



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Roggebaai, 8001, Tel: 021 427 1014, Fax: 021 427 1046

44 Strand Street, MAP House, 7th floor, Cape Town, 8000

Enquiries: Portia Seaba, EAPASA Reg. No. 2019/730 E-Mail Address: Portia.Seaba@dmre.gov.za

Ref: (WC) 30/5/11/2/10433PR

Sub-Directorate : Mine Environmental Management

Mineral Sands Resources (Pty) Ltd

P.O Box 139
LUTZVILLE
8165

Attention: Mr. Sibonelo Mkhize (General Manager)

Tel: 087 150 4032

Cell: 063 298 8813

Email: sibonelo@mineralcommodities.com

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, IN RESPECT OF A PROSPECTING RIGHT APPLICATION FOR ZIRCONIUM ORE, RUTILE (HEAVY MINERAL), RARE EARTHS, MONAZITE (HEAVY MINERAL) LEUCOXENE (HEAVY MINERAL), HEAVY MINERALS (GENERAL), GARNET (ABBRASIVE), DIAMOND (ALLUVIAL), DIAMOND, DIAMOND (GENERAL) AND ILMENITE ON REMAINING EXTENT & PORTIONS 1,2,3 KLIPVLEY KAROO KOP 153, IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, from the date of the Department's decision in respect of your application and the

relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Forestry, Fisheries and Environment and a copy of such appeal to the Department of Mineral Resources 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 prescribed below:

Appeal to the Department of Forestry, Fisheries and Environment

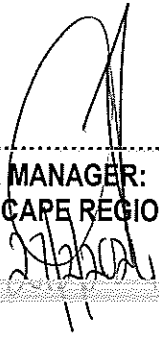
Attention : Directorate Appeals and Legal Review
Email : appeals@dfre.gov.za
By post : Private Bag X 447, Pretoria, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria**, 0083

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 (Atterbury House), 9 Riebeek 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: 



**mineral resources
& energy**

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: 021 427 1014, Fax: 021 427 1046
44 Strand Street, 7th Floor, Cape Town, 8001

Environmental Authorisation in terms of

**National Environmental Management Act, 1998 (Act 107 of 1998) as amended (“NEMA”)
and 2014 EIA Regulations as amended,**

For

**Zirconium Ore, Rutile (Heavy Mineral), Rare Eaths, Monazite (Heavy Mineral),
Leucoxene (Heavy Mineral), Heavy Minerals (General), Garnet (Abbrasive), Diamond
(Alluvial), Diamond, Diamond (General) and ilmenite on remaining extent & Portions 1, 2,
3 Klipvley Karoo Kop 153, in the Magisterial District of Van Rhynsdorp**

Reference number:	(WC) 30/5/1/1/3/2/1/10433PR
Last amended:	First issue
Holder of authorisation:	Mineral Sands Resources (Pty) Ltd
Location of activities:	Remaining Extent & Portions 1, 2, 3 Klipvley Karoo Kop 153, in the Magisterial District of Van Rhynsdorp The application area is 3635 ha. Prospecting will take place in 5 (five) phases.

DECISION

ACRONYMS

EIR:	Environmental Impact Report
DEPARTMENT:	Department of Mineral Resources and Energy
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&AP:	Interested and Affected Parties



MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended.
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended.
SAHRA:	South African Heritage Resources Agency

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** and **"2"** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral Resources and Energy hereby **grants** an Environmental Authorisation (EA) to **Mineral Sands Resources (Pty) Ltd** with the following contact details –

Mineral Sands Resources (Pty) Ltd
P.O Box 139
LUTZVILLE
8165

Attention: Mr. Sibonelo Mkhize (General Manager)
Tel: 087 150 4032
Cell: 063 298 8813
Email: sibonelo@mineralcommodities.com

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

LISTED ACTIVITIES AUTHORISED:

Listed Activities	Activity and/or project description
Activity 20 of Government Notice No. R 983 as amended by GN 517 Government Gazette No.44701.	
Any activity including the operation of that activity which requires a Prospecting Right in terms of section 16 of the Mineral and Petroleum	The application area requires a Prospecting Right is 3635 ha.

Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the Prospecting Right.	
---	--

A detailed description of the activity is as follows:

The Holder is hereby authorised to undertake **Prospecting Activities for Zirconium Ore, Rutile (Heavy Mineral), Rare Eaths, Monazite (Heavy Mineral), Leucoxcene (Heavy Mineral), Heavy Minerals (General), Garnet (Abbrasive), Diamond (Alluvial), Diamond, Diamond (General) and ilmenite** in the following manner:

Phase 1

Will involve desk-top activities: data acquisition from government and private sources, and analysis of any existing/previous prospecting and drilling data, satellite (Landsat) imagery, aerial photos, and terrain data, as well as geological map interpretation.

Phase 2:

Surface mapping will be conducted over a period of 3 months. Each pit will be 50cm x 50cm in size and dug to a maximum depth of 1m. 200 samples are planned for initially. Each sample locality will be backfilled and fully rehabilitated concurrently with sampling.

Phase 3

Will involve surveying and pegging of the anticipated deposit. A grid (average 500m x 500m) will be marked on the map, after which those positions will be marked in the field by a surveyor with labelled droppers (pegs). Shallow small diameter auger drilling will take place at these positions to an average depth of 4m. A total of 100 auger drill holes are planned initially and may be followed up with additional drilling. Access routes to the drill sites will be located (existing roads will be used and new tracks only permitted in exceptional circumstances).

Phase 4

Will be conducted with Air Core drilling method. A total of 250 Air-core holes are planned down to a limited depth of 50-60m. More drilling may be required depending on results. The footprint of each borehole site is ±50 m² that allows for the placing of the drill rig and vehicle. The applicant will not remove any topsoil due to the fast mobility of the drill rig and approximately 2 - 3 boreholes are planned to be operated per day. The boreholes will be capped with sand material from around the boreholes, and the area rehabilitated as they move to the next borehole.

Phase 5

Will involve analytical desk-top study. All the data collected will be analysed and compiled into a final report/model in order to determine the potential of the project and to outline possible future drill sampling programs if any.

Site description and location:

The activities will be conducted on Remaining Extent & Portions 1, 2, 3 Klipvley Karoo Kop 153, in the Magisterial District of Van Rhynsdorp, at the following co-ordinates:

Name	LONG (E)	LAT (S)
A	17.94216°	-31.39091°
B	17.97082°	-31.38289°
C	17.97398°	-31.38706°
D	17.99670°	-31.41602°
E	18.01963°	-31.44521°
F	18.06056°	-31.49722°
G	18.04609°	-31.50950°
H	17.99369°	-31.45015°
I	17.97715°	-31.42784°
J	17.95840°	-31.41048°
K	17.94216°	-31.39091°

Codes: C0780000000015300000
C0780000000015300001
C0780000000015300002
C0780000000015300003

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental Standard Conditions). The EMP_r attached as part of the reports for the above development submitted as part of the application for an EA complies with Section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Prospecting activities must be conducted in accordance with the approved BAR/EMP_r and attached site layout plan. **All recommendations, mitigation measures and conditions set out in the specialist reports must be strictly adhered to**

2. A buffer of 17m around the rivers and 15m around depression wetland must be kept to reduce the risk of sediment loading and erosion.
3. The existing roads must be used to access the area.
4. A Biodiversity Specialist must walk through the prospecting areas prior to any activity to ensure no sensitive species are found in the area. Should any Species of Conservation Concern be found, a specialist must advise on the correct actions to be taken to ensure no negative impact is caused. Areas within the Critical Biodiversity Areas must be avoided as far as practically possible.
5. The boreholes must be capped with sand material from around the boreholes, and the area rehabilitated as they move to the next borehole.
6. Prospecting activities must be done in areas that are found environmentally and practically suitable, sensitive and no-go areas demarcated in the specialist reports must be avoided.
7. If any archaeological terrestrial or maritime material, fossils or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist or paleontologist.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision.

All the information presented to the Department was taken into account during the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- 1.1. The information contained in the application form received by the Department on 18 April 2023.
- 1.2. The information contained in the final BAR&EMPr prepared by an independent Environmental Assessment Practitioner Sonette Smit of Greenmined Environmental Consultant submitted to the Department on 03 November 2024 due to Regulation 3(7) extension which was granted.
- 1.3. Public Participation Process Report appended to the final BAR&EMPr submitted to the Department on 03 November 2023.



1.4. Specialist reports attached to the final BAR&EMPr submitted to the Department on 03 November 2023 as follows:

- Animal Species, Plant Species, and Terrestrial Biodiversity Impact Assessment Report prepared and compiled by Megan Smith from Enviroworks.
- Aquatic Biodiversity Theme Compliance Statement prepared and compiled by Megan Smith from Enviroworks.
- Soil Compliance Statement prepared by Matthew Mamera and reviewed by Andrew Husted of the Biodiversity Company.
- Paleontological Impact Assessment prepared by Mr. J Pether from Geological and Palaeontological Consultant.
- Avifauna Impact Assessment prepared by Ryno Kemp reviewed by Andrew Husted of the Biodiversity Company.
- Heritage Impact Assessment prepared by Jenna Lavin of CTS Heritage.

1.5. The objectives and requirements of the applicable and relevant legislation, frameworks, and development plans, policies and guidelines, and the EIA Regulations.

1.6. The Closure/Rehabilitation Plan attached as Appendix 4 in the BAR&EMPR received by the Department on 03 November 2023 which included the information that is required for successful decommissioning phase of the project.

1.7. The Comments from Mine Health and Safety were in support of the proposed project.

1.8. 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.

1. Findings

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

1.1. The environmental impact assessment identified and assessed all potential environmental

~~impacts on the subject property and surrounding environmental receptors and~~
impacts were identified.

1.2. The environmental impact assessment identified and assessed all potential environmental impacts on the subject properties and mitigation measures were proposed.

- 1.3. The need and desirability of the project was clearly addressed and covered all the main factors.
- 1.4. Cultural, Heritage and Paleontological Impact Assessment (Appendix M4) indicates that there are no known outcrops of sensitive fossiliferous strata in the Project Area that require protection as NO-GO sites such as spots where fossils occur in obvious abundance. If the mitigation measures and monitoring programmes proposed in the PIA be implemented, then no fatal flaws could be identified that prevents the activity continuing.
- 1.5. According to the Terrestrial Impact Assessment (Appendix M1), no animal species of conservation concern were recorded on the development footprint. However common, non-threatened species are likely to inhabit the footprint and immediate surrounds. Given that the area surrounding the development footprint is natural and mostly undisturbed, any faunal species that are found on the development footprint would be able to find refuge outside of the footprint.
- 1.6. The Avifauna Impact Assessment (AIA) (Appendix M5) indicates that the total number of individual species accounts for approximately 34.3% of the total number of expected species Eight Species of Conservation Concern was recorded within the proposed area. The Site Ecological Importance was found to be Very High. However, the overall residual impact expected for the prospecting activities is low. Management measures include ensuring the prospecting footprints are minimized and restored after prospecting. Considering the provided information in the AIA, the specialist believes the project may be favorably considered on condition that all the mitigation and recommendations provided in this report and other specialist reports are implemented.
- 1.7. The Aquatic Biodiversity Compliance Statement confirmed that depression wetland and non-perennial rivers were present on the prospecting right application area. The depression wetland is considered natural with limited disturbance impacts. The wetland has a high clay content and due to heavy rainfall, little to no plants are found within the depression. With heavy rainfall, the depression will be saturated and is highly likely to function as a foraging ground and habitat for various fauna. The proposed prospecting works are planned within delineated rivers and a wetland. A 17 m buffer around the rivers and 15 m around depression wetland has been recommended to mostly reduce the risk of sediment loading and erosion. The specific drilling sites are expected to be within 500m and 100m of the rivers and a wetland. However, the rivers area expected to be overall



impacted by grazing, downstream mining activities and the development of a road. concluded that the development footprint is of low sensitivity for the Aquatic Biodiversity Theme, given that the drilling sites will avoid the watercourses and their respective buffers. Should the drilling sites be developed in the watercourses or within the buffers, the sensitivity rating will be increased to medium-high.

- 1.8. The Soil Compliance statement (Appendix M3) indicates that two dominant soil forms, the more sensitive forms identified within the assessment area are the Clovelly and Tongwane soil forms. The baseline findings and land capability sensitivity concur with each other, in most areas indicating a "Low" to "Moderate" land capability sensitivity. In some areas which were identified with a "Low" are characterized with soils with a good potential following the verified soil baseline findings. Overall, the area can be classified as "Medium" following the verified soil baseline on-site. It is the specialist's opinion that the proposed project will have limited impact on the agricultural production ability of the land.
- 1.9. Public Participation Process complied with Chapter 6 of the EIA Regulations. The PPP included *inter-alia*, the following:
- The stakeholders and I&AP's were informed of the project by means of an advertisement in Ons kontrei on 30 June 2023, and two on-site notices was placed at visible locations, one on the farm boundary fence at the entrance, and another at the at the Sentra Mini Mark in Koekenaap.
 - A register of interested and/or affected parties was opened as required by the 2014 EIA Regulations as amended.
 - A notification letter inviting comments on the DBAR over a 30-days commenting period (3 July to 3 August 2023) was sent to the landowner, neighbouring landowners, stakeholders and other I&AP that may be interested in the project.
 - Another 30-day commenting period was granted (25 August to 26 September 2023) due to the request that the document be translated to Afrikaans. The comments received on the DBAR are incorporated into the Final Basic Assessment Report (FBAR)
 - All comments and issues raised by interested and affected parties were addressed, responded to and tabled in the comments response report in the final BAR&EMPr.
 - Mine Health and Safety was consulted, and no objections were raised.



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 the approved EMPr.
- 1.4 When any of the holders of the EA contact details change including the 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 the safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
- 2.2 Notify all registered I&APs of –

- 2.2.1 The outcome of the application;
 - 2.2.2 The date of the decision;
 - 2.2.3 The date of issue of the decision and;
 - 2.2.4 The reasons for the decision as included in Annexure 1 and Departmental standard conditions in Annexure 2.
- 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations.
- 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 2.5 **Copy of the lodged appeal must be addressed to the Department of Mineral Resources on the address given on Page 2 of this EA.**
- 2.6 Provide the registered I&APs with:
- 2.6.1 Name of the holder (entity) of this EA;
 - 2.6.2 Name of the responsible person for this EA;
 - 2.6.3 Postal address of the holder;
 - 2.5.4 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE 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 Prospecting activities must be limited to the actual prospecting footprint in accordance with the approved layout plan and recommendations by the specialists, and mitigation measures must be implemented to reduce the risk to the environment.

- 3.4** An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treatment, reuse, and disposal where appropriate. Ensure that no refuse generated in the prospecting area is placed, buried, dumped, or deposited on the adjacent properties or public places and open space.
- 3.5** 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 understands the legislative requirements pertaining to the project. It is the holder of EA's responsibility to take reasonable measures which include informing and educating contractors and employees about the environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.6** Should any heritage material and/or shipwrecks be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) (in accordance with the applicable legislation). Heritage material and/or shipwrecks 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).
- 3.7** Noise generated by survey and sampling activities must fall within an acceptable range of most fish and marine mammals.
- 3.8** The holder of EA must ensure that any water uses listed in terms of Section 21 of the National Water Act must get authorisation from the Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.9** 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
- 3.10** The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMP.



- 3.11** 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.
- 3.12** 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.
- 3.13** 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.
- 3.14** 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.
- 3.15** Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed prospecting activities, the EA is valid for the period for which the Prospecting Right is granted provided that this activity commences 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.
- 3.16** Subject to the commencement and duration requirements of the MPRDA, the EA is valid for the period for which the Prospecting Right is granted. When the renewal application of the Prospecting 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.
- 3.17** This EA will only be effective in the event that a corresponding Prospecting Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a Prospecting Right.
- 3.18** 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 authorisation is suspended until such time as the appeal is decided.



3.19 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of the EA to bring it to the attention of the Department for resolution.

4 MANAGEMENT OF ACTIVITY (IES)

4.1 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, agents, 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 is disposed of at a waste management facility licensed to handle such waste and all recyclable waste is collected by licensed waste management facilities for recycling, reuse, or treatment.

4.6 Non-compliance with any condition of this EA and the approved EMPr is an offense 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.

4.7 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.

- 4.8** The Holder of EA must appoint the ECO before the commencement of prospecting activities and ensure that the name and contact details of the ECO are 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.
- 4.9** The ECO must:
- 4.9.1** Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals, or any other material).
 - 4.9.2** Keep a complaint register on-site indicating the complaint and how the issues were addressed, what measures were taken, and what preventative measures were implemented to avoid the re-occurrence of complaints.
 - 4.9.3** Keep records relating to monitoring and auditing on-site and avail them for inspection to any relevant authorised officials.
 - 4.9.4** Keep copies of all environmental reports submitted to the Department.
 - 4.9.5** Keep the records of all permits, licenses, and authorizations required by the operation.
 - 4.9.6** Compile a monthly monitoring report and make it available to the Department if requested.
 - 4.9.7** 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.
- 4.10** The footprint of the activities must be limited on the areas authorised for the actual prospecting 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 the Department biennial bases and~~
such report must be done by a qualified independent 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 with 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 activities, if applicable;
 - 5.1.4 identify shortcomings in the EMP/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 EMP;
 - 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities were 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 the 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 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 EMERGENCY PREPAREDNESS PLAN.

6.1. The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting an audit and after each emergency and or major accident. The plan must, amongst others, include:

6.1.1 Site Fire

6.1.2 Spillage

6.1.3 Natural disasters such as floods

6.1.4 Industrial action

6.1.5 Contact details of police, ambulances and any emergency center closer to the site.

6.2 The holder of EA must ensure that an up-to-date emergency register is kept during all phases of the operation.

6.3 The holder of the EA must, within 30 days prior to the commencement of the activities submit Emergency Preparedness Plan and Response Plan, and Ballast Water Management Plan.

6.4 The holder of the EA must report all emergency incidents to the Department within 24 hours of the occurrence and address them in accordance with section 30 of NEMA.

7 INVESTIGATIONS

7.1. 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.

7.2. 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.

- 7.3. 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.
- 7.4. 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.
- 7.5. The holder of the EA must comply with Section 28 of the NEMA and conduct prospecting activities in an environmentally friendly manner.

8 COMMISSIONING AND DECOMMISSIONING

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

9 SITE CLOSURE

- 9.1 The holder of EA must apply for a closure certificate in terms of Section 43 of the Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of the occurrence of lapsing, abandonment, cancellation, cessation, relinquishment, and completion of development.
- 9.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of the Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 9.3 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, 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 a certain portion of financial provision for residual, health, or environmental impacts that might be known in the future.



10 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.

11 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.

12 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: *21/02/24*