The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper The Courier on 14 January 2022.
 - A notice board was placed on 8 April 2012 on the gate of the access road leading to the proposed mining site.
 - Draft Basic Assessment Report was sent to all key stakeholders including the registered interested and affected parties on 16 February 2022 for review and comment between 16 February 2022 and 17 March 2022.
 - Jacques Theron is the registered owner for Portion of the Remainder of the farm Leeuwenfontein 6 and he had no objection to the proposed mining permit.
 - A register/list of interested and affected parties was opened and is included in the EIAR/EMPR.
 - Proof of consultation and comments received from the Interested and Affected Parties is included in the BAR;
 - Comments and issues raised by interested and affected parties were adequately addressed in the BAR.

- f) Notice of Intent to Develop was sent to Heritage Western Cape (HWC) on 10 January 2022 and no further comments were received from HWC.
- g) The Comments from Mine Health and Safety were in support of the proposed project;
- h) The Biodiversity Assessment confirmed that the proposed site is not within a threatened ecosystem, Critical Biodiversity Area or Ecological Support Area. There are no water courses in the proposed site including any wetlands. During field investigations no Red Data Listed species (fauna and flora) were found on site. A 50m buffer zone between the northern boundary of the site and a small drainage line north of the site is recommended. This buffer zone is a no-go zone.
- i) The Palaeontological Impact Assessment confirmed that all the land in the development was assessed and none of the property is unsuitable for development. If any paleontological material is exposed during digging, excavation, drilling or blasting, SAHRA must be notified. All development activities must be stopped and a palaeontologist should be called in to determine proper mitigation measures.
- j) The Cultural Heritage Impact Assessment confirmed that no sites, features or objects of cultural heritage significance occur in the project area therefore no permits are required from SAHRA or the PHRA. Should archaeological sites or graves be exposed during mining activities, it must immediately be reported to a heritage practitioner so that investigation and evaluation of the finds can be made.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1 The holder of the EA must 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 affected.

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 as amended.

- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMP.

- 1.4 When any of the holders 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 the 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 in Annexure 2.
 - 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the 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 A Copy of the lodged appeal must be addressed to the Department of Mineral Resources & Energy on the address given on Page 2 of this EA.
 - 2.6 Provide the registered I&APs with:
 - 2.6.1 Name of the holder (entity) of this EA;
 - 2.6.2 Name of the responsible person for this EA;
 - 2.6.3 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 ACTIVITIES

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE) and any employee without PPE must not be allowed on site.
- 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 mining 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 the approved mining area.
- 3.4 Appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of mining vehicles and machinery.
- 3.5 Vegetation clearance must be limited to the actual mining footprint in accordance with the approved layout plan, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.6 Topsoil stripped before mining must be protected from erosion, contamination and/or pollution and stockpiling of topsoil must not take place in the drainage lines or areas where it will impede water runoff.
- 3.7 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 designed for such waste 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.
- 3.8 An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the mining area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.
- 3.9 Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site and mining area.
- 3.10 The waste generated during mining activities must be stored in animal proof containers and must be removed from site and disposed of at a registered disposal facility. Proof of disposal at a registered disposal facility must be kept and produced to any official of this department on request.
- 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 Vehicles and machineries must be serviced and maintained in the manner whereby excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Servicing of machinery and vehicles must not take place on site.
- 3.13 Residents (if any) on the property and surrounding areas must be informed of any unusual noise activities in the mining area.
- 3.14 Dust suppression measures must be implemented on all exposed surface and access road to minimize and control airborne dust.
- 3.15 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, the following shall be applied:
- (i) All work at the affected area must cease.
 - (ii) These must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Western Cape Heritage Resource Agency (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 SAHRA and or Western Cape Heritage Resource Agency.
 - (iii) The area should be demarcated in order to prevent any further work there until an investigation has been completed.
 - (iv) An archaeologist should be contacted immediately to provide advice on the matter.
 - (v) Should it be a minor issue, the archaeologist will decide on future action. Depending on the nature of the find, it may include a site visit.
 - (vi) If needed the necessary permit will be applied for with SAHRA. This will be done in conjunction with the appointed archaeologist.
 - (vii) The removal of such archaeological material will be done by the archaeologist in lieu of the approval given by SAHRA, including any conditions stipulated by the latter.
 - (viii) Work on site will only continue after the archaeologist/ SAHRA has agreed to such a matter.

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 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.

- 3.16 Care must be taken to ensure that material and topsoil required for rehabilitation is free of contamination from hydrocarbons.
- 3.17 Hydraulic fluid or chemicals required must be stored in a concrete lined surface with bund walls, 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.

- 3.18 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. Proof of disposal must be kept on site and be produced upon request.
- 3.19 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 activities.
- 3.20 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.
- 3.21 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.22 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.
- 3.23 The holder of EA must note that in terms of 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 license is issued in respect of that activity if license is required.
- 3.24 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.
- 3.25 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activities until such time that the Minister allows you to commence with such activities in writing.
- 3.26 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.

- 3.27 Subject to the commencement and duration requirements of the MPRDA, the EA is valid for the period for which the aforesaid permit/right is granted. When the renewal application of the permit/right is lodged; the EA validity, obligations and liabilities which were attached thereto immediately before the date on which it lapsed continue to be valid until the decision of the renewal is made and become valid again with the intervals of the approved renewal period.
- 3.28 This EA will only be effective on the event that a corresponding mining permit/Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a mining permit/Right.
- 3.29 The listed activities, 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 authorization is suspended until such time as the appeal is decided.
- 3.30 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 ACTIVITIES

- 4.1 A copy of the EA and EMPr must be kept at the property or on-site office where the activities 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.
- 4.2 The contents 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 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.
- 4.4 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.6 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled. The holder of the EA must also make sure that littering of waste within the mining area is prohibited.
- 4.7 Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.

- 4.8 Only listed activities that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EA.
- 4.9 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPr.
- 4.10 The Holder of EA must appoint the ECO before commencement of mining activities and 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 readily available to ensure that activities at all times comply with the issued EA and approved EMPr.
- 4.11 The ECO must:
- 4.11.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.11.2 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.
 - 4.11.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.11.4 Keep copies of all environmental reports submitted to the department.
 - 4.11.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.11.6 Compile a monthly monitoring report and make it available to the department if requested.
 - 4.11.7 The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual mining works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.13 Any sand and/or gravel leaving the mine area must be fully covered with a tarpaulin cloth while been transported.

5 REPORTING TO THE DEPARTMENT

- 5.1 The holder of EA must:
- 5.1.1 Submit an Environmental Audit Report to this department biennially and such report must be done by qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;

- 5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations;
- 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
- 5.1.4 identify shortcomings in the EMPr/closure plan, if applicable;
- 5.1.5 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
- 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
- 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 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.
- 5.4 The holder of the EA must, within 24 hours of any 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.
- 5.5 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 5.4, 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 –
 - 5.5.1 Correct the impact resulting from the incident;
 - 5.5.2 Prevent the incident from causing any further impact; and
 - 5.5.3 Prevent a recurrence of a similar incident.
 - 5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control to the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at the entrance.
- 6.2 The mining area must be fenced off and lockable gates must be installed to restrict unauthorised access to the site.

- 6.3 Weatherproof, durable and legible notices in at least three official languages applicable in the area must be displayed at the entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the operation of the site.

7 EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually 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 center 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 and air quality, 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 and/or degradation, 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.
- 8.5 The holder of the EA must comply with Section 28 of the NEMA and conduct mining activities in an environmentally friendly manner.

9 COMMISSIONING AND DECOMMISSIONING

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

10 SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of 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 but, only indigenous plants must 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 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.

12 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.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMPR/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. **The Environmental Authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards


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REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 29/07/2022