

Arrangement of sections

1. Mining and mineral panning
2. Environmental social impact assessments
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Mining and mineral Panning

- (1) It is an offence for any person to pan any mineral in the Council area, except in terms of a licence that may be issued by the Ministry of Mines and Mining Development under a law that may be passed for that purpose, and any person found guilty of shall be liable to a fine to be prescribed by Council in an order.
- (2) All holders of prospecting, exploration and mining rights operating in the Council area shall submit copies of their licences to Council;
- (3) Any holder of a prospecting, exploration or mining rights operating in the Council area shall;
 - (a) submit a copy of the Environmental Impact Assessment Report, Environmental Management Plan, or Environmental Impact Assessment Certificate issued by the Environmental Management Agency in terms of the Environmental Management Act;
 - (b) carry out all relevant mine closure and environmental rehabilitation measures as prescribed by the Environmental Management Act.
- (4) All the provisions related to applications for mining rights, compensation for acquisition of land for mining purposes and payment of levies to local authorities by

holders of mining rights as prescribed in the Mines and Minerals Act (Chapter 21:05) shall apply to the Council area *mutatis mutandis*.

Environmental impact assessments

10 (1) The developers of any projects in the council area for which an environmental social impact assessment is required in terms of Section 97 and the First Schedule of the Environmental Management Act (Chapter 20:27) shall;

- (a) consult Council during the consultation process leading to the development of an environmental impact assessment;
- (b) involve Council in organising public consultations meetings in the area regarding the proposed development project;
- (c) submit to Council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and proof of their registration with the Environmental Management Agency;
- (d) submit to Council a copy of the Environmental Impact Assessment Report for the proposed project;
- (e) submit to Council a copy of the Environmental Impact Assessment Certificate issued for the project by the Director-General of the Environmental Management Agency;
- (f) submit to Council a copy of the annual Environmental Management Plan.

(2) It is an offence for any project developer in a Council area to start operations without submitting to Council a copy of the Environmental Impact Assessment Report, or a copy of the Environmental Impact Assessment certificate issued by the Director-General of the Environmental Management Agency or a copy of the annual Environmental Management Plan produced by the project developer.

(3) Any person who fails to submit the documents required in terms of subsection (2) of this section shall be guilty of an offence and liable to a fine shall be guilty of an offence and liable to level ...consider civil penalty to be prescribed by Council in a Council order.

(4) the developer shall submit to Council from time to time, all relevant information related to quarterly environmental monitoring reports produced by project developers and submitted to EMA, in terms of Section 106 of the Environmental Management Act (Chapter 20:27), operating in the Council area.

(5) Council shall take measures to make environmental impact assessment reports submitted by project developers available and open for public inspection at all reasonable times at the Council offices on payment of the prescribed fee, if any: Provided that no person shall use any information contained therein for personal benefit and this has to be done in compliance with Section 108 of the Environmental Management Act (Chapter 20:27)

Environmental rehabilitation works on abandonment of project

11 (1) Any person who undertakes any mining projects, resource extraction projects or any other projects for commercial exploitation of natural resources with the effect of causing environmental damage or environmental degradation or harm in the council area shall;

(a) submit to Council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project.

(b) rehabilitate the environment before abandonment or closure of the project

(2) Council shall monitor the implementation of rehabilitation plans of projects with assistance from the Environmental Management Agency

(3) Any person who fails to rehabilitate the environment after abandonment or closure of the project shall be guilty of an offence and liable to a fine of level ...to be prescribed by Council.

12. Environmental Rehabilitation Fund

Notwithstanding section 11, there is hereby established a fund known as the Environmental Rehabilitation Fund into which any person who undertakes any resource extraction project with the effect of causing environmental degradation will contribute a fee as provided in the schedule

Environmental works carried out by council

8. (1) Where a land owner or occupier as the case may be, requests council to carry out environmental works on his land, or in the event that the owner fails to do so on his own within six months, council may undertake such environmental works as may be necessary to rehabilitate the environment and recover the costs associated with such works from the land owner or occupier of the land.