



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 54307, Durban, 4000, 333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban

Tel: (031) 335 9600, Fax: (031) 305 5801, Email: Viloshnee.pillay@dmre.gov.za

Reference: KZN30/5/1/3/2/10755 MP

NDWEDWE ROAD QUARRY

POSTNET SUITE 515

PRIVATE BAG X503

NORTHWAY

4065

For attention : Mr Karl Stott
Tel : 083 255 7695
Email : operations@flanders.co.za

Dear Sir / Madam

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) 1998, AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014, AS AMENDED FOR A MINING PERMIT, PORTION A OF THE REMAINDER OF THE FARM FAIRVIEW 15281, KZN.

With reference to the abovementioned application, please be advised that the Department of Mineral Resources and Energy has decided to **grant** an environmental authorisation in terms of NEMA.

In terms of Regulation 15 of GNR 982, December 2014, as amended an Environmental Assessment Practitioner (EAP) must identify a whether basic assessment or scoping & EIR process must be applied to the application taking into account any notices published in terms of section 24D of the Act. As per the application form dated 14/03/2021, the EAP has identified that a Basic Assessment process be applied. The following listed activities was identified:

Activity 21 listed in the EIA Regulations, 2014 as amended:-

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 associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

Activity 27 listed in the EIA Regulations, 2014 as amended:-

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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

In terms of Regulation 4(2) of GNR 982, December 2014, as amended you are instructed to notify all registered interested and affected parties (I&AP's), in writing within 14 (fourteen) calendar days, from the date of the Department's decision in respect of your application. The relevant information regarding the lodgement of an appeal must be provided as per the provisions 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 Environment, Forestry and Fisheries and a copy of such appeal must also be submitted to the Department of Mineral Resources and Energy (KwaZulu Natal Regional Office), within 20 (twenty) days from the date of this notification. Such appeal must be lodged as prescribed 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 the Environment:

Attention : Directorate Appeals and Legal Review

Email : appeals@dffe.gov.za / MRakgogo@dffe.gov.za

By post : Private Bag X 447
Pretoria
0001

By hand : Environmental House
473 Steve Biko Road
Arcadia
Pretoria
0083

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

Attention : Regional Manager: KwaZulu Natal Region

By facsimile : (031) 305 5801

E-mail : Ntsundeni.Ravhugoni@dmre.gov.za

By post : Private Bag X54307
Durban
4000

By hand : 333 Anton Lembede Street
3rd Floor Durban Bay House
Durban
4000

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

Yours Sincerely



REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL/REGIONAL OFFICE

DATE: ~~01/02/2023~~ 01/02/2023



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 54307, Durban, 4000, 333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban

Tel: (031) 335 9600, Fax:(031) 305 5801,

Enquiries: Mrs. V Pillay; Email: viloshnee.pillay@dmre.gov.za

ENVIRONMENTAL AUTHORISATION

Reference number	KZN 30/5/1/3/2/10755 MP
Last amended	First issue
Holder of environmental authorisation	Ndwedwe Road Quarry
Location of activity	Portion A of the Remainder of the Farm Fairview 15281, KZN

ACRONYMS

NEMA	National Environmental Management Act (Act 107 of 1998), as amended
BAR	Basic Assessment Report
DEPARTMENT	Department of Mineral Resources and Energy
EA	Environmental Authorisation
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
BAR	Basic Assessment Report
I&AP's	Interested and Affected Parties
MPRDA	Mineral and Petroleum Resources Development Act, (Act 28 of 2002), as amended
NEMPAA	National Environmental Management: Protected Areas Act (Act 57 of 2003)
PPE	Personnel protective equipment
PPP	Public Participation Process
SAHRA	South African Heritage Resource Agency
SAPS	South Africa Police Service

DECISION

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

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by the provisions of NEMA, the Department hereby grants an EA to Ndwedwe Road Quarry with the following contact details –

Mr K Stott
Postnet Suite 515
Private Bag X503
Northway
4065

Tel : 083 255 7695
Email : operations@flanders.co.za

to undertake the following activities listed in the **EIA Regulations, December 2014, as amended:-**

Activity 21 "Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)".

Activity 27 "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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan".

Detailed specifications of the activity are as follows:

Mining Permit Application		
Area to be transformed: 4.29 ha		
Name	Latitude	Longitude
A	29.8390393752	30.5140789287
B	29.8400971376	30.5161302570
C	29.8415804007	30.5158898727
D	29.8418482319	30.5141445947
A	29.8390393752	30.5140789287

The granting of this EA is subject to the conditions set out below contained in **Annexure 2**.

ANNEXURE 1: REASONS FOR THE DECISION

1. BACKGROUND

The applicant, **Ndwedwe Road Quarry** lodged an application for an EA for a mining permit to mine aggregate on 14/03/2021. The EAP (Ebenaeser Environmental Consultants) submitted a BAR on 22/09/2021. The Department reviewed the BAR and a decision could not be made. Comment on the BAR was sent to the EAP and applicant on 22/10/2021 and the amended BAR was due on 10/12/2021. The EAP failed to submit the report and an email was sent on 13/12/2021 requesting submission by 17/12/2021. The applicant sent a request for extension on 14/12/2021 and requested an extension till 31/03/2022 which was duly authorized.

A pre-authorisation inspection was conducted on 20/01/2022 to gain an understanding into the surrounding area and to assist the EAP and applicant in submitting the requested information. A letter was received from the applicant on 24/01/2022 stating that new consultants had been appointed to compile the BAR. The new EAP (Icebo Enviro Projects) had challenges during the public participation process and requested a further extension till 21/06/2022 which was duly authorized. The final BAR was submitted on 21/06/2022.

2. PROPOSAL AND ASSESSMENT

A 4.29 ha quarry to mine aggregate will be established on an area where mining activities had been conducted previously. Controlled blasting will be carried out to loosen the material. The site is approximately 700m from the R603 and access to the site will be from the P118. Processing of the mineral will occur on site. An authorized mine (10765 MP) is located in close proximity to the site.

A Desktop Terrestrial Ecological Assessment was conducted and confirmed that a portion of the site occurs within an ecosystem classified as "Vulnerable". The report stated that due to the mining activities that occurred on site, it is highly unlikely that the ecosystem will be directly impacted upon by the proposed mine. The report stated that the establishment of the quarry will result in permanent removal of vegetation for a medium to long period of time and concluded that it is unlikely that plant species of conservation concern will be directly impacted upon. A condition will be added to the EA to ensure that the site be surveyed by an ecologist prior to commencement to rescue and relocate species of conservation importance within the ambit of applicable law.

A Desktop Watercourse Delineation Report confirmed that no watercourses occurs on site but 3 watercourses are located within 500m of the proposed quarry. The report stated that one wetland is located within the impact zone of the quarry and is therefore likely to be negatively affected by the proposed activities. A 100m buffer has been assigned to this wetland to ensure the quarry is able to maintain a “no net-loss in biodiversity”.

A Blast and Bench Design Risk Assessment was conducted to optimize the blast events. The report stated that the only concern would be a dust cloud generated during blast events but such cloud will settle within the 500m radius of the mine. The district road and the Beaumont-Eston Farmer’s Association are located 220m and 500m away from the quarry, respectively. Measures to manage dust have been included in the EMP.

There is going to be two quarry’s contributing to impacts introduced into the area. Once mining commences it will be difficult to ascertain who the perpetrators are in terms of unmitigated impacts. Thus a working agreement between the two parties needs to be developed and adhered to by both mining companies. A condition to the EA will be added to ensure this is catered for.

A Traffic Statement was prepared for the proposed quarry and the specialist confirmed that the operation of the quarry is supported from a traffic perspective. The EAP further confirmed that alternative routes and corresponding mitigation measures in the BAR will assist to ensure the proposed quarry does not negatively affect the commercial and other traffic in the area.

3. OBJECTIONS

There have been numerous objections recorded in the comments and response report contained in the BAR. The objections include:

- Public meetings;
- Failure to inform all I&AP’s of the project;
- Destruction of the natural pockets of natural veld and corridors
- The quarry is close to watercourses;
- Failure to erect site notices
- Visual impact
- Proof of consultation with the landowner
- Volume of trucks and impact to the district road
- Heritage impacts

- Closure and rehabilitation
- Dust

4. DEPARTMENTS' OPINION

The objections were reviewed in conjunction with the information contained in:

- The final BAR
- The specialist reports attached to the BAR
- The EAP's responses to the comments
- The EMP;
- The additional information to the final BAR

Specialist reports conducted on site have assessed the impacts of the proposed operation and provided corresponding mitigation measures. The public participation conducted has complied with the EIA Regulations, 2014, as amended and the landowner has entered into a lease agreement with the proposed quarry. The EMP addresses the potential impacts from the project and additional conditions will be added to the EA to ensure compliance on site.

Thus the Department is of the view that all objections have been dealt with and responded to adequately.

5. INFORMATION CONSIDERED IN MAKING THE DECISION

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

- 3.1 The information contained in the application form dated on 14/03/2021.
- 3.2 The information contained in the final BAR, received by this Department on 21/06/2022.
- 3.3 The information contained in the additional information document, dated 21/10/2022.
- 3.4 The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014, as amended.

6. FINDINGS

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

- 4.1 The procedure that has been followed is in compliance with the provisions of NEMA and the associated EIA Regulations of 2014, as amended.
- 4.2 The environmental impacts associated with the proposed activity will be addressed by the mitigation measures outlined in the basic assessment report and environmental management plan.
- 4.3 The applicant has proved that the operation will not negatively impact on the environment.
- 4.4 An adequate Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 for public involvement.
- 4.5 The objections have been dealt with and responded to adequately.

ANNEXURE 2: CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the EA is 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 the EA.
- 1.2. Any changes to, or deviation from the project description set out in the BAR 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 it deems necessary to evaluate the significance and impacts of such changes or deviation. It may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations applicable at the time of the amendment.
- 1.3. The activities, which are authorised, may only be carried out at the property indicated in this EA.
- 1.4. This EA is only applicable to the activity as described on page 6 and 7 of this EA. Only the activities as listed on page 6 are to be conducted on site.
- 1.5. All mining related activities *i.e.* mineral extraction, stockpiling, must occur within the approved mining area as described on Page 7 of this EA. No activities are permitted to occur outside of this area.
- 1.6. The mining permit area must be clearly demarcated throughout the lifespan of the operation.
- 1.7. Signage must be erected at the mining area, warning the public (residents, visitors etc.) about the hazard around the site and the presence of heavy vehicles and machinery.
- 1.8. Where any of the contact details of the holder of the EA change, including the name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department within 14 (fourteen) calendar days.
- 1.9. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.

- 1.10. The holder of the EA must note that in terms of the National Forest Act (Act No.84 of 1998) protected plant species must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 1.11. The holder of the EA must ensure that any water uses listed in terms of the National Water Act be authorized by the Department of Water and Sanitation prior to the commencement of such activities.
- 1.12. This EA does not purport to absolve the holder of the EA from its common law obligations towards the owner of the surface of land affected.
- 1.13. 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.
- 1.14. The holder of the EA must note that in terms Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3).
- 1.15. The Department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and any frequency as
- 1.16. This EA is valid for a period which will be stated in the Mining Permit issued in terms of the MPRDA, 2002.
- 1.17. This EA will only be effective in the event that a corresponding mining permit is issued in terms of the MPRDA (as amended) and none of the activities listed in this EA may commence without the corresponding mining permit.
- 1.18. Should there be any conflicting conditions between this EA and any other approval/s granted by other authorities, the responsibility rests with the holder of the EA to bring it to the attention of the Department for resolution.

- 1.19. Non-compliance with any condition of this EA and approved EMP may result in the issuing of a Directive in terms of Section 28 and/or a Compliance Notice in terms of Section 31L of NEMA.
- 1.20. The holder is reminded that in terms of Section 49(A)(1)(c) of NEMA, a person is guilty of an offence if that person fails to comply with or contravenes a condition of an EA.
- 1.21. A person convicted of an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 (ten) years, or to both such fine or such imprisonment.

2. APPEAL OF EA

2.1. In accordance with Regulation 4(2) of the EIA Regulation, GNR 982, December 2014, as amended within 14 (fourteen) calendar days from the date of this decision the holder of the EA must notify all registered I&APs in writing of the following:

- 2.1.1 The outcome of the application;
- 2.1.2 The date of the decision;
- 2.1.3 The date of issue of the decision;
- 2.1.4 The reasons for the decision as included in Annexure 1 and Departmental Conditions in Annexure 2;
- 2.1.5 That an appeal may be lodged against the decision in terms of the National Appeals Regulations,
- 2.1.6 The manner in which registered I&AP's may access the decision.

2.2. In addition to point 2.1 the holder of the EA must also provide the registered I&APs with:

- 2.2.1 Name of the holder (entity) of this EA;
- 2.2.2 Name of the responsible person for this EA;
- 2.2.3 Postal address of the holder;
- 2.2.4 Telephonic and fax details of the holder and
- 2.2.5 E-mail address of the holder if available.

2.3. Please take note that in terms of Section 43(7) of NEMA an appeal suspends an EA. Therefore you may not commence with the mining operation until such time that the Minister allows you in writing, to start.

3. FINANCIAL PROVISION

- 3.1 The holder of the EA must annually assess and upgrade (if applicable) the environmental liabilities of the operation in line with the Regulations pertaining to Financial Provision for Mining Operations, GNR 1147, November 2015.
- 3.2 In terms of Section 18(1) it is an offence if the holder of the EA fails to comply with review, assessment and adjustment of financial provision. If convicted of an offence, condition 1.21 as contained in this EA is applicable.

4. MANAGEMENT OF ACTIVITIES

- 4.1 The EMP submitted as part of the BAR is hereby **approved** and all mitigation measures and commitments as stated in the EMP must be adhered to throughout the life cycle of the operation.
- 4.2 Any additional or new activities not specified in the BAR and not approved as part of this EA must be applied for by the holder and authorised by the competent authority prior to the commencement of these activities.
- 4.3 The site must be surveyed by an ecologist prior to commencement of mining activities to rescue and relocate species of conservation importance within the ambit of applicable law.
- 4.4 A copy of the EA and approved EMP must be kept at the property or at the site office where the activities will be undertaken. The EA and approved EMP must be produced to any authorised official of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 4.5 The content of the EMP and its objectives must be made known to all contractors, subcontractors, agents and any other people working on the site, and in the event of the need to update or amend the EMP, these must be submitted to the Department in writing for approval.
- 4.6 The mitigation measures contained in the specialist reports and attached to the BAR must be implemented on site throughout the lifespan of the project.

- 4.7 The holder of the EA must ensure that all non-recyclable wastes are disposed of at waste management facilities licenced to handle such wastes and also ensure that all recyclable wastes are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.8 Any rehabilitation of disturbed surfaces caused by the mining operation must comply with the approved EMP.
- 4.9 The footprint of the activities must be limited to the areas authorised. All areas outside of the footprint must be regarded as a “no go” areas.
- 4.10 Erosion and soil loss must be prevented by minimizing the size of the area exposed to surface water run-off. Where necessary erosion stabilizing measures such as gabions, earthen berms or re-vegetation must be implemented to prevent further environmental degradation.
- 4.11 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled and clearly demarcated.
- 4.12 A 100m buffer between the wetland and mining activities must be maintained throughout the lifespan of the operation. This buffer zone must be clearly demarcated.
- 4.13 A working agreement document between yourselves and the permit holder for 10765 MP must be developed to ensure a harmonious working environment. Detailed measures/conditions in line to mitigate impacts to sensitive receptors that are binding on each party must be developed and entered into by both parties. The detailed agreement must be forwarded to the Department within five (05) days of signature.

5. ENVIRONMENTAL CONTROL OFFICER

- 5.1 The holder of the EA must appoint an independent, experienced and suitably qualified ECO to ensure compliance with the conditions contained in this EA and approved EMP.
- 5.2 The holder of the EA must ensure that the name and contact details of the ECO is submitted to this Department within 30 (thirty) calendar days of commencement of the mining operation.
- 5.3 The ECO must:

- 5.3.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material.
 - 5.3.2 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.
 - 5.3.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 5.3.4 Keep copies of all environmental reports submitted to the Department.
 - 5.3.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 5.3.6 Compile a monthly monitoring report and make it available to the Department if requested.
- 5.4 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 5.5 Should the details of the ECO change at any time, the details of the newly appointed ECO must be sent to the Department within 14 (fourteen) calendar days of the changeover.

6. COMMENCEMENT OF THE ACTIVITIES

- 6.1 The following conditions apply to dust generation on site:
- 6.1.1 Speed limits must be implemented on the access roads and measures must be place to ensure adherence to the speed limit.
 - 6.1.2 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
 - 6.1.3 The Department reserves the right to implement additional conditions if there is evidence that dust is causing a nuisance to community members.
- 6.2 The following conditions apply to stormwater management and must be adhered to:
- 6.2.1 Stormwater must be managed throughout the lifespan of the mining operation;
 - 6.2.2 The site must be contoured to ensure free flow of runoff and to prevent ponding of water;
 - 6.2.3 Flows from the outlets must be dissipated to prevent potential erosion or localised flooding.

- 6.2.4 In order to reduce erosion on site stormwater must be attenuated and the root/immediate cause of erosion must be dealt with; and
- 6.2.5 Stormwater control measures must be implemented along the access roads to prevent erosion.
- 6.2.6 Monitoring and maintenance of storm water control facilities must be conducted at all times and if damaged, must be rectified as directed by the Department or any other relevant authority.
- 6.3 In order to ensure safety, all employees must be given the necessary PPE.
- 6.4 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 6.5 Prior to any mining activities commencing, the site operator must acknowledge in writing that he/she fully acknowledges and understands the conditions contain in this EA and the mitigation measures contained in the EMP. This acknowledgment must be sent to the Department within 14 (fourteen) calendar days from the date of commencement of the mining activities.
- 6.6 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 6.7 If any soil contamination is noted, the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and the 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.
- 6.8 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project.
- 6.9 It is the responsibility of the holder of the EA 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.

- 6.10 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treatment, reuse and disposal where appropriate. Any uncontaminated rubble generated on the premises can be re-used as back filling material on site. No refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 6.11 An adequate number of waste receptacles must be placed on site and utilised by employees.
- 6.12 Construction vehicle must be serviced and maintained in such a manner that no excessive fumes are emitted, noise is reduced to acceptable levels, and petro-chemical leaks are prevented.
- 6.13 Should any heritage remains be exposed during operation or any actions on the site, these must be reported within 24 (twenty four) hours to SAHRA and AMAFA - KZN (in accordance with the applicable legislation).
- 6.14 Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from SAHRA and/or AMAFA – KZN. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
- 6.15 A qualified archaeologist must be contracted where necessary (at the expense of the holder of the EA and in consultation with the relevant authority and SAPS) to remove any human remains in accordance with the requirements of the relevant authority.
- 6.16 Should any spills occur it must be cleaned immediately by removing the spillage together with the polluted solids. Disposal must occur at an authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 (twenty-four) hours of an incident that may pollute surface and underground water resources.
- 6.17 Should an area be required for salvage material, this area must be fenced and signage posted. The area must not be unkempt and good housekeeping measures are to be practised.

7. SITE SECURITY, ACCESS AND ACCESS CONTROL

- 7.1 The holder of the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 7.2 The holder of the EA must ensure access control on the site to prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 7.3 Hauling routes for mine vehicles and machinery must be clearly marked and signalling must be posted.

8. REPORTING TO THE DEPARTMENT

- 8.1 The holder of the EA must:
 - 8.1.1 Submit an Environmental Audit Report to this Department annually (every year).
 - 8.1.2 Such report must be done by a qualified independent person with the relevant environmental auditing expertise.
 - 8.1.3 The audit report must specify whether conditions of this EA and approved EMP were and are adhered to;
 - 8.1.4 Identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 8.1.5 Identify shortcomings in the approved EMP, if applicable;
 - 8.1.6 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the approved EMP;
 - 8.1.7 if applicable, specify whether the corrective action/s taken for the previous audit's non-conformities, were adequate;
 - 8.1.8 specify the name of the auditor and expertise; and
 - 8.1.9 be submitted by the holder to the competent authority within 30 (thirty) calendar days from the date on which the auditor finalised the audit.
- 8.2 Should any shortcomings be identified, in terms of Regulation 34(4) of GHR 982, December 2014, as amended the holder must submit recommendations to amend the EMP in order to rectify the insufficient mitigation measures or unmitigated impacts.

- 8.3 All complaints received from I&AP's during any of the phases of the operation must be attended to within 05 (five) working days and addressed to the satisfaction of all concerned. All complaints must be recorded and a report must be forwarded to the competent authority with all relevant details of the complaint, complainant and how the complaint was resolved within 30 (thirty) calendar days of receipt of the complaint.
- 8.4 The holder of the EA must, within 24 (twenty-four) hours of incidents, as defined in NEMA, occurring, notify this Department 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, has caused or may cause pollution of the environment, health risks, nuisance conditions or water pollution.

9. EMERGENCY PREPAREDNESS PLAN

- 9.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it annually when conducting the audit and after each emergency and or major accident. The plan must, amongst others, include:
- 9.1.1 Site Fires
 - 9.1.2 Spillages
 - 9.1.3 Industrial action
 - 9.1.4 Contact details of police, ambulances and any emergency centres closest to the site.
- 9.2 The holder of the 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.

10. INVESTIGATIONS

- 10.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or are occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 10.2 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. If applicable, such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.

- 10.3 Investigations carried out in terms of conditions 9.1 and 9.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

11. SITE CLOSURE

- 11.1 The holder of the EA must apply for a closure certificate in terms of Section 43(3) of the MPRDA, 2002, as amended within 180 days of the occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 11.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of MPRDA, 2002, as amended.
- 11.3 Only indigenous plants can be utilized for rehabilitation purposes.
- 11.4 The holder of the 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 or latent, health or environmental impacts.

12. NEMA PRINCIPLES

- 12.1 The principles set out in Section 2 in Chapter 1 of NEMA, must be applied to this mining operation and any matter relating to this operation; and must serve as a guideline for the interpretation, administration and implementation of all environmental requirements.
- 12.2 This mining operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into the planning and implementation of this mining operation in order to ensure that the exploitation of mineral resources serves present and future generations.

- 12.3 The holder of this EA must at all times give effect to the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 12.4 Manage all environmental impacts as an integral part of the mining operation and must as far as it is reasonably practicable, rehabilitate the environment affected by the mining operations to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development.
- 12.5 The holder of the EA is responsible for any environmental damage, pollution or ecological degradation as a result of his or her mining operations and which may occur inside and outside the boundaries of the area to which this EA relates.


13. DISCLAIMER

The Department 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.

14. RECOMMENDATIONS

In view of the BAR and management and mitigation measures proposed in the EMP, 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 EA is accordingly granted.

Yours Sincerely



REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL REGIONAL OFFICE

DATE: 01/02/2023