



mineral resources
& energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

DR 2310/28.9/0.02/L A/

Private Bag X 09, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
9th Floor Atterbury house, 09 Riebeeck and Lower burg Street, Cape Town, 8001

Enquiries: Mr Jonga Gaqa **E-Mail Address:** Jonga.Gaqa@dmr.gov.za

Ref: WC30/5/1/2/3/2/1(147)BP

Sub-Directorate: Mine Environmental Management

BY HAND

Western Cape Government-Department of Transport and Public Works
P.O. BOX 2603
Cape Town
8000

Attention : Mr. Llewellyn Truter
Cell No : 021 483 2020
Fax : 021 486 2205
Email : Llewellyn.truter@westerncape.gov.za

GOEDGEKEUR
APPROVED

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, (NEMA) AS AMENDED, AND THE NEMA: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED: FOR THE DEVELOPMENT OF BORROW PIT DR02310/28.9/0.02L TO SUPPLY MATERIAL FOR RE-GRAVELLING AND MAINTANANCE OF GRAVEL ROADS ON FARM NO. 150, ELANDSFONTEIN IN THE BEAUFORT WEST LOCAL MUNICIPALITY, CENTRAL KAROO DISTRICT: 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, within 14 (Fourteen) of the date of the decision, provide all interested and affected parties (I&AP's) with access to the decision of the Department and the reasons for the decision. Furthermore, ensure that the attention of all I&AP's is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Western Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Environmental Affairs

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

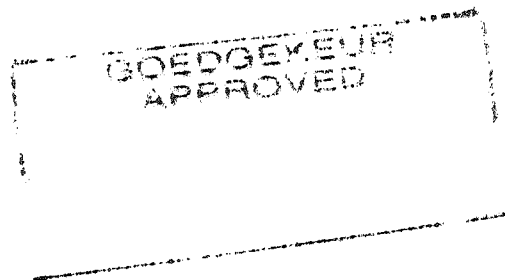
Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : Pieter.Swart@dmr.gov.za
By post : Private Bag X 09, Rogge Bay, 8012
By hand : 9th floor Atterbury house, 9 Riebeeck and 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 Environmental Affairs.

Kind Regards

.....
REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 10/12/20





mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

GOEDGEKEUR
APPROVED

Private Bag X 09, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046 9th Floor
Atterbury house, 09 Riebeeck and Lower burg Street, Cape Town, 8001

**Environmental Authorisation
of
The National Environmental Management Act, 1998 (act 107 of 1998) as amended
("NEMA") and the 2014 EIA Regulations as amended**

**Gravel mining activities
Beaufort West Local Municipality, Central Karoo District
Western Cape Province**

Reference number: WC30/5/1/2/3/2/1(147)BP
Last amended: First issue
Holder of authorisation: Western Cape Government-Department Transport
and Public Works
Location of activity: On Farm No. 150, Elandsfontein in the Beaufort
West Local Municipality, Central Karoo District:
western cape region

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral Resources
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014 as amended
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&APs:	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 Western Cape Government-Department of Transport and Public Works with the following contact details –

Western Cape Government-Department of Transport and Public Works
P.O. BOX 2603
Cape Town
8000

Attention : Mr. Llewellyn Truter
Cell No : 021 483 2020
Fax : 021 486 2205
Email : Llewellyn.truter@westerncape.gov.za

GOEDGEKEUR
APPROVED

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

LISTED ACTIVITIES AUTHORISED:

Listed Activities	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>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or</p> <p>(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing;</p> <p><i>but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or</i></p>	<p>The very nature of this development involves the infrastructure associated with mining in terms of MPRDA and thus all associated environmental impacts have been duly assessed.</p>

GOEDGEKEUR
APPROVED

12

<p>gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.</p>	
<p>Activity 22 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p><i>The decommissioning of any activity requiring –</i></p> <ul style="list-style-type: none"> (i) <i>a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</i> (ii) <i>a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;</i> <p><i>but excluding the decommissioning of an activity relating to the secondary processing of a –</i></p> <ul style="list-style-type: none"> (a) <i>mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or</i> (b) <i>petroleum resource, including the refining of gas, beneficiation, oil or petroleum products;–</i> <p><i>in which case activity 31 in this Notice applies.</i></p>	<p>Mining activities will be conducted concurrently with rehabilitation. When the gravel has been mined out and mining permit area is successfully rehabilitated, the applicant will apply for closure certificate.</p> <div data-bbox="986 763 1481 1032" data-label="Image"> </div>
<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 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</i></p> <ul style="list-style-type: none"> (i) <i>the undertaking of a linear activity; or</i> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.</i> 	<p>The development area of the proposed borrow pit is approximately 2.178 ha whilst the site area is approximately 2.615 ha. In order to mine the gravel material from the site, an area of more than 1 ha, comprising indigenous vegetation and various alien herbs and grasses, would need to be cleared.</p>

Detailed descriptions of the activities are as follows:

The holder is hereby authorised to undertake Gravel mining activities for re-gravelling and maintenance of gravel roads including the above listed activities as it relates to the development as follows:

- The proposed activity is for the expansion of the borrow pit DR 02310/28.9/0.02L.
- Gravel will be mined using excavators and bulldozer. Mining activities will entail excavation, hauling and transportation of gravel to the adjacent road to be maintained.
- Each mined out phase/block will be rehabilitated before mining proceed to the next block.
- No infrastructure will be constructed on site for the duration of mining activities.
- One chemical toilet will be placed on site for use during mining activities.

Site description and location:

The activities will be conducted on Farm No. 150, Elandsfontein in the Beaufort West Local Municipality, Central Karoo District: Western Cape region, at the following co-ordinates:

EXTENT OF BORROW PIT (LO23)		
EXPROPRIATION AREA		26 150m ²
BORROW PIT AREA		21780m ²
Point	Y	X
a	-8 488	-3 580 839
b	-8 425	-3 580 736
c	-8 336	-3 580 733
d	-8 272	-3 580 754
e	-8 284	-3 580 831
f	-8 277	-3 580 918
g	-8 416	-3 580 868
h	-8 419	-3 580 865

The SG code for each farm portion is: **C00900000000015000000**

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 NEMA: 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 of gravel must be conducted in accordance to the approved Environmental Management Programme, the attached layout plan and the recommendations of the specialist reports.

2. Visible semi-permanent markers must be placed around the mining boundary before mining activities commence and must be kept for the duration of mining. Mining activities must strictly be conducted within the demarcated area. The borrow pit area must be fenced off before mining commences.
3. Borrow pit must be visibly subdivided into three blocks during mining operation and mining must be confined to one block at a time.
4. At least 300mm of topsoil must be stripped from each block before mining commences and stockpiled next to the mining area for use during rehabilitation process.
5. Topsoil must be stored within the approved mining area and the management of topsoil must be done as per the approved EMPr and the conditions of this EA.
6. All stockpiles must not exceed 1.5m and they must be protected from and/ or against losses by water and wind erosion. A cover crop must be established immediately after spreading of stop soil and driving over topsoil stockpile is prohibited.
7. Access to the site must be through an existing access road and the construction of new access road is prohibited.
8. A 20m buffer between the proposed borrow pit and the drainage line to the east of the borrow pit must be established and the area must be treated as no-go area.
9. Mining of gravel must be conducted concurrently with rehabilitation and measures such as mulching and or immediate cover with vegetation must be implemented to make sure that the rehabilitated surface is protected from forces of erosion.
10. Rehabilitation of the expansion area must form part of the previous disturbance on the existing borrow pit.
11. Storm Water Management plan must be implemented.
12. Alien vegetation must be cleared on an ongoing basis during mining operation and after rehabilitation of each block.
13. After mining, steep slopes at the edges of excavations must be reduced to a slope of 1:3 and profiled to blend in with the surrounding topography.
14. A surface slope must be maintained across the mining area in the drainage direction, so that excavation is freely drained.
15. Dust suppression measures must be implemented during mining activities and this may include spraying the mining area and access road with an environmentally friendly dust-allaying agent. Hence, the use of portable water for management of dust is prohibited.
16. All the recommendations and conditions set out in the specialist studies and the EMPr must be strictly adhered to.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

GOEDGEKEUR
APPROVED

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 this Department on 19 August 2015.
- b) The information contained in the final BAR and EMPr received by this Department on 17 November 2015.
- c) The objectives and requirements of the applicable and relevant legislations, policies and guidelines and the NEMA: 2014 EIA Regulations.
- d) The findings of site inspection conducted by officials of this Department accompanied by Zoe Palmer from Aurecon South Africa (Pty) Ltd on 06 October 2015 and the inspection report is in the file.
- e) Public Participation Process (PPP) report attached in the BAR&EMPr received by this Department on 17 November 2015. The Public Participation Process (PPP) that was undertaken by the applicant has satisfied the minimum requirements as prescribed in chapter 6 of NEMA: EIA Regulations 2014. The PPP results shows that the concerns raised by the I&APs and organs of the state were addressed by the Applicant in the BAR and EMPr.
- f) The environmental impacts associated with the proposed activity will be addressed through the implementation of the proposed mitigation measures outlined in the EMPr compiled by Ms. Mieke Barry (EAP) of Aurecon South Africa (Pty) Ltd.
- g) The Botanical Specialist Report dated 28 March 2015; compiled by Sue Milton-Dean of Renu-Karoo Veld Restoration CC indicated that the site is not in a Critical Biodiversity Area and not in a Freshwater Ecosystem Priority Area (FEPA). For these reasons, the specialist suggested that gravel mining is acceptable, provided that mitigation and restoration are carried out as specified. Therefore, the proposed gravel mining would not cause a significant loss in sensitive plant species or permanently alter the ecosystem processes.
- h) Heritage Impact Assessment Report dated 14 July 2015 recommended that the activity may proceed in terms of S38 (8) of the National Heritage Resources Act (Act No. 25 of 1999). Heritage Western Cape supported the finding of the study and has not objected to the proposed project.
- i) Archaeological Specialist Report dated July 2015 compiled by Madelon L. Tusenius of Viva CC indicated that the low density of isolated stone artefacts of mixed origin in secondary context suggest that the proposed pit extension is of low archaeological heritage significant. As a result, the archaeological sensitivity of the proposed borrow pit is deemed as having low impact therefore no further specialist studies or mitigation was recommended for this borrow pit.
- j) Palaeological Assessment Report dated July 2015 Dr. John E. Almond of Natura Viva cc indicated that a single, fragmentary fossil bone was recorded during the present field assessment and it was concluded that further specialist paleontological studies or mitigation for this project were not warranted therefore it was recommended that the expansion of the borrow pit be supported.

- k) Comments received from the Principal Inspector of Mines, Department of Water & Sanitation, Department of Environmental Affairs and Development Planning, Department of Agriculture, and heritage Western Cape.
- l) The compliance by the applicant with Section 24P of the NEMA by providing financial provision for the management of environmental impacts.

3. 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) Although the subject property is in an agricultural area, the site is used for grazing of livestock and the approved mitigation measures as determined by a botanist specialist will decrease the depth of the pit.
- d) The findings of site inspection conducted by officials of the Department accompanied by Zoe Palmer from Aurecon South Africa (Pty) Ltd on 21 August 2019 were as follow;
 - The current use of the site is for grazing of farm livestock.
 - The site is located within the primary Gouritz catchment and receives water from the adjacent hillside
 - The site is located on a flat area with a slight slope to the south east.
 - A power line crosses the site
 - To the east of the site lies an ephemeral natural watercourse.
 - There is an existing old un-rehabilitated borrow of about 1ha on site
 - The proposed site is not in close proximity to a farm house.
 - The site will be accessed through an existing access road to the farm.
 - Invasive plants were identified along the manmade channel to the west of the existing BP
- e) Public Participation Process complied in accordance with Chapter 6 of NEMA: EIA Regulations. The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the Die Courier on 11 September 2015.
 - Notices boards were placed on the site on 23 September 2015.
 - The consent was obtained from the landowner.
 - A register of interested and/or affected parties was opened as required by the NEMA: 2014 EIA Regulations as amended.
 - A copy of the draft BAR&EMPR were sent to surrounding landowners on 23 September 2015.
 - A copy of the draft BAR&EMPR was sent to all statutory bodies for comments.
 - Notices were sent to all key stakeholders and the registered interested and affected parties during public participation process.

GOEDGEKEUR
APPROVED

- Proof of consultation and comments received from the Interested and Affected Parties are included in the BAR.
 - Comments and issues raised by interested and affected parties were addressed in the BAR.
- f) There are no objections received from the Department of Water & Sanitation, Department of Environmental Affairs and Development Planning, Department of Agriculture, Cape Nature, heritage Western Cape, Beaufort West Local Municipality and Central Karoo District Municipality.

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 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 as amended.
- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and/or on the approved EMPr.
- 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 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 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.

**GOEDGEKEUR
APPROVED**

- 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 Provide the registered I&APs with;
- 2.5.1 Name of the holder (entity) of this EA.
 - 2.5.2 Name of the responsible person for this EA.
 - 2.5.3 Postal address of the holder.
 - 2.5.4 Telephonic and fax details of the holder.
 - 2.5.5 E-mail address of the holder if any.
- 2.6 Copy the Department when you notify I&APs of the decision.

3 COMMENCEMENT OF THE ACTIVITY (IES)

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

GOEDGEKEUR

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, 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 holder of EA 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 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and/or **Heritage Western Cape (HWC)** (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or Heritage Western Cape (HWC).
- 3.16 Care must be taken to ensure that material and topsoil required for rehabilitation is 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.

GOEDGEKEUR
APPROVED

- 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 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 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 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 and NEMA for the listed mining activities, the EA is valid for the period for which the aforesaid Mining Permit is granted provided that these activities commence within 5 years. If the commencement of the proposed activities does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations must be made for the activity to be undertaken.

GOEDGEKEUR
APPROVED

- 3.28 This EA will only be effective on the event that a corresponding mining permit is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a mining permit.
- 3.29 The listed activity (ies), 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 ACTIVITY (IES)

- 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 (ies).
- 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 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 or 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, and 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 Environmental Control Officer (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 always available on site 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

5 REPORTING TO THE DEPARTMENT

- 5.1 The holder of EA must:
- 5.1.1 Submit an Environmental Audit Report to this department annually 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.

GOEDGEKEUR
APPROVED

11

- 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 Weather proof, 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.

GOEDGEKEUR
APPROVED

[Handwritten signature]

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

- 9.1 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.

GOEDGEKEUR
APPROVED

(Handwritten signature)

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.
- 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.

GOEDGEKEUR
APPROVED

②

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 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 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: 19/12/20

GOEDGEKEUR
APPROVED