



19 June 2019
 527693
 DMR Reference Number: WC 30/5/1/2/3/2/1 (162 and 163 EM)

Dear Stakeholder

Notification of Environmental Authorisation and Appeal Procedure in Respect of the Unlawful Commencement of Listed Activities (Section 24G) at Tormin Mine, West Coast, South Africa

Notice is hereby given that on **18 June 2019**, the Department of Mineral Resources granted Environmental Authorisation (EA) to Mineral Sands Resources (Pty) Ltd (MSR) for the unlawful commencement of the following activities:

- Expansion of the processing plant area; and
- Construction of a new process water dam.

MSR was notified of the decision on 18 June 2019.

The granting of the EA is subject to a number of **conditions**, which, along with the **reasons for the decision**, are set out in the EA attached as Appendix A.

In terms of the National Appeal Regulations, 2014, and Annexure 2, Section 2 of the EA, any person wishing to appeal against the decision must submit an appeal to the Minister of Environmental Affairs within 20 (twenty) days of the date of this notification. Copies of the appeal documentation must also be served upon:

- The Department of Mineral Resources;
- The holder of the EA; and
- Registered Interested & Affected Parties¹.

The address to which the original appeal must be submitted is outlined below:

Department	Department of Environmental Affairs
Attention	Director: Appeals and Legal Review
E-mail address	appealsdirectorate@environment.gov.za
Postal Address	Private Bag X447, Pretoria, 0001
Hand Delivery	Environment House, Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

¹ The contact details of registered I&APs can be obtained from SRK on request for submission of copies of the appeal.

Partners R Armstrong, S Bartels, AH Bracken, N Brien, JM Brown, CD Dalglish, BM Engelsman, R Gardiner, M Hinsch, W Jordaan, WC Joughin, DA Kilian, S Kisten, F Lake, JA Lake, V Maharaj, I Mahomed, HAC Meintjes, MJ Morris, GP Nel, VS Reddy, T Shepherd, PJ Shepherd, MJ Sim, VM Simposya, JS Stiff, HFJ Theart, KM Uderstadt, AT van Zyl, MD Wanless, ML Wertz, A Wood

Directors AJ Barrett, CD Dalglish, WC Joughin, V Maharaj, VS Reddy, PE Schmidt, PJ Shepherd

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SRK Consulting (South Africa) (Pty) Ltd

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African Offices:

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Pretoria	+ 27 (0) 12 361 9821
Accra	+ 23 (3) 24 485 0928
Lubumbashi	+ 243 (0) 81 999 9775



The addresses to which copies of the lodged appeal must be submitted are provided below:

Department	Department of Mineral Resources
Attention	Regional Manager: Western Cape Region
E-mail address	Pieter.Swart@dmr.gov.za
Fax	021 427 1046
Postal Address	Private Bag X09, Roggebaai, 8012
Hand Delivery	9 th Floor, Atterbury House, 9 Riebeeck Street, Cape Town, 8001

EA Holder	Mineral Sands Resources (Pty) Ltd
Attention	Sibonelo Mkhize
E-mail address	sibonelo@mineralcommodities.com
Fax	021 525 1902
Postal Address	PO Box 139, Lutzville, 8165

Should you require further information, please contact Scott Masson of SRK at smasson@srk.co.za; Postnet Suite #206, Private Bag X18, Rondebosch, 7701; Fax: 086 530 7003; Tel: (021) 659 3060.

Yours faithfully,

SRK Consulting (South Africa) (Pty) Ltd

SRK Consulting - Certified Electronic Signature


527693/43633/Letter
3187-2425-2940-MASS-19/06/2019
This signature has been printed digitally. The Author has given permission for its use for this document. The details are stored in the SRK Signature Database.

Scott Masson
Senior Environmental Consultant

Appendix A: Environmental Authorisation



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
9th floor Atterbury House, 09 Corner Riebeeck and Lower Burg Street, Cape Town, 8001

Enquiries: Mr BP Mohaso **E-mail:** Peter.Mohaso@dmr.gov.za
Ref: WC 30/5/1/2/3/2/1 (162 and 163 EM)
Sub-Directorate: Mine Environmental Management

REGISTERED LETTER

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

Attention : Mr. S. Mkhize
Tell : 087 150 4010
Fax : 021 525 1902
Email : sibonelo@mineralcommodities.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED (“NEMA”) READ IN CONJUNCTION WITH THE NEMA: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, AND NEMA: REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED AND CRITERIA TO BE CONSIDERED WHEN DETERMINING AN APPROPRIATE FINE IN TERMS OF SECTION 24G, 2017 AS AMENDED, FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES ON THE REMAINING EXTENT OF THE FARM GEELWAL KAROO 262, SITUATED IN THE MAGISTERIAL DISTRICT OF VANRHYNSDORP: WESTERN CAPE.

With reference to the above mentioned application, please be advised that the Department has decided to **grant** Environmental Authorisation (EA) in terms of NEMA, Environmental Impact Assessment Regulations of 2014 as amended, 2014 (NEMA EIA Regulations. The EA and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the NEMA EIA Regulations, 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 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 by 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 : appealsdirectorate@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, Roggebaai, 8012
By hand : 9th floor Atterbury House, 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 Environmental Affairs.

Kind Regards,

.....
**REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE**
DATE: *16/09/2014*



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Rogge bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
9th floor Atterbury House, 09 Corner Riebeeck and Lower Burg Street, Cape Town, 8001

ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") READ IN CONJUNCTION WITH THE NEMA: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, AND NEMA: REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED AND CRITERIA TO BE CONSIDERED WHEN DETERMINING AN APPROPRIATE FINE IN TERMS OF SECTION 24G, 2017 AS AMENDED, FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES ON THE REMAINING EXTENT OF THE FARM GEELWAL KAROO 262, SITUATED IN THE MAGISTERIAL DISTRICT OF VANRHYNSDORP: WESTERN CAPE.

Reference number:	(WC) 30/5/1/2/3/2/1(162 and 163) EM
Holder of Integrated Environmental Authorisation:	Mineral Sands Resources (Pty) Ltd
Location of activities:	Remaining Extent of the Farm Geelwal Karoo 262, situated in the Magisterial District of Vanrhynsdorp.

ACRONYMS

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
EIR:	Environmental Impact Report
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, as amended 1998 (Act 107 of 1998), as amended (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

DECISION

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

NEMA EIA LISTED ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by NEMA, section 24G of the NEMA, and NEMA EIA Regulations, the Department of Mineral Resources hereby **authorises Mineral Sands Resources (Pty) Ltd** with the following contact details:

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

Attention : Mr. S. Mkhize
Tell : 087 150 4010
Fax : 021 525 1902
Email : sibonelo@mineralcommodities.com

to undertake the following activities (hereafter referred to as "the activities"):

Listed Activities	Activity and/or project description
Activity 27 of Government Notice No. R 983 (LN1) <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> i) The undertaking of a linear activity; or ii) Maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>An area of 4.1 ha on and surrounding the dam site was cleared of vegetation. The dam occupies approximately 2.2ha, and Tormin is in the process of rehabilitating the remaining 1.9 ha that was cleared surrounding the dam.</p>
Activity 16 of Government Notice No. R 984 (LN2) <p>The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p>	<p>A dam was built to the South – East of the Tormin Mine processing area. The dam is currently used to store process water (seawater) utilised in the secondary concentration plant. The storage capacity of the dam is 93 057 m³ and the highest part of the dam wall (sea-facing wall) is approximately 7 m high (toe to crest).</p>

Table 1: Authorised Listed Activities

Detailed description of the activities undertaken are as follows:

Process Plant Expansion Area : A 3.9ha (i.e. between 1 and 20 ha) area inland of and adjacent to the authorised processing plant area was cleared of vegetation to accommodate the stockpiling of garnet (with stackers), ilmenite (with stackers) and part of the Run-of-Mine (ROM) stockpile. A haul road also traverses this area.

New Process Water Dam : A dam was built to the south-east of the Tormin Mine processing area. The dam is currently used to store process water (seawater) utilised in the secondary concentration plant. The storage capacity of the dam is 93 057m³ and the highest part of the dam wall (sea-facing wall) is approximately 7m high (toe to crest). An area of 4.1 ha on and surrounding the dam site was cleared of vegetation. The dam occupies approximately 2.2ha, and Tormin is in the process of rehabilitating the remaining 1.9ha that was cleared surrounding the dam.

Site description and location:

The listed activities commenced on the Remaining Extend Farm Geelwal Karoo 262, situated in the Magisterial District of Vanrhynsdorp.

GPS coordinates of the activities undertaken:

Activities	Latitude	Longitude
Process Plant Expansion Area Centre Point	-31. 550362 ⁰	18. 093277 ⁰
New Process Water Dam Centre Point	-31.554352 ⁰	18.098451 ⁰

Hereinafter referred to as "the sites".

SCOPE OF THE AUTHORISATION

Granting of this EA is for the commencement and continuation of the listed activities as described in Table 1 and is subject to compliance with ***site specific conditions*** set out below and in **Annexure 2** (Departmental standard conditions). The Environmental Management Programme (EMPr) complies with Appendix 4 of NEMA: EIA Regulations and is hereby approved, therefore it must be adhered to throughout the life cycle of the operation.

The EA does not exempt the holder thereof from compliance with any other applicable legislation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Activities must be carried out in accordance with the approved Environmental Management Programme and the attached layout plan.
2. Designate undisturbed areas outside the approved boundary as "No- Go" areas and ensure that no vegetation is removed or disturbed outside the delineated boundary.
3. Monitor and maintain access roads and pipelines to reduce erosion.
4. Rehabilitate disturbed areas incrementally and as soon as possible, not necessarily waiting until completion of the Operation Phase.
5. Delineate the affected areas and inspect the boundary regularly (weekly).
6. Designate undisturbed areas outside the approved boundary as "No-Go" areas and ensure that no vegetation is removed or disturbed outside the delineated boundary.
7. Monitor the No-Go area weekly to identify and transgressions or contamination from, for example; material/dust emanating from the stockpile.
8. Limit the number of vehicles allowed in the affected areas and restrict the movement of these vehicles to designated roads.
9. Undertake regular monitoring for alien plants within the affected areas.
10. Do not harm, catch or kill animals by any means including poisoning.

11. Inspect the new process dam on a daily basis for animals that may have fallen or become trapped.
12. Keep the affected areas tidy and all activities, material and machinery contained within an area that is as small as possible.

ANNEXURE 1: REASONS FOR THE DECISION

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- a) The information contained in the final Environmental Impact Assessment (EIA) and EMPr to rectify unlawful activities: Expansion of Processing Area and New Process Water Dam, received by the Department on the 11th of July 2018.
- b) The potential impacts of the activities and the EMPr.
- c) The objectives and requirements of applicable and relevant legislation, policies and guidelines, NEMA EIA Regulations and NEMA Regulations Relating to the Procedure to be followed and Criteria to be considered when determining an Appropriate Fine in terms of section 24G.
- d) All the specialist studies as indicated on section 2 below.
- e) Public Participation Process (hereinafter referred to as "PPP") reports attached as Appendix J, K, M, N and Q.
- f) The findings of site inspection conducted by the officials of this Department on the 4th of September 2018.

2. Key factors considered in making the decision

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

- a) PPP satisfied the requirements of section D of NEMA: Regulations on Relating to the Procedure to be followed and Criteria to be considered when determining an Appropriate Fine in terms of section 24G. A preliminary advertisement to invite I&APs to register on the project database was published. Organs of State that administer environmental laws were also registered on the database. Upon the Department's directive in the acknowledgement letter of section 24G application dated 5th April 2018, the applicant released the relevant documentations to registered I&APs for a 30 day public comment period. The full details of the PPP are attached in Appendix J, K, M, N and Q
- b) The environmental impacts associated with the proposed activities will be managed in accordance with the approved EMPr attached in Appendix L.
- c) Recommendation submitted in the Socio-Economic Impact Assessment, Biodiversity Impact Assessment, Sense of Place and/or Heritage Impacts and Pollution Impact Assessment attached in Appendix H, satisfying the requirements of Part 1 Section C NEMA: Regulations Relating to the Procedure to be followed and Criteria to be considered when determining an Appropriate Fine in terms of section 24G.
- d) Responses provided to comments received from the I&APs including Organs of State attached in Appendix Q.
- e) Payment of the fine as determined by section 24G Committee.

3. Findings

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

- a) The potential impacts on the site were investigated and mitigation measures were outlined, outcomes of the assessment are as follows:

- Socio-economic impact assessed to be *insignificant*
- Biodiversity impact assessed to be of *low significance*
- Sense of place and heritage impact assessed to be *very low*
- Pollution impact assessed to be *insignificant to very low*.

b) The findings of site inspection conducted by the officials of this Department on 4th September 2018 were as follows:

- Hectares of vegetation cleared was more than that of the approved EMPr.
- A jetty like structure is not a jetty, but rocks placed along and on top of the pipelines in order to anchor them during heavy waves (the pipelines are used in abstraction of water from the sea).

c) PPP complied with section D of NEMA: Regulations Relating to the Procedure to be followed and Criteria to be considered when determining an Appropriate Fine in terms of section 24G. The PPP included, *inter-alia*, the following:

- A preliminary advertisement (specifying the date, location, applicable legislative provision contravened and activity or activities commenced without the required authorisation) was advertised in a local newspaper. Ons Kontrei, I&APs were given 20 days to register on project database.
- Organs of State administering environmental law were also invited to register on the project database. A register of I&APs was opened and is included in the final NEMA section 24G application.
- On the 4th of May 2018, relevant section 24G documentations were made available to I&APs (including Organs of State) for 30 days comment period (from 5th May 2018 – 4th June 2018).
- Proof of consultation and comments received from the I&APs are included in the final NEMA section 24G application.
- Comments and issues raised by I&APs were adequately addressed.

- d) The applicant made full payment of the fine within specified timeframe as determined by section 24G Committee.

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.
- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and 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 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&AP's 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 and
 - 2.5.5** E-mail address of the holder if any.

3 CONTINUATION 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 Rehabilitate disturbed areas incrementally and as soon as possible.
- 3.4 Stabilise the slopes of the new process water dam.
- 3.5 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 areas.
- 3.6 Minimise the use of night-lighting. No high mast or up-lighting allowed.
- 3.7 Empower staff to stop work on (chance) discovery of heritage resources. On discovery of archaeological/paleontological finds, fence off the area with a 5m buffer zone. Send information and photographs to a specialist for assessment and to determine preservation collection and record keeping procedures.
- 3.8 Ensure hazardous material (especially fuel) area stored in suitable hazardous material storage facilities constructed from impermeable materials.
- 3.9 Ensure that contaminants are not placed or handled directly on the ground.
- 3.10 Keep spill contaminants and clean-up equipment at all work sites and for all polluting material used at the mine.
- 3.11 Clean up any spills immediately through containment and removal of free product and appropriate disposal of contaminated soils.
- 3.12 Ensure stockpiled areas are lined.
- 3.13 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 continuation of such activity (ies).
- 3.14 This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.15 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.16 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.

3.17 An appeal under Section 43(7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspends an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.

3.18 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not continue with the activity (ies) until such time that the Minister allows you to continue with such activity (ies) in writing.

3.19 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.

3.20 Subject to the commencement and duration requirements of the MPRDA and NEMA listed activities, this EA is valid for the period for which the aforesaid Mining Right is granted provided that this activity commences continuation within 10 years. If continuation of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA must be made before the activity is undertaken.

3.21 The authorised listed activity (ies) must *not* continue 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 EA is suspended until such time as the appeal is decided.

3.22 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 the I&APs must be attended to as soon as possible and addressed to the satisfaction of all concerned I&APs.
- 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 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.
- 4.6 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 in the form of an amendment of the EA and the EMPr 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 and EMPr.
- 4.7 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPr.
- 4.8 The holder of EA must appoint the ECO and ensure that the ECO is always available onsite to ensure compliance with the EA and approved EMPr. The holder of the EA must submit the name and contact details of the ECO to the Regional Manager within 30 days of continuation.

4.9. The ECO must:

- 4.9.1. Keep and maintain a detailed incidents register**
- 4.9.2. 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.**
- 4.9.3. 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, licences and authorisations 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 NEMA.**

4.10. 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.

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 EA 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 activities, if applicable;**
- 5.1.4 Identify shortcomings in the EMPr/closure plan, if applicable;**

- 5.1.5 Identify the need, if any, for any changes to the management avoidance and mitigation measures provided for in the EMPr;
- 5.1.6 If applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
- 5.1.7 be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.

5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.

5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.

5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.

5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –

- 5.5.1 Correct the impact resulting from the incident;
- 5.5.2 Prevent the incident from causing any further impact; and
- 5.5.3 Prevent a recurrence of a similar incident.
- 5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have

been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the IEA.

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 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. This register must be made available upon request by the Department.

7. INVESTIGATIONS

- 7.1.** If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on 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.
- 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 ensure that the operational activities are conducted in an environmentally friendly manner.

8. COMMISSIONING AND DECOMMISSIONING

- 8.1. The commissioning and decommissioning of listed 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 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.
- 9.2. 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.
- 9.3. No exotic but, only indigenous plants must be utilized for rehabilitation purposes.
- 9.4. 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.

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 Department is satisfied that, subject to compliance with the EMPr/closure plan and conditions stipulated in the EA, the 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 EA is accordingly granted.

Your interest in the future of our environment is appreciated.

Kind Regards

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

DATE: 18/6/2019