



12/3/3

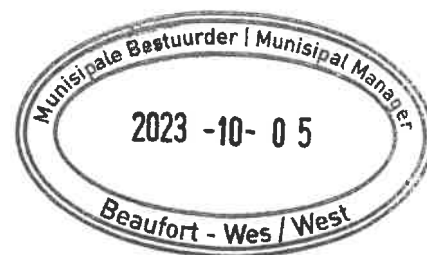
EA Notification - Otter Mist Trading 1057 (Pty) Ltd- 30/5/1/2/3/2/10319EM - Stakeholders

From : Greenmined Comments <comments@greenmined.co.za>

Wed, 04 Oct, 2023 10:55 am

Subject : EA Notification - Otter Mist Trading 1057 (Pty) Ltd- 30/5/1/2/3/2/10319EM - Stakeholders

5 attachments

Cc : Murchellin Saal <Murchellin.S@greenmined.co.za>, Greenmined Comments <comments@greenmined.co.za>

Kategorie		OPDRAG
BA		

Good day,

Please find attached notification that authorization was granted through the Environmental Authorization in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended 2017) to Otter Mist 1057 (Pty) Ltd to mine dolerite on portion of the remaining portion of the Farm Rhenosterkop no.115, situated in the Magisterial District of Beaufort West: Western Cape Province.

Kind Regards/Vriendelike Groete

Anel Olivier

Project Administrator



Tel: 021 851 2673
Cell: 067 417 2654
Fax: 086 546 0579
www.greenmined.com

106 Baker Square, Paardeveld
De Beers Avenue
Somerset West
7130

Suite 62, Private Bag x15
Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

 **EA Notification - Annexure 1 Reason for Decision (10319EM).pdf**
2 MB

 **EA notification - 10319EM.pdf**
2 MB

 **EA Notification letter - 10319EM.pdf**
168 KB

 **EA Notifications - Departmental Standard Conditions (10319EM).pdf**
4 MB



EA Holder:
Otter Mist Trading 1057 (Pty) Ltd
PO BOX 107
Wellington, 7655
Tel: 021 872 0090
E-mail: johan@kingpintransport.co.za
Mr. J Marais

Reference No: WC 30/5/1/3/2/10319EM

To whom it may concern

4 October 2023

RE: APPROVAL OF AN ENVIRONMENTAL AUTHORIZATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 (AS AMENDED 2017) FOR A MINING PERMIT AND RELATED INFRASTRUCTURE FOR MINING OF DOLERITE ON A PORTION OF THE REMAINING PORTION OF THE FARM RHENOSTERKOP NO.115, SITUATED IN THE MAGISTERIAL DISTRICT OF BEAUFORT WEST: WESTERN CAPE REGION.

Notice is hereby given that authorisation was granted through the Environmental Authorization in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended 2017) to Otter Mist 1057 (Pty) Ltd to carry out the following activity:

- Mine Dolerite on a portion of the remaining portion of the Farm Rhenosterkop no.115, situated in the Magisterial District of Beaufort West: Western Cape Province.

A copy of the Environmental Authorisation is available from Greenmined Environmental, Suite 62, Private Bag X15, Somerset West, 7129, or contact Mrs Murchellin Saal (076) 792 6327 (Tel), 086 546 0579 (Fax), Murchellin.s@greenmined.co.za

Date of Decision: 2 October 2023

Date of Issue of Decision: 3 October 2023

Reasons for Decision: See reasons for the decision attached as Annexure 1

Departmental Standard Conditions: See attached as Annexure 2.

Appeal Procedure: Any registered I&AP may lodge an appeal against the decision in terms of the National Appeals Regulations. An appellant must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Western Cape Regional Office), within 20 days from the date of notification (4 October 2023), and such appeal must be lodged

the goal isn't to live forever, it is to protect a planet that will



as prescribed by Chapter 2 of the National Appeal Regulation of 2014, by means of the methods as prescribed below:

Appeal to the Department of Forestry, Fisheries and Environment

Attention: Director Appeals and Legal Review

Email: appeals@dfre.gov.za

By Post: Private Bag X447, Pretoria, 0001

By Hand: Environmental House, (473 Steve Biko) corner Steve Biko and Soutpansberg Street,
Arcadia, Pretoria, 0083

Copy of the lodged appeal to the Department of Mineral Resources:

Attention: Regional Manager: Western Cape Region

By facsimile: (021) 427 1046

Email: Pieter.swart@dmre.gov.za

By Post: Private Bag X09, Roggebaai, 8012

By Hand: 15th floor The Box building, 9 Riebeeck Street, Cape Town, 8001

In the event that you decide to appeal the decision, you must comply with the National Appeal Regulations of 2014 in relation to notification of the applicant and all registered interested and affected parties. A copy of the official appeal form can be obtained from the Appeal to the Department of Forestry, Fisheries and Environment

We trust you will find this in order. Please do not hesitate to contact us in the event of any uncertainties.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M.Saal', is written over a horizontal dotted line.

Murchellin Saal

Greenmined Environmental



**mineral resources
& energy**

Department
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9 Roggebaai, 8012; Tel: 021 427 1000; Fax: 021 427 1046, The Box Building, 15th Floor, c/o
Lower Burg & Riebeeck Street, Cape Town, 8012

Enquiries: Linda Njemla E-mail: linda.njemla@dmre.gov.za EAPASA REG. NO. 2019/1312

Ref: WC30/5/1/3/2 (10319) EM

From: Mineral and Petroleum Regulation Sub-Directorate: Mine Environmental Management

The Directors
Otter Mist Trading 1057 (Pty) Ltd
PO BOX 107
Wellington
7655

APPROVED

Attention: Johan Marais

E-mail: johan@kingpintransport.co.za
CC: murchellin.s@greenmined.co.za

AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2017 FOR A MINING PERMIT AND RELATED INFRASTRUCTURE FOR MINING OF DOLORITE ON A PORTION OF THE REMAINING PORTION OF THE FARM RHENOSTERKOP NO. 115, SITUATED IN THE MAGISTERIAL DISTRICT OF BEAUFORT WEST: WESTERN CAPE REGION

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24L of National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2017, 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 and 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 per prescribed below:

Appeal to the Department of Forestry, Fisheries and Environment

Attention : Directorate Appeals and Legal Review

Email : appeals@dffe.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 and 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 Building, 9 Riebeeck 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

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

DATE:


APPROVED



mineral resources & energy

Department
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9 Roggebaai, 8012; Tel: 021 427 1000; Fax: 021 427 1046, The Box Building,
15th Floor, c/o Lower Burg & Riebeeck Street, Cape Town, 8012

Environmental Authorisation in terms of

National Environmental Management Act, 1998 (Act 107 of 1998) as amended ("NEMA") and 2014
EIA Regulations as amended
For
Dolerite

Reference number:	WC30/5/1/3/2(10319) EM
Last amended:	First issue
Holder of authorisation:	Otter Mist Trading 1057 (Pty) Ltd
Location of activities:	A portion of the remaining portion of the Farm Rhenosterkop no. 115, situated in the Magisterial District of Beaufort West: Western Cape Region

DECISION

ACRONYMS

APPROVED

BAR:	Basic Assessment Report
DFFE	Department of Forestry, Fisheries and Environment
DEPARTMENT:	Department of Mineral Resources and Energy
EA:	Environmental Authorisation.
ECO:	Environmental Control Officer
EIA REGULATIONS:	EIA Regulations, 2014
EIA:	Environmental Impact Assessment.
EMPr:	Environmental Management Programme
EA:	Integrated Environmental Management
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEM:WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
NEMA:	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
SR:	Scoping Report

W

EIR: Environmental Impact Report
SAHRA: South African Heritage Resource Agency

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" and "II" of this environmental authorisation.

By virtue of the powers conferred on it by NEMA and NEMWA, the Department hereby grants an application for EA by **Otter Mist Trading 1057 (Pty) Ltd** with the following contact details –

Postal Address:

Otter Mist Trading 1057 (Pty) Ltd
PO BOX 107
Wellington
7655

APPROVED

Physical Address:

9907 Stokery Road,
Wellington
7655
Western Cape

Contact Person:

Johan Marais
Tel: 021 872 0090
E-mail:
Cell: 083 450 5906

to undertake the following activities listed in the NEMA EIA Regulation.

NEMA: LISTED ACTIVITIES:	Activity and/or project description
Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:- Activity Number 21 – "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 — (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or (b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or	<ul style="list-style-type: none">• Stripping and stockpiling of topsoil; drilling blasting; excavating; crushing; stockpiling and transporting;• Sloping and landscaping upon closure of the site;

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."	and replacing the topsoil and vegetation of the disturbed area.
--	---

Detailed description of the activity are as follows:

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

APPROVED

Proposed mining details are as follows:
The proposed mining footprint will be 5 ha and will be developed over an undisturbed area of the farm for upgrading / maintenance of road infrastructure and building contracts in and around the Beaufort West area. The mining method will make use of drilling and blasting in order to loosen the hard rock; by creating benches. The proposed depth of excavations is estimated between 10-20 meters. The mining depth will also be limited so as not to cause a major depression and at the same time assist with the free draining. This will entail creating a series of irregular benches along the quarry faces, the top edges of each face being blasted away to form scree slopes on the benches below, thereby reducing the overall face angle. The material will then be loaded and hauled to the crushing plant where it will be screened to various sized stockpiles. The dolerite will be stockpiled until it is transported from site using tipper trucks. The applicant will make use of the existing access roads which will be upgraded as the mine progresses and be rehabilitated.
21-digit surveyor general code
C00900000000015500000
Farm coordinates as referred to page 25 of the Basic Assessment Report

NUMBER	DEGREES, MINUTES, SECONDS		DECIMAL DEGREES	
	LAT (S)	LONG (E)	LAT (S)	LONG (E)
A	32°14'23.348"	22°52'50.916"	-32.239819	22.88081
B	32°14'24,67"S	22°52'53,321"E	-32.240186	22.881478
C	32°14'25,336"S	22°52'55,499"E	-32.240371	22.882083
D	32°14'26,156"S	22°52'58,343"E	-32.240599	22.882873
E	32°14'28,079"S	22°53'2,458"E	-32.241133	22.884016
F	32°14'30,887"S	22°52'58,192"E	-32.241913	22.882831
G	32°14'29,789"S	22°52'53,504"E	-32.241608	22.881529
H	32°14'27,83"S	22°52'49,357"E	-32.241064	22.880377
I	32°14'26,786"S	22°52'47,489"E	-32.240774	22.879858
J	32°14'23,331"S	22°52'46,268"E	-32.240092	22.879519

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 is hereby approved and must be adhered to throughout the life cycle of the operation.

EA SITE SPECIFIC CONDITIONS

APPROVED

1. The EA hold shall implement the mitigation measures proposed in the EMP of the proposed activity on the surrounding to keep the impact on the receiving environment as low as possible.
2. It is estimated that there will be a maximum of 15 trucks per day transporting the material from site, the EA holder shall ensure that the access road on the existing dirt road mainly used by farmers is maintained for the duration period of the mining activities.
3. Temporary road warning signs should be placed at specified locations on this road, and truck speeds shall not exceed 40 km/h along the gravelled section.
4. At least 30cm of topsoil in the mining area must be stripped and stockpiled before mining commence; and only the specific area that will be worked should be cleared of vegetation.
5. Surrounding neighbourhood and affected parties shall be informed at least 48 hours prior to blasting.
6. No mining activities, including processing shall take place at night. Mining operations will therefore take place during normal working hours only which is normally from 07:00am to 17:00pm.
7. Dust at the haul roads shall meet the required norms and standards as per the National Environmental Management Air Quality Act, 2004 (Act 39 of 2004) and the National Dust Control Regulations (GN R827 of 2013).
8. Vehicular movement must be restricted to the existing access road and driving through undisturbed and inactive areas is prohibited.
9. No driving of mining vehicles shall take place on level-crossing over Transnet land without Transnet's approval.
10. The establishment of a waste rock dump or residue stockpile or residue deposit is prohibited after mining activities have ceased as it a separate listed activity that was not applied for by this EA holder.
11. A search and rescue procedure for each of the relevant species must be completed prior any mining activity takes place. Endangered and protected species listed in schedules 3 and 4 of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit from Cape Nature.
12. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
13. It has been noted that there are no go areas towards the south of the proposed mining area, therefore, a proper fence should be established along the south-western and south-eastern site boundary to clearly demarcate the sensitive areas.

14. The waste storage facility for harmful substances shall be structured according to the National Environmental Management Waste Act, 2009 and in compliance with the applicable regulations and safety instructions such as an impervious surface protected from rainfall and storm-water run-off, firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
15. Recommendations from the specialist studies, including mitigation measures shall be implemented by EA holder.
16. Visible semi-permanent markers must be placed along the boundaries of the approved mining area before any mining activity commences.
17. No surface or ground water may be polluted due to any actions on site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. Hydraulic fluid or chemicals required must be stored on 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.
19. Soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary; erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
20. The proposed project will entail upgrading of an access road, crossing over local drainage lines and the Platdoring. A buffer zone of 15 m and 30 m for the drainage lines and Platdoring River respectively shall be implemented and adhered to. No work is to be completed in and around the river or local drainage lines until the appropriate authorisation is provided by the Department of Water and Sanitation.

APPROVED





ANNEXURE 1 & 2

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 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) The information contained in the application form lodged on the **28th February 2023** which was later amended to correctly identify the listed activities as the initial application was drafted in terms of the regulations that were gazetted in 2017. The latest application was drafted in terms of the 2021 amendments.
- b) The information contained in the final Basic Assessment Report submitted on the 08th May 2023 inclusive of the Environmental Management Programme that contains all the environmental risk associated with the project as well as the mitigation measures, and a rehabilitation plan, prepared by an independent Environmental Assessment Practitioner (EAP), Murchellin Saal of Greenmined Environmental.
- c) The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMP.
- d) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2017;
- e) Public Participation Process (PPP) conducted by the applicant for a minimum of 30 days; it has also been noted that a Public Meeting was scheduled for Stakeholders & Interested and Affected Parties with the use of press advertisement and registered letters (attached as appendix 1); The applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2017 for public involvement.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the BAR;
- g) The procedure that has been followed is in accordance with the NEMA and the EIA Regulations of 2017.
- h) The Constitution of the Republic of South Africa, 1996, the NEMA principles that promotes sustainable development and other Specific Environmental Management Acts.
- 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 remediation of environmental damage.

3. Findings

APPROVED

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



- a) The proposed access road intersects with more than 2 drainage lines which necessitates a water use license application in terms of Section 21 of the National Water Act 36 Of 1998. A water use license has been applied for by the applicant.
- b) The Terrestrial Biodiversity Impact Assessment (Appendix M2) compiled by Dr. Jan-Hendrik Keet of Eco Floristix Specialist Botanical Consulting revealed that the establishment and operation of the proposed mine will impact on five provincially protected species, none of which are species of conservation concern. It is highly unlikely that this development will have an impact on ecosystem status or nationally listed vegetation types due to the limited extent of the mine, as well as the large extent of natural vegetation surrounding the mining area. Furthermore, this mine will not have a significant impact on the services and functions provided by the surrounding natural habitats, and development within this area is regarded as acceptable, provided that the mitigation measures given in the Biodiversity Assessment report. No Species Conservation Concern (SCC) or range restricted species are present within the study area. The extensive nature of the study area vegetation and plant community types within the wider landscape means that all species within the study area will highly likely also be found in the surrounding areas. Thus, given that the majority of impacts associated with the proposed activities are likely to be local in nature and not of wider significance, loss of particular species within the study area will not be problematic. Five provincially protected species were found in the study area (but only in low numbers), as well in the surrounding areas. None of them are SCC and their loss from the study area will not be significant and will not compromise the viability of the local populations of these species.
- c) According to the Agricultural Impact Statement (Appendix M) compiled by Johann Lanz, the proposed mining will not have an unacceptable negative impact on the agricultural production capability of the site due to the rocky surface which results in naturally extremely low agricultural production potential and very little potential is therefore lost due to mining. Therefore, from an agricultural impact point of view, it is recommended that the development be approved.
- d) A Heritage Impact Assessment was not deemed necessary by the heritage specialist. Heritage Western Cape also confirmed there is no reason to believe that proposed mining will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. This is based on available data on projects that were undertaken in the area (see appendix M3). These projects showed that scatters of Later Stone Age and Middle Stone Age artefacts occur in places and rock engravings including both animals and scratching/rubbing occur in the area. Some engravings of high significance occur very close to the Renosterkop Quarry but do not seem to be under threat yet. A stone-walled kraal is also on record north of the N1. Historical structures, artefacts scatters and aspects of the historical nineteenth century Cape Town to Kimberley railway (which broadly follows the N1) were also recorded. The latter include cast iron and stone bridge and also an Anglo-Boer War blockhouse built at the bridge to guard it during the war. Around Nelspoort, to the northeast of the study area, there are a number of rock engravings and some rock gongs that are quite well-known.

- e) An Aquatic Biodiversity Impact Assessment ((Appendix M1) was conducted by Khethokuhle Hlatshwayo of The Biodiversity Company. The Screening Tool characterised the aquatic sensitivity of the project area (mining area) as "Low", whilst "Very High" for the access route to the mining area. The study area is situated within two biomes: Azonal Vegetation and Nama Karoo Biome and situated in both the Gamka Karoo and the Southern Karoo Riviere vegetation types as per this Assessment. The site visit was conducted during a le wet season. The drainage lines and Platdoring River was dry although this was a wet season survey. The project area is situated in the L11F quaternary catchment and is in proximity of the Platdoring River and its unnamed tributary. The L11F-07164 SQR is derived to be moderately modified, category C. The moderately modified state of the reach was due to small impacts on riparian and wetland zone continuity and modification, moderate impacts on instream habitat continuity, potential impacts on physico-chemical conditions (water quality), and flow modification. The results of the IHIA for the Platdoring River and its tributaries indicated moderately modified instream and riparian conditions. Instream habitat was considered largely intact, however, several impacts were observed on site and from aerial imagery.

The reach (Platdoring River) is susceptible to further impacts, particularly on water quality and physical disturbances to instream and riparian habitat. The proposed activities pose low to moderate risks during the construction, operational and decommissioning phases. Moderate risks are associated with the activities proximate to the watercourse, including the drainage patterns change due to road extent and crossings, clearing of riparian (and terrestrial) vegetation, stormwater management, excavation of riparian area, bed and/or banks, operation of heavy machinery adjacent/within the watercourse, alien vegetation encroachment, conducting road and crossings maintenance, sedimentation and erosion, and hydrocarbon contamination.

Due to the presence of existing roads and crossings, the implementation of mitigation measures will reduce the risks/impacts of Moderate-risk activities to Low if done effectively. If not done effectively, the construction will not reduce the risks of aspects/activities such as clearing riparian areas, deep excavation when mining, drainage patterns change due to road extent and crossings, dust precipitation (from backfilling), change in topography (from backfilling), dust precipitation (from shaping/contouring), change in topography (from shaping/contouring) and surface structures as well a stormwater, as these activities will result in direct loss of riparian vegetation, channel-,bed- and bank modification, and have a direct impact on the rivers and riparian areas.

- f) Public Participation Process (PPP) attached in terms of the EIA Regulations R.982 of 2017 which is attached as Appendix F of the BAR/EMPr.
- g) The PPP included, *inter-alia*, the following:
- Consultation with the landowner showed that the application footprint extends into an area with extremely low agricultural potential. Therefore, he does not have any objection to approval of mining activities on this site.

APPROVED

- An advertisement was placed in the local newspaper **Die Coerier** on **24 March 2023**;
- Notices were placed at the project site, site notices were erected on site and at other strategic places;
- Notices were sent to all key stakeholders and the registered interested and affected parties including State Departments and comments were received as stipulated as appendix 1 of the BAR;
- Registration on a database for Background Information Documents (BID);
- The register/list of interested and affected parties was opened and is included in the BAR/EMPR.

There were objections to the granting of the EA on behalf of the Lombaardskraal Doleriet Pty Ltd who has an EA in the Beaufort West Magisterial District to mine dolerite. The Mine Environmental Management Sub-directorate of the DMRE considered this objection and overruled this objection as it views that the objective is to stamp out competition; rather than to ensure the economic, social and environmental sustainability of this development. Also, the environmental impact assessment process showed that the impact of the proposed project will be low – medium should the mitigation measures and monitoring programmes proposed in this document be implemented.

- h) Rehabilitation and closure plan has been put into place (attached as appendix L) which is compiled in terms of the NEMA Amendment Act, 2014 (Act No. 25 of 2014) read with the Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations, November 2017 (GN 1228, Financial Provision Regulations 2017). This entails the rehabilitation of the processing area by removing the stockpiled material, and site infrastructure/equipment and landscaping the disturbed footprints. Due to the impracticality of importing large volumes of fill to restore the quarry area to its original topography, the rehabilitation option is to develop the quarry into a minor landscape feature and will be pre-sloped accordingly. The benches will be top-dressed with topsoil and vegetated with an appropriate grass mix if vegetation does not naturally establish in the area within six months of the replacement of the topsoil.

APPROVED



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 deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holder of the EA contact details change including name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 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.
- 2.1. 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;
 - 2.2.4. The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions on Annexure 2 and;
 - 2.2.5. Copy of the lodged appeal must be addressed to the Department of Mineral Resources and Energy on the address given on page 2 of the EA.

APPROVED

- 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 Copy of the lodged appeal must be addressed to the Department of Mineral Resources on the address given on Page 2 of the 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;
 - 2.6.4 Telephonic and fax details of the holder; and
 - 2.6.5 E-mail address of the holder if any.

APPROVED

2 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 signaling 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 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.
- 3.6 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 activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.

- 3.8 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.
- 3.9 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 no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.13 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned in the mining area.
- 3.14 Dust suppression measures must be implemented on all exposed surface 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 activity/-ies is/are allowed within 100m diameters from those resources.** Should any heritage remains be exposed during operation or any actions on the site, the following shall be applied:

- APPROVED**
- 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

APPROVED

- 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 the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.17 Refueling of machinery and construction vehicles must be done through a mobile bowser. Should any spills occur, it must be cleaned immediately by removing spillage together with the polluted soil and dispose it at authorised disposal site permitted for the disposal 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 ground 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 wastewater treatment works.
- 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 activity (ies).
- 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 Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management licence is issued in respect of that activity if licence is required.
- 3.24 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 activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.26 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.27 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 permit/Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without permit/Right.
- 3.29 The listed activity (ies), including site preparation, must not commence within 30 (thirty) calendar days of the date of the notification of the decision being sent to the registered I&APs. This is inclusive of the 10 (ten) days condonation. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 3.30 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

APPROVED

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 properties.
- 4.2 The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 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 waste management facilities licensed to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.6 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 activity (ies) 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 This EA only authorises activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr.
- 4.10 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, removal or updating of any detail in the aforesaid EMPr.

APPROVED



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 should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMWA and NEMA
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.13 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 must 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 as amended;
- 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activity, 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/closure plan;

APPROVED

- 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate; and
- 5.1.7 be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMP/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 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 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
- 5.5.1 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.
- 5.6 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.
- 6. SITE SECURITY AND ACCESS CONTROL**
- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 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 each entrance to the Site. These notices must prohibit

APPROVED

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 maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 7.1.1. Site Fire
 - 7.1.2. Spillage
 - 7.1.3. Natural disasters such as floods
 - 7.1.4. Industrial action Contact details of police, ambulances and any emergency centre closer to the site.
 - 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, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.
- 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

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

APPROVED

10. CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.
- 10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11. 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.

APPROVED

12. DISCLAIMER

The Department of Mineral Resources and Energy 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 EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels. **The authorisation is accordingly granted**

Your interest in the future of our environment is appreciated.

Kind Regards

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

APPROVED