



DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION  
 ISEBE LEZENDALO NEZOLONDOLOZO  
 LEFAPHA LA TIKOLOGO LE TSHOMARELOYA TLHAGO  
 DEPARTEMENT VAN OMGEWING EN NATUURBEWARING

Mediterranean Towers  
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 KIMBERLEY 8300

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 Reference : NNO 25/19  
 Tshupelo :  
 Isalathiso : NC/SIY/TSA/BEESHOEK1/10/2010  
 Verwysings :

Date : 20<sup>th</sup> April 2011  
 Letha :  
 Umhla :  
 Datum:

Mr. Mark Oosthuizen  
 Assmang Iron Ore ( Beeshoek Mine)  
 P.O. Mancorp Mine  
 Beeshoek  
 8423

Fax: 053 - 311 4642

Dear Sir/ Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORIZATION:GNR 386:ACTIVITIES 15 AND GNR 387: ACTIVITY 5:ASSMANG IRON ORE BEESHOEK MINE R385 ROAD DIVERSION, TSANTSABANE LOCAL MUNICIPALITY, SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.**

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2006, the Department hereby grants authorisation **APPLICATION FOR ENVIRONMENTAL AUTHORIZATION: GNR 386: ACTIVITIES 15 AND GNR 387: ACTIVITY 5: ASSMANG IRON ORE BEESHOEK MINE R385 ROAD DIVERSION, TSANTSABANE LOCAL MUNICIPALITY, SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Scoping Report Dated May 2010**, subject to the conditions listed in the environmental authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit No 17/2011

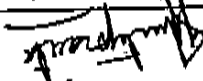
Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 10 days of receiving this letter, by means of one of the following methods:

- By facsimile: (053) 832 1026;
- By post: Private Bag x 6102, Kimberley, 8300 or
- By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully

Mr J.J. Mutyorauta



**DIRECTOR: ENVIRONMENTAL MANAGEMENT  
DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION**

DATE OF DECISIONS:

21st April 2011

Cc: Tanja Bekker  
GCS (Pty) Ltd  
011-803 5745

Permit No 17/2011

Porofensi Ya Kapa Bokone  
LEFAPHA LA TIKOLOGO  
LE TSHOMARELO YA TLHAGO



Northern Cape Province  
DEPARTMENT OF  
ENVIRONMENT & NATURE  
CONSERVATION

**ENVIRONMENTAL AUTHORISATION**  
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the  
Environmental Impact Assessment Regulations, 2006

Permit 17/2011	Authorisation Register Number:
NC/SIY/TSA/BEESHOEK1/10/2010	Reference Number:
n/a	Last Amended:
ASSMANG IRON ORE (BEESHOEK MINE)	Holder of Authorisation:
BEESHOEK, ON THE FARM BEESHOEK 448	Location of activity:

NC/SIY/TSA/BEESHOEK1/10/2010

DEFINITIONS

“Activity” means an activity identified in Government Notice No. R.386 and No. R. 387 of 2006 as a listed activity.

“Applicant” means a person who has submitted an application

“Application” means an application for an environmental authorization in terms of chapter 3 of these regulations

“Environmental impact assessment”, in relation to an application to which scoping must be applied, means the process of collecting, organising, analysing, interpreting and communicating information that is relevant to the consideration of that application

“Environmental impact assessment report” means a report contemplated in regulation 32 “EAP” means an environmental assessment practitioner as defined in section 1 of the Act

“Environmental management plan” means an environmental management plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 34

“Interested and affected party” means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes:

- ◆ Any person, group of persons or organisation interested in or affected by an activity, and
- ◆ Any organ of state that may have jurisdiction over any aspect of the activity

“Public participation process” means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters

“Plan of study for environmental impact assessment” means a document contemplated in regulation 29(1) (i) which forms part of a scoping report and sets out how an environmental impact assessment must be conducted

“Scoping” means a process contemplated in regulation 28(e)

“The Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998)

**DECISION**

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

**ACTIVITIES AUTHORISED**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises -

ASSMANG IRON ORE with the following contact details:

Mr. Andrew Matlong/ Mark Oosthuizen  
P.O Box 1001  
Mancorp Mine  
Beeshoek  
8423

Tel: 053 311 6305  
Fax: 054 311 4642

to undertake the following activities (hereafter referred to as "the activity") in terms of the scheduled activities listed below:

Activity No. 15 of GN.R 386 "the construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long"; and

Activity No.5 of GN.R 387 "the route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before the publication of this notice and which has not been authorized by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No R.385 of 2006, where -  
b) the road is administered by a provincial authority" on different portions of the farm Beeshoek, Beeshoek village, Tsantsabane local Municipality of the Siyanda District Municipality, Northern Cape Province, hereafter referred to as (the property).

The granting of this environmental authorisation is subject to the conditions set out below.

**CONDITIONS**

**Scope of authorisation:**

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.

2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.

3. The activity(s) which is authorised may only be carried out at the property indicated above.

4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations 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 deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

**General conditions:**

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

8. The holder of the authorisation must notify the Department, in writing and within 24(TWENTY FOUR) hours, if conditions 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

10. This authorisation is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities

whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Fisheries and Forestry, Department of Housing & Local Government, Department of Water Affairs, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).

12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.

- a. One week's written notice must be given to the Department before commencement with the activity.
- b. Such notice shall make clear reference to the site location details and the reference number given above.
- c. The said notice must also include proof of compliance with the following conditions described herein:
  - i. Conditions: 11

13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.

14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.

15. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.

16. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.

17. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's Environmental Impact Report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.

18. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.

19. The developer must make sure that issues of waste and visual aspects are kept into limited and acceptable level during construction and operation phases, and appropriate management be practised,

20. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

21. The applicant must apply the principle of best practicable environmental option for all technologies used/implemented during construction and operation phases.

22. Stockpile and similar areas must be rehabilitated to their original or better condition as soon as construction is complete.
23. Access routes are to be kept as dust free as possible particularly during the construction period by using watering trucks.
24. To address the issue of erosion, number of access routes must be restricted, only to those that are strictly necessary for the development and construction/transportation vehicles must not be allowed to move off these roads.

**Appeal of authorisation:**

25. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.

26. The notification referred to in 25 must –
- specify the date on which the authorisation was issued;
  - inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
  - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
27. If the applicant should appeal against this record of decision, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

**Management of activity:**

28. All areas disturbed during the commissioning of the activity must be rehabilitated.
29. Best practice of waste avoidance, minimisation and disposal of waste at an appropriate facility must be implemented.

**Monitoring:**

30. The monitoring of the constructors, compliance with conditions of this Environmental Authorisation is essential and must be done on a weekly basis. Any deviations from the conditions of this Environmental Authorisation must be rectified immediately.
31. A copy of this Authorisation and an EMP must always be available on-site so as to monitor compliance with the conditions outlined in both the documents (ROD and EMP). Both copies of an EMP and ROD must be used as on-site reference documents during all phases of this development.

**Recording and Reporting to the Department:**

32. Records relating to compliance or non-compliance with any condition of this authorisation must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
33. Adequate preventative measures must be undertaken to avoid groundwater contamination when installing septic tanks; they must be put in banded concrete walls.



34. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complainants register must be kept up to date for inspection by the Department. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

#### Commissioning of the activity:

35. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

36. General waste must be collected in containers disposed of regularly at a permitted landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.

37. Should protected trees be destroyed, relocated and/or disturbed, permit must be obtained from Department of Agriculture, Fisheries and Forestry (DAFF) and Department of Environment and Nature Conservation (DENR).

38. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorization as soon as possible to the satisfaction of parties concerned.

39. The authorized activities, including site preparation shall not commence before the statutory 30 days of an appeal period has expired.

40. The safety of the participants must be ensured by having regular safety inspection and ensuring participants are equipped with necessary safety equipments.

41. Open fire is strictly prohibited on site.

42. The uncovering of previously undetected archaeological or cultural remains must be reported immediately to the South African Heritage Resources Agency (SAHRA), failure to do so constitute an offence in terms of the National Heritage Resources Act, Act 25 of 1999 as amended.

43. Untreated sewage must not be discharged directly into the natural environment.

44. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will be allowed except at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.

45. The development must comply with the Municipal by-law. Chemical toilets must be available for workers on site during construction phase only, i.e. sewage waste must be disposed off at the Municipal sewage plant on a regular basis. No "long drop" toilets will be allowed. No open space or surrounding bush shall be used as toilet facility under any circumstances.

47. It is the holder of this authorization's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.

48. All the areas (e.g. stockpiling of material, machines, machines, machines, etc) in the construction site must be clearly defined.

49. The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from site when necessary.

50. It is the contractor's responsibility that all staff/employees are familiar with all the emergency procedures. The contractor must also ensure that emergency numbers are visible and available and always updated.

51. The contractors must use Ready-Mix concrete. Alternatively, concrete can be mixed on mixing trays only and not on exposed soil. Concrete must be mixed only in areas, which have been specially demarcated for this purpose.

52. The contractor must take all the necessary precautionary measures to ensure that no fires are caused as a result of construction activities.

53. Old cement bags, mixing bags, platforms etc should be discarded in a wind and spill proof container. No cement bags closed or open should be left lying around the site. All visible remains of concrete should be physically removed as soon as possible, and disposed of at a suitable site.

54. All vehicles, equipments and other assets belonging to the contractor must be removed from the property upon completion of the construction works.

55. Topsoil removed during excavations must be kept separate from other material. Topsoil must be placed above other material during backfilling.

56. Precautionary principles must be followed as people's lives depend on the project.

57. The central waste collection point must be specific—where it will be situated to ensure that no soil or underground water contamination takes place this should be done at least on weekly basis.

58. Habitat Fragmentation and Alien plant infestation should be prevented at all cost.

**Operation of the activity:**

59. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.

60. General waste must be collected in drums containers disposed of weekly at a permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measure should be taken to prevent refuse from spreading from or on the site.

61. The location of the proposed road to be constructed must remain at the co-ordinates 28° 15' 31.5" S 22° 58' 36.3" E

62. The proposed road to be constructed/ R 385 Beeshock road diversion must conform to the design and the specifications of Annexure 1 appended in the final EIR submitted by you on the 16 August 2010.

**Site Closure and Decommissioning:**

63. Should the proposed development no longer be required, or if decommissioning is required for whatsoever reason then the applicant must ensure that the structures are removed from site and the area rehabilitated to its original or better condition.

64. All construction and storage sites and all areas disturbed by the project must be rehabilitated to their former or better condition. Those sites and areas must be re-vegetated with indigenous plants upon completion of the proposed development and must take place where necessary.

65 And should the project be abandoned or decommissioned, a Closure Management Plan must be compiled and the holder of the Environmental Authorization must rehabilitate the site to the satisfaction of this Department.

**Non-compliance**

66 In the event of non-compliance by employees and contractors during the construction, operation and decommissioning phases of the project, the applicant will be held liable.

67 The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise stated.

68 Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any other subsequent document emanating from this approval.

**DURATION AND PERIOD OF VALIDITY**

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

**APPEAL**

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2006, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within ten (10) days of being notified of the decision, and an appeal must be lodged within thirty (30) days of lodging of the notice to appeal to:

The Member of the Executive Council  
Ministry of Environment & Nature Conservation  
Private Bag X6102  
Kimberley  
8300  
Fax: (053) 8321026

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2006 Government Notice No. R. 385 of 21 April 2006.

Mr. JJ Mnyorauza - Director

Environmental Management  
DEPT. OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORIZATION: 21st April 2011

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, Assmang Iron Ore, applied for Authorization to carry out the following activity—

The proposed construction of a road/R 385 Beeshoek road diversion on different portions of the farm Beeshoek 448, Beeshoek, in the Northern Cape {Activity No.15 of GN. R 386; and activity No. 5 of GN R 387 of 21 April 2006}

(Geographical Co-ordinates 28° 15' 31.5" S 22° 58' 36.3"E which falls within the jurisdiction of Tsantsabane local Municipality of the Siyanda District Municipality), hereafter referred to as "the property"

Assmang Iron Ore (i.e. the applicant) appointed GCS (Pty) Ltd, an independent environmental consultant company, to undertake a screening process.

a) The process followed is a Scoping and full EIA

b) The Environmental Assessment Practitioner did submit the application form for Environmental Authorization before submitting the Scoping and Environmental Impact Assessment Reports.

c) Proof of Public Participation was submitted together with the Scoping Report and received by the Department on the 16th of August 2010.

2. 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 Scoping and Environmental Impact Assessment Reports submitted by the EAP and reviewed by Mr. Khuthadzo Manyatsha;

b) The comments received from interested and affected parties as included in the Environmental Impact Assessment Report;

c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998(Act No.107 of 1998).

d) The findings of the site visit undertaken by Mr. Khuthadzo Manyatsha and Mr. Andrew Motolong of the Assmang Iron Ore on the 20/09/20

3. Key factors considered in making the decision

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

- a) The potential environmental impacts associated with the proposed construction of a road/R 385 Beeshoek road diversion as described in the Scoping and Environmental Impact Assessment reports are adhered to.
- b) The legal and procedural requirements have been complied with and the information contained in the Scoping and Environmental Impact Assessment Reports to satisfaction of this Department.

**4. Findings**

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

- a. The potential environmental impacts can be kept to acceptable limits.
- b. The proposed activity is accepted by all interested and affected parties.
- c. The proposed activity will improve the standard of living of the communities surrounding Postmasburg town due to the fact that the road to be constructed is an access road to the mining activity that has been proposed at the Beeshoek, hence, it will also create job opportunities.
- d. The impacts may be reduced only if the developer adheres to the impact mitigation measures contained in the EMP.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.