



the federation for a sustainable environment

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31 October 2016

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**STATEMENT OF APPEAL**  
**against the grant of environmental authorisation for the establishment of**  
**additional surface infrastructure at Sedibelo Platinum Mine,**  
**Moses Kotane Local Municipality, North West Province**  
**(Ref: NWP/EIA/89/2011)**

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## INTRODUCTION

1. This is an appeal by the Federation for a Sustainable Environment ("**FSE**") against the decision of the Chief Director: Environmental Services ("**Chief Director**") of the North West Provincial Department of Rural, Environment and Agricultural Development ("**DREAD**") to grant environmental authorisation to Itereleng Bakgatla Mineral Resources (Pty) Ltd.
2. The authorisation was granted to Itereleng Bakgatla Mineral Resources (Pty) Ltd (now Pilanesberg Platinum Mines (Pty) Ltd ("**PPM**")) on 28 June 2016 for the establishment of additional surface infrastructure at Sedibelo Platinum Mine located to the north of the Pilanesberg National Park in the Moses Kotane Local Municipality of the Bojanala Platinum District Municipality in the North West Province ("**the Sedibelo Mine**").
3. The appeal is brought in terms of section 43 of the National Environmental Management Act, 107 of 1998 ("**NEMA**") read with the environmental impact assessment regulations published in *Government Gazette* 33306 of 18 June 2010 ("**2010 EIA Regulations**").<sup>1</sup>
4. On 23 August 2016 the FSE lodged its notice of intention to appeal against the decision to grant environmental authorisation. On 29

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<sup>1</sup> The Chief Director's decision states that any appeal must be lodged in terms of Chapter 7 of the 2010 EIA Regulations published in GN R543 of 18 June 2014.

September 2016 the FSE was granted condonation by the Appeal Administrator of DREAD to file its statement of appeal on or before 31 October 2016. This statement of appeal is accordingly filed in accordance with the condonation granted.

## **THE FSE**

5. The FSE is a federation of community-based civil society organisations committed to the realisation of the constitutional right to an environment that is not harmful to health or well-being and to have the environment sustainably managed and protected for future generations. Its mission is specifically focused on addressing the adverse impacts of mining and industrial activities on the lives and livelihoods of vulnerable and disadvantaged communities who live and work near South Africa's mines and industries.
6. The FSE is a non-profit organisation which receives its funding from donations from other like-minded organisations and private funders. It does not employ or have free access to lawyers, scientists, engineers or other specialists frequently required to comment on or assist it in raising its constituencies concerns with the impacts of mining operations undertaken in their areas.
7. Nevertheless, the FSE participated actively as a registered interested and affected party in the environmental impact assessment ("EIA") process

which preceded the environmental authorisation forming the subject of this appeal. In this regard it submitted extensive written objections to SLR Consulting (Africa) (Pty) Ltd (“SLR”) (the environmental assessment practitioner who conducted the EIA process on behalf of the Sedibelo Mine) and attended numerous meetings held during this process.

## **OVERVIEW OF APPEAL**

8. The Sedibelo Mine is still in the early stages of development with limited infrastructure developed to date. The original mine layout and associated activities was approved in terms of an EMP approved in 2008 under the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") (Reference number NW30/5/1/2/3/2/3/333MR) and an environmental authorisation approved under the NEMA (Reference number NWP/EIA/59/2007).
9. In order to optimise the extraction of available mineral resources, the following material changes are proposed to the original mine layout:
  - 9.1. the enlargement of the open pit;
  - 9.2. the repositioning /redesign of the approved surface infrastructure.  
It is proposed that the concentrator plant and shafts be repositioned and the Tailings Storage Facility and Waste Rock Dump be redesigned to cater for additional mineralized waste;

- 9.3. additional surface infrastructure including a shaft complex, waste rock dumps, ventilation shafts, stormwater management infrastructure including stormwater dams, channels and berms, sewage pumping stations, a helipad and a telecommunications mast;
- 9.4. the increase in capacity of the approved sewage treatment plant; and
- 9.5. the exclusion of a portion of Sedibelo Mine's mining area which has been incorporated into PPM's adjacent Tuschenkomst mining operation.

("the Project")

10. Since the Project involves the undertaking of certain "*listed activities*" identified in terms of NEMA, environmental authorisation was required from DREAD.
11. In order to obtain this authorisation an EIA and EMP was compiled on behalf of PPM by SLR and submitted to DREAD in August 2015.
12. As mentioned above environmental authorisation was granted to PPM by the Chief Director on 28 June 2016. Annexure 1 to the authorisation contains the reasons for the grant of the authorisation. Paragraph 3

thereof contains a summary of the issues which in DREAD's view were of the most significance and paragraph 4 contains DREAD's findings after consideration of these issues. These findings are that -

*a) the mine has previous authorisation with reference NWP/EIA/2007.*

*b) The improvements/additional infrastructure will increase job creation and employment in the area"*

13. While the FSE does not disagree with these findings, it respectfully submits that they do not constitute a sufficient basis for environmental authorisation to have been granted for the Project.

14. The fact that the original mine layout and associated activities may have previously been approved does not mean that authorisation for the establishment of additional surface infrastructure at the mine must not be considered afresh and on its own merits. The fact that the mine will increase job creation and employment in the area also does not automatically mean that environmental authorisation must be granted. It is now trite that whenever a development which may have a significant impact on the environment is planned, there is always a need to weigh considerations of development, as underpinned by the right to socio-economic development (including job creation and employment), against environmental considerations as underpinned by the right to environmental protection. Environmental decisions must achieve a

balance between environmental and socio-economic developmental considerations through the concept of sustainable development.

15. In addition, and in summary, the FSE submits that environmental authorisation should not have been granted -

15.1. because, although the EIA/EMP recognises that Sedibelo Mine's infrastructure will remain post-closure and may accordingly jeopardise the development of the Heritage Park Corridor proposed by the North West Parks and Tourism Board's ("NWPTB") to link the Pilanesberg National Park with the Madikwe Game Reserve, the feasibility of the alternative corridor proposed in the EIA/EMP was not assessed at all. The result is that the impact of the Project on the eco-tourism potential of the area (and thus the need and desirability of the project) has not been properly assessed;

15.2. because, although the EIA/EMP recognises that the Sedibelo Mine is primarily located in an area having highest biodiversity importance with the southern portion of the site comprising mainly areas of high biodiversity importance according to the Mining and Biodiversity Guidelines (2013), the mine's impact on these biodiversity priority areas was not adequately considered in the decision to grant environmental authorisation;

- 15.3. because the EIA/EMP and in particular the specialist studies attached to the EIA/EMP identified numerous gaps in knowledge which preclude the making of an informed decision;
- 15.4. because, although the EIA/EMP considered the cumulative impacts associated with the expansion of PPM's existing Tuschenkomst mining operations, the development and expansion of the Sedibelo Mine and the development of the proposed Magazynskraal Platinum Mine the EIA/EMP (and hence the Chief Director) did not consider the cumulative impacts of the three projects together with existing and proposed mining operations within the immediate area generally;
- 15.5. because the FSE's appeal against the amendment of the closure plan for PPM's Tuschenkomst open pit has not been decided and it is proposed to link the Sedibelo open pit project with the Tuschenkomst pit, the grant of environmental authorisation for the Sedibelo Mine is premature; and
- 15.6. because, although the FSE's written objections were included in the EIA/EMP, SLR did not provide any response to the concerns raised and there is no evidence to suggest that these concerns were taken into account by the Chief Director in reaching his decision to grant environmental authorisation.

16. Each of these grounds of appeal will be dealt with in turn.

## **GROUND OF APPEAL**

### No assessment of the feasibility of the alternative Heritage Park Corridor

17. The Heritage Park Corridor is an initiative of the NWPTB in terms of which 167 000ha of private, state and community land will be incorporated into a corridor over a 20 year period to link the Pilanesberg National Park with the Madikwe Game Reserve. The objective is to establish a core corridor that has the potential to be expanded over time to increase nature-based tourism in the area and thus increase the socio-economic benefits to the area. The initiative is based on the following principles:
  - 17.1. to act as a nature-based tourism anchor project and a primary catalyst for the region;
  - 17.2. to establish a corridor that will ultimately link to primary tourism destinations in the North West Province;
  - 17.3. to promote social economic development in the area; and
  - 17.4. to aid in conserving the natural and cultural heritage of this underdeveloped and rural area.

18. Two corridors are planned for the Heritage Park. The phase 1 corridor is a wider corridor which will be fenced off to contain non-dangerous game on the farms that form part of the southern part of the Heritage Park. The phase 2 corridor is a narrower “dangerous game” corridor that will be used exclusively for animal movement between the Pilanesberg National Park and Lebetlane Game Reserve and ultimately the Madikwe Game Reserve.
19. While the presence of infrastructure and activities during the construction, operational and decommissioning phases of the Sedibelo Mine will impact on subsistence farming, informal residential land uses and the movement of non-dangerous game in the phase 1 corridor, the rehabilitated Tailings Storage Facility and Waste Rock Dump infrastructure will remain after closure and will preclude the establishment of the phase 2 dangerous game corridor.
20. In light of this impact, the EIA/EMP includes a reference to an alternative dangerous game corridor which aims to redirect dangerous game along the western boundary of the farm Witkleifontein 136 JQ (which forms part of PPM’s Tuschenkomst mining operation) from where it will join up with the original alignment north of the mining area.
21. Save for this reference, the EIA/EMP contains no assessment of the feasibility, functionality, ecological sustainability or socio-economic justification for the proposed alternative corridor. The result is that the impact of the Sedibelo Mine on the eco-tourism potential of the area (and

thus the need and desirability of the mine) has not been properly assessed.

22. The socio-economic impact assessment (included as Appendix O to the EIA/EMP) recognises that the proposed Heritage Park Corridor would contribute positively towards tourism in the area and the associated expenditure would have a positive economic effect. Since mining has a profound often irreversible impact on ecosystems, future sustainable land uses and livelihood opportunities will be compromised, which will exacerbate poverty. The socio-economic impact assessment thus advises, as a mitigation and enhancement measure, that the Sedibelo Mine should “assist constructively with the development of the Heritage Park initiative” and “sign a letter of intent with the North West Parks Board to declare the mine’s intent of assisting the Heritage Park Development in a responsible manner”. There is, however, no reference made in the EIA/EMP or the Chief Director’s decision regarding this proposed initiative.

23. The economic impact of the Sedibelo Mine on the proposed Heritage Park is also not considered in the Alternative Land-Use Economic Impact Assessment compiled by Gerrie Muller. The assessment only addresses the economic benefits and losses of the mine relative to existing land uses and not future land uses. In this regard the assessment states that the costs to future generations of land impacted by mining “are uncertain and far out in the future and it would not make much economic sense to factor in”.

24. This approach is inconsistent with the recognition that *“the proposed Pilanesberg/ Madikwe Corridor (Heritage Park) represents a major new tourism initiative within Moses Kotane”* and that *“this initiative has the potential to act as a catalyst for greater economic investment in the Municipality”*.
25. The approach is also inconsistent with the notion of sustainable development which is widely understood as development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The costs and benefits to future generations of the impact of the Project on the proposed Heritage Park ought to have to be assessed in order to determine whether the Project promotes or thwarts sustainable development.
26. The failure to have assessed the impact of the Project on the Pilanesberg National Park, Sun City and nature reserves such as Kwa Maritane and Bakubung, the Pilanesberg springs with the Black Rhino Game Lodge as well as the Heritage Park and to put a monetary value to this impact is a serious omission in the socio-economic assessment and the alternative land use economic impact assessment. Environmental authorisation ought not to have been granted in the absence of this information.
27. The EIA further failed to take into consideration the Memorandum of Understanding (“**MOU**”) concluded between the NWPTB and several of the largest mining companies with operations within the Western Limb of

the Bushveld Igneous Complex, including PPM. This MOU was aimed at ensuring cooperation and collaboration between the mining companies and the NWPTB in relation to the post Heritage Park and associated activities. An extract from the MOU reads:

12.5 *The Mining Companies and the Heritage Park company will, where appropriate and possible, consider the needs of the respective stakeholders in support of integrated environmental management and in support of the common goal of optimising economic potential of the proposed Heritage Park Area in a manner, which is economically and environmentally sustainable.*

13 *The objectives of collaboration include:*

13.1 *To promote a better understanding of how to conserve biodiversity and eco-systems and to promote protected area expansion and eco-tourism, on the one hand, and to optimise on the mining opportunities, on the other hand.*

28. Reference to this MOU ought to have been included in the EIA/EMP and considered by the Chief Director in his decision to grant environmental authorisation for the additional infrastructure at the Sedibelo Mine.

Impact on biodiversity not adequately considered

29. The EIA/EMP refers (on page 1-34) to the Mining and Biodiversity Guideline: Mainstreaming Biodiversity into the Mining Sector published in 2008 by the DMR, the Department of Environmental Affairs, the Chamber of Mines, the South African Mining and Biodiversity Forum and the South African National Biodiversity Institute. As the EIA/EMP correctly records,

this guideline provides explicit direction in terms of where mining-related impacts are legally prohibited, where biodiversity priority areas may present high risks for mining projects and where biodiversity may limit the potential for mining. The guideline distinguishes between four categories of biodiversity and ecosystem importance, namely, legally protected areas, areas of highest biodiversity importance, areas of high biodiversity importance and areas of moderate biodiversity importance.

30. Areas of highest biodiversity importance are deemed to be important for conserving significant biodiversity features and associated ecosystem services, ensuring environmental sustainability and human well-being and include critically endangered and endangered ecosystems, critical biodiversity areas and rivers and wetland Freshwater Ecosystem Priority Areas (FEPA's) and a 1km buffer around these areas. Areas of high biodiversity importance include protected area buffers which include buffers around national parks.
  
31. The EIA/EMP recognises that the Sedibelo Mine is primarily located in an area having highest biodiversity importance with the southern portion of the site comprising mainly areas of high biodiversity importance. In terms of water resources, the stretch of the Bofule river system before the confluence with the Wigespruit on the Sedibelo Mine property is ranked as a Level 1 NFEPA. This status indicates that the river system should remain in good condition in order to contribute to national biodiversity goals and support sustainable use of water resources. In addition to

maintaining the ecological status of the river itself, the surrounding land and smaller stream network needs to be managed in a way that maintains their good condition.

32. According to the Mining and Biodiversity Guideline the importance of the biodiversity features in these areas and the associated ecosystem services is sufficiently high to prohibit mining in these areas. Given the very high biodiversity importance, the Guideline states that an EIA conducted in respect of such an area should include the strategic assessment of optimum, sustainable land-use for a particular area which should determine the significance of the impact on biodiversity. The EIA must take into account the environmental sensitivity of the area, the overall environmental and socio-economic costs and benefits of mining as well as the potential strategic importance of the minerals to the country.
  
33. The Guideline states that the EIA *“needs to identify whether mining is the optimal land use, whether it is in the national interest for that deposit to be mined in that area and whether the significance of unavoidable impacts on biodiversity are justified. It is important that a risk averse and cautious approach is adopted. This implies strongly avoiding these biodiversity priority areas, given the importance of the receiving environment and the probability that the proposed activity would have significant negative impacts”*.

34. When considering mining these biodiversity priority areas, the Guideline prescribes a set of filters that should be sequentially applied and "*mining should only be considered if:*

- a) *It can be clearly shown that the biodiversity priority area coincides with mineral or petroleum reserves that are strategically in the national interest to exploit.*
- b) *There are no alternative deposits or reserves that could be exploited in areas that are not biodiversity priority areas or less environmentally sensitive areas.*
- c) *It can be demonstrated that they are spatial options in the landscape that could provide substitute areas of the same habitat conservation, to ensure that biodiversity targets would be met.*
- d) *A full economic evaluation of mining compared with other reasonable/feasible alternative land uses, undertaken as a necessary component of the EIA, shows that mining would be the optimum sustainable land use in the proposed area.*
- e) *A detailed assessment and evaluation of the potential direct, indirect and cumulative impacts of mining on biodiversity and ecosystem services shows that there would be no irreplaceable loss or irreversible deterioration, and that minimising, rehabilitating, and offsetting or fully compensating for probable residual impacts would be feasible and assured, taking into account associated risks and time lags.*
- f) *A risk averse and cautious approach, taking into account the limits of current knowledge about the consequences of decisions and actions, can be demonstrated both in the assessment and evaluation of environmental impacts, and in the design of proposed mitigation and management measures.*

35. The Guideline states further that

*"The above filters should form the basis for deciding on whether or not, and how and where, to permit mining. This means that based on the significance of the impact, some authorisations may well not be granted. If granted, authorisation may set limits on allowed*

*activities and impacts, and may specify biodiversity offsets that would be written into licence agreements and/or authorisations”.*

36. The EIA/EMP ought to have been compiled so as to give effect to the Guideline and the Chief Director ought to have considered the Guideline in deciding whether or not to grant environmental authorisation. Had this been done, it is respectfully submitted that environmental authorisation for the Sedibelo Mine expansion would not have been granted.
37. Even aside from the Guideline, it is evident that neither SLR nor the Chief Director took heed of the recommendations contained in the Biodiversity Assessment (included as Appendix F to the EIA). The assessment states as follows:

*“NSS [Natural Scientific Services CC] the field investigations, desktop servers and knowledge of the area advise that the **Very High** and **High** areas remain untouched and provide corridor movement and breeding habitat to a number of CI [Conservation Important] species. A portion of this area is also seen as a **Priority 1 FEPA** system that should remain in its natural state. The Wilgespruit System before the confluence already has the diversion in place, which will require considerable monitoring regarding flow release and control into the main Wilgespruit and Bofule System. It is recommended that an intermediate reserve determination of the Wilgespruit and Bofule River be undertaken before any alteration to this system commences. It is advised that no activities traverse the Bofule system and that potentially land to the north is investigated to move some of the surface infrastructure allowing for a larger and less disturbed area to the east incorporating Magazynskraal into the potential small game corridor.”*

Knowledge gaps prevented an informed decision from being made

38. There are numerous knowledge gaps identified in the specialist reports attached to the EIA/EMP which are not referred to in the main report and are not referred to by the Chief Director in his decision to grant environmental authorisation.
  
39. In particular, the following knowledge gaps are identified in the Hydrogeological Specialist Study (attached as Appendix H to the EIA):
  - 39.1. The recharge rates used in the groundwater balance were estimated and the accuracy of these recharge rates could not be confirmed;
  
  - 39.2. The aquifer storativity could not be measured;
  
  - 39.3. The deep aquifer parameters below 200mbgl were not assessed;
  
  - 39.4. Surface water sampling was rare;
  
  - 39.5. The real effect of the proposed mining activities can only be quantified by additional site characterisation and monitoring that should be used to update the model before implementation;

- 39.6. The accuracy and scale of the assessment will result in deviations at point, e.g. individual boreholes;
- 39.7. The geochemical character of the Sedibelo Mine backfill material and backfilling design of the open pit were not assessed and are not available. The influx of water originating from the proposed WRDs and TSF on the Sedibelo Mine into the open cast pit provides a conduit for contaminants to reach the surface water and groundwater levels. The backfill material is potentially rich in nitrates and sulphates due to explosives and higher reactive surface areas and hence could influence the groundwater quality once backfilling occurs;
- 39.8. Updated detailed data of individual and the integrated site water balance are not available and a dynamic, transient mine balance has not been developed;
- 39.9. It was not determined if the stretch of Bofule River rated as a Level 1 NFEPA is groundwater supported or not;
- 39.10. Local villages were not surveyed to so as to determine which villages are serviced by Magalies Water and which have access to piped water. The aquifer classification is therefore outdated;

- 39.11. The report acknowledges that the geochemical model should be updated;
- 39.12. A detailed geophysics assessment to assess the position and strike of the inferred ring dyke close to the “pannetjies” was not conducted;
- 39.13. It is recommended that the TDF should be hydraulically disconnected from the weathered and fracture aquifers by means of a clay geo-liner. The EIA/EMP does not incorporate this recommendation.
40. The Hydrogeological Specialist Study was prepared in 2013. The findings and recommendations contained in the report in regard to the protection of the underground water resources could thus not have taken into consideration the current status of these resources. As mentioned above, the Study estimated the aquifer recharge rates, assumed the aquifer storability, did not measure the aquifer parameters below 200 mbgl, assumed model boundaries and the Sedibelo open pit modelling parameters were based on a 2008 model.
41. The Report entitled “*Specialist Investigation into the Freshwater Ecological Priority Area on Wilgespruit 2JQ – Surface water / Groundwater Interaction Study*” (also included in Appendix H to the EIA concludes that “*The*

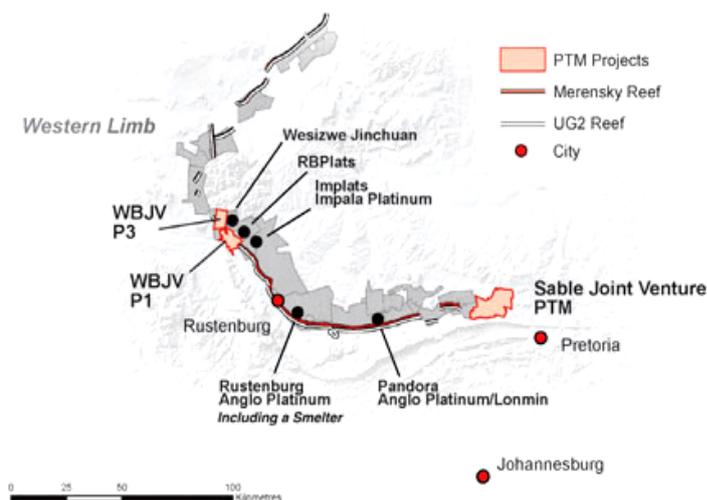
*FEPA/wetlands are associated with the perched aquifer resulting from surface water flow and slow recharge to the groundwater regime”.*

42. Since there is no certainty regarding the independence of the aquifer system and the impact upon the eco-systems and since many of the findings in the Hydrogeological Specialist Study are based on assumptions, the precautionary or risk averse principle ought to have been applied. If the FEPA/wetland area is found to be dependent on the aquifer and the mining operations have commenced, the impacts on the FEPA/wetland area may be profound and irreversible.
  
43. In view of these knowledge gaps, the impact of the Sedibelo Mine on surface and groundwater resources could not have been accurately assessed. The above-mentioned knowledge gaps ought to have been addressed in the EIA/EMP and updates, surveys and assessments ought to have been conducted prior to the grant of environmental authorisation.

#### Cumulative impacts not considered

44. Paragraph 7.6 of the EIA/EMP provides an off-site assessment of the anticipated cumulative impacts associated with the expansion of PPM's existing Tuschenkomst mining operations, the development and expansion of the Sedibelo Mine and the development of the proposed Magazynskraal Platinum Mine.

45. In terms of regulation 31(2)(l)(i) of the 2010 EIA Regulations an EIA must include, inter alia, an assessment of each identified potentially significant impact, including cumulative impacts. A "*cumulative impact*" is defined in the 2010 EIA Regulations, in relation to an activity, to mean "*the impact of an activity that in itself may not be significant, but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area*".
46. The diagram below shows the extent of existing mining operations within the Western Limb of the Bushveld Igneous Complex where the abovementioned three projects are located.<sup>2</sup>



47. The cumulative impact of the three projects together with similar mining activities within the area was not assessed. This is conceded in paragraph

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<sup>2</sup> Source: <http://www.platinumgroupmetals.net/projects/overview/default.aspx>.

11.22 on page 11-13 of the EIA/EMP. In particular, the impact of the combined mining activities in the area on soil resources, land capability, biodiversity, surface and ground water resources, air pollution, noise, landscape and visual impacts, sense of place and viable and sustainable future land uses were not considered in the EIA/EMP and hence were not considered in the decision to grant environmental authorisation.

48. This assessment is particularly important in the present context where the overall profitability of the platinum mining industry is poor with three of the major platinum mining companies, Anglo American Platinum (Amplats), Impala Platinum (Implats) and Lonmin's operations presently operating at a loss. In this context, the Project's economic viability is questionable and this ought to have been considered by the Chief Director in the decision to grant environmental authorisation for the Project.
49. This problem is compounded by the fact that no Environmental Management Framework, as contemplated in section 24 of NEMA, has been developed for the area. This means that environmental authorisations such as the present are granted without a proper consideration of the environmental, social and economic impacts which is necessary for sustainable development.
50. Further in regard to the cumulative impacts of the Project, the Hydrogeological Specialist Study confirms that the Sedibelo Mine is

situated in the Lower Crocodile sub area of the Crocodile River (West) and Marico Water Management Area (“**WMA**”).

51. The Department of Water Affairs’ Classification of Significant Water Resources in the Crocodile (West) Marico WMA and Matlabas and Mokolo Catchments (Limpopo WMA (WP 10506) Classification Report, predicts a dramatic increase in water demand in this WMA as a result of:

51.1. current mining activities and proposed mining activities;

51.2. Sasol’s proposed Maphuta coal to liquid fuel projects;

51.3. the exploitation of the vast coal reserves in the Waterberg;

51.4. Exxaro’s Grootegeluk Colliery (the largest open cast coal mine of its kind in the world);

51.5. the expansion of the Grootegeluk mine to supply the new Medupi Power Station with coal; and

51.6. Matimba and Medupi three new Eskom power stations in the future.

52. The summary of challenges in this WMA are further described in a report compiled by the Department of Water and Sanitation (Ref. DWS Business

Case for the Limpopo CMA, September 2013) which confirms the growing water deficit within the Crocodile West/Limpopo Catchment Management Area.

53. With reference of the impacts of the dewatering of the Sedibelo Mine and Magzaynskraal and the PPM Tuschenkomst Pit, the Hydrogeological Specialist Study states that this *“will possibly affect neighbouring groundwater users”* and that *“long term monitoring will confirm the radii of influence”*.
54. The Hydrogeological Specialist Study further states that *“Dry winters lead to streams and rivers only flowing during and immediately after heavy rain in the summer months. This leads to higher stress being applied on groundwater as a resource due to the lack of sustainable surface water reservoirs being available.”*
55. In terms of the aquifer classification the Study states that *“The localised aquifer ... was historically classified as a Sole Source Aquifer because the communities relied on groundwater alone for their basic water requirements”* and *“Villages located further to the north and north west of Sedibelo and Magazynskraal rely solely on groundwater.”*
56. Since the supply of water from Magalies Water to the communities is erratic the additional impacts of the Project may have a significant detrimental impacts upon communities who use boreholes for domestic

purposes. This impact is made worse by the fact that only a small percentage of the existing boreholes in the area are still in use.

57. The Hydrogeological Specialist Study further states that the impacts of pollutants from the Sedibelo Mine on the ground and surface water quality within the area will be long term and cumulative. The cumulative impacts of the existing operations and the Sedibelo Mine will result in significant risks to the scarce water resources within the area. Water quality and water quantity are interlinked since water quality has an impact on water available for use and water fit for use.

58. In view of the aforesaid findings, failure to have assessed the cumulative impacts on water quantity and quality may result in significant risks both to the ecological reserve and to communities, both being priority water users in terms of the National Water Act.

Environmental authorisation for the Sedibelo Mine infrastructure expansion is premature in light of the FSE pending appeal

59. The FSE's appeal against the amendment of the closure plan for PPM's Tuschenkomst open pit, in particular the proposal to partially backfill and flood the pit, has not been decided and has been pending since 2013.

60. Since it is proposed to link the Sedibelo open pit with the Tuschenkomst open pit the grant of environmental authorisation for the Project before this appeal is finalised is premature.

Inadequate consideration of the FSE's objections

61. The FSE submitted an extensive written objection to the granting of environmental authorisation for the Sedibelo Mine. This objection is dated 22 June 2015.
62. Although this objection was included in the EIA/EMP (in Appendix C), the comments and responses report included in the EIA/EMP as Appendix D simply states "*Your objection is noted and will be communicated to DREAD and DMR on submission of the final EIA and EMP report*".
63. This response is inadequate. To comply with its obligation to consult with interested and affected parties (and to facilitate informed decision-making), SLR ought to have provided a reasoned response to the concerns raised by the FSE. There is furthermore no evidence to suggest that the FSE's concerns were taken into account by the Chief Director in reaching his decision to grant environmental authorisation.
64. For environmental authorisation to have been granted on the basis of the EIA/EMP in these circumstances, constitutes procedurally unfair administrative action.

## CONCLUSION

65. For all the above reasons, it is respectfully submitted that the decision of the Chief Director to grant environmental authorisation for the establishment of additional surface infrastructure at Sedibelo Mine falls to be set aside.



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Mariette Liefferink  
CEO: Federation for a  
Sustainable Environment