



APPENDIX 2: Comments And Responses Report and Proof of Public Participation

FINAL BASIC ASSESSMENT REPORT

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND
PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS
ATLANTIC DIAMONDS (PTY) LTD**

EA Application Ref. No.: NC30/5/1/1/2/14851 PR

September 2026



ANCHOR
environmental

PART OF



I INTRODUCTION

I.1 BACKGROUND TO THE PROJECT

Trans Atlantic Diamonds (Pty) Ltd (TAD; the Applicant) is applying for a Prospecting Right (PR) and Environmental Authorisation (EA) from the Department of Mineral and Petroleum Resources (DMPR) to undertake offshore prospecting within Sea Concession Area 6C in the Northern Cape. The application is being processed through a Basic Assessment (BA) in terms of the National Environmental Management Act (NEMA, Act No. 107 of 1998) and the 2014 EIA Regulations. Anchor Environmental Consultants (Pty) Ltd was appointed as the independent Environmental Assessment Practitioner (EAP) to manage the BA process.

A pre-consultation commenting period was undertaken from 20 to 29 June 2026 to provide stakeholders with an opportunity to register as Interested and Affected Parties (I&APs) and submit preliminary comments. This was followed by a 30-day public review and comment period from 25 July to 25 August 2026, during which the Draft Basic Assessment Report (BAR), including the specialist studies and detailed project assessment, was made available for review and comment.

I.2 PURPOSE OF THIS REPORT

This Comments and Responses Report (CRR) records all comments received during the pre-consultation and public participation processes, together with the corresponding responses from the EAP, specialists and/or the Applicant. It further identifies where relevant issues have been addressed in the Final BAR.

In accordance with the Protection of Personal Information Act (POPIA), the names of non-governmental commenters have been omitted.

2 COMMENTS AND REPOSES TABLE

2.1 COMMENTS RECEIVED FROM THE PUBLIC AND OTHER I&APs AND ASSOCIATED RESPONSES FROM THE ENVIRONMENTAL ASSESSMENT PRACTITIONER, RELEVANT SPECIALISTS AND APPLICANT

Interested and Affected Parties List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Sections in reports where issues/ responses were incorporated
AFFECTED PARTIES					
Landowner/s	N/A				
The proposed project is located within an offshore sea concession area and therefore has no landowners. Relevant marine users and other identified stakeholders were notified as part of the public participation process.					N/A
Lawful occupier/s of the land	N/A				
The proposed project is located within an offshore sea concession area and therefore has no landowners. Relevant marine users and other identified stakeholders were notified as part of the public participation process.					N/A
Landowners or lawful occupiers on adjacent properties	N/A				
The proposed project is located within an offshore sea concession area and therefore has no landowners. Relevant marine users and other identified stakeholders were notified as part of the public participation process.					N/A

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Municipal councillor	X				
Kamiesberg Municipality Ward 3 • Susarah Nero	X	N/A	No comments have been received.		N/A
Municipality	X				
Kamiesberg Local Municipality • Rufus Beukes (MM) • Barend Donkeman • Tumelo Diphokoje	X	N/A	No comments have been received.		N/A
Nama Khoi Local Municipality • Johannes Adams • Candice Rabie • Jan Swartz • Amos Polori	X	N/A	No comments have been received.		N/A
Richtersveld Local Municipality: • Caretas Sonamzi • Marlene Fredericks • Maria Obies	X	N/A	No comments have been received.		N/A
Namakwa District Municipality: • Mr G. Bezuidenhout • Mr. C. Fortuin • Jodine Cloete (Head of Communication) • Gerda Bezuidenhout • Chris Fortuin • Jannie Loubser	X	N/A	No comments have been received.		N/A
Organs of state (Responsible for infrastructure that may be affected Roads Department,	X				
Eskom, Telkom, DWA e					

Interested and Affected Parties List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Sections in reports where issues/ responses were incorporated
Northern Cape Department of Environment and Nature Conservation: - Esme Cloete (Administrative Officer) - Hanneke Hanekom - Marietjie Smith L. Hanser - Ms. Woppel - Director - Fiona Grimett - Sindiswa Dlomo - Thulisile Nyalunga - Mathlodi Mogorosi X. Myanga - Michelle Pretorius - Beleman Semoli - Bryan Fisher - Tsholofelo Leburu - Elsabe Swart - Leon October - Bronwen Cornelissen - Dineo Moleko	X	N/A	No comments have been received.	N/A
South African Heritage Resource Agency (SAHRA): Briege Williams	X	N/A	No comments have been received.	N/A
Northern Cape Department of Public Work: Carmen Abrahams	X	N/A	No comments have been received.	N/A
Department of Agriculture, Land Reform and Rural Development: Fatime Williams: Deputy Director:	X	N/A	No comments have been received.	N/A

Interested and Affected Parties List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Sections in reports where issues/ responses were incorporated
South African Maritime Safety Authority (SAMSA): - Neville Noble - Pierre Schutz - Haneley Manuel - Abraham Van Der Horst - Gustav Louw	X	N/A	No comments have been received.		N/A
South African Navy: - Captain T. Stokes - Commander Theunissen	X	N/A	No comments have been received.		N/A
Communities	X				
The proposed project is located within an offshore sea concession area. A2 and A4 site notices were placed, and newspaper advertisements were published in both a local and national newspaper to inform potentially affected parties of the proposed project.	N/A	N/A	Please refer to comments under "OTHER INTERESTED AND/ OR PARTIES".		N/A
Dept. Land Affairs	X				
Department of Agriculture, land reform and rural development (DALRRD): Commissioner. Restitution of Land Rights M du Toit. Official email sent from DMPR to DALRRD on 28 April 2026 requesting comments. DALRRD contacted again by EAP on 24 July 2026, during public participation.	X	N/A	No comments have been received.		N/A

Interested and Affected Parties List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.		Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Sections in reports where issues/ responses were incorporated
Traditional Leaders	X				
-West Coast Aboriginal Council: Charika Barends -Northern Cape Heritage Resource Authority: R. Timothy -National Khoi-San Council: Abram Sithole	X	N/A	No comments have been received.		N/A
Dept. Environmental Affairs	X				
Department of Forestry, Fisheries and the Environment Directorate: Sustainable Aquaculture Management • Maxhoba-ayakhawuleza Jezile		29/06/2026 (Pre-Consultation)	Please find the below comments from DFFE, Directorate Sustainable Aquaculture Management. Apologies for not sending a formal comment in a letter, it will follow. Please thought see below our comments below. RE: APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHT APPLICATION IN OFFSHORE SEA CONCESSION AREA 6C, WEST COAST, NORTHERN CAPE, SOUTH AFRICA. The Directorate: Sustainable Aquaculture Management of the Department of Forestry, Fisheries and the Environment ("DFFE") has reviewed the Background Information Document (BID) for the Application for Environmental Authorisation and Prospecting Rights, by means of a Basic Assessment, in Offshore Sea Concession Area 6C, West Coast, Northern Cape for Trans Atlantic Diamonds (Pty) Ltd. The comments of the DFFE are as follows: 1. The DFFE, Branch: Fisheries Management has a mandate for the development and management of aquaculture in South Africa, please register the Directorate: Sustainable Aquaculture Management as an Interested and Affected Party (I&AP) to be included for further communication (EnvironAssessments@dffe.gov.za). 2. While the impacts associated with the proposed prospecting activities are individually assessed as low or minimal in the BID, the Department notes that this application is geographically contiguous to multiple prospecting zones along the West Coast. The cumulative impacts arising from multiple overlapping applications such as repeated disturbance of the seabed, expanded sediment plume	EAP (30/06/2026) Thank you for the comments. Please accept this email as confirmation of receipt that we have received the DFFE: Sustainable Aquaculture Management's comments. EAP, Marine Specialist, and Client (01/07/2026) Thank you for your comments. Please see response below: 1. Please accept this response confirmation of receipt that the DFFE Directorate: Sustainable Aquaculture Management has been registered as an I&AP and contact information has been added to the database. 2. We note that there are multiple prospecting zones in the area, however prospecting activities do not necessarily occur simultaneously or continuously. Nevertheless, cumulative impacts are being assessed in the marine specialist report. 3. Noted, these facilities have been included in the I&AP Database and will be contacted during the public participation period.	Most of these points were addressed as follows: -In the MIA; -In Section 8.2.5, 9.4 and 9.7 in the BAR; -In Section 6.3, 7.3 and 7.4 in the EMPr. The remaining points raised are already addressed in the BAR and EMPr and therefore require no further amendments, or have been considered, with the relevant motivation provided where changes were not

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		generation, and broaderscale alteration of benthic habitats must be rigorously evaluated in the Basic Assessment Report (BAR). 3. The Department notes that the BID fails to identify the environmental risks posed to two operational, land-based aquaculture facilities and the abalone ranching sites that fall within the coastal footprint of Concession Area 6C. These facilities are: a. Kleinzee Mariculture CC (previously De Beers Ltd)- Located in Kleinzee (29° 39' 46 " S; 17. 02 '47 "E) b. Diamond Coast Aquaculture (Pty) Ltd - Located in Kleinzee (29° 39' 52,62" S; 17° 3' 7,30" E) c. Ranching areas 4. The aforementioned land-based operations rely on continuous, shore-based flow-through marine water intake pumps. Elevated suspended sediment and turbidity from Phase 3 drilling operations pose a material risk of clogging land-based filtration infrastructure, causing tank sedimentation, and inducing respiratory stress or mortality in sensitive abalone stock. These risks are to be considered in the BAR. 5. It is therefore recommended that a strict navigation and sampling exclusion buffer zone be implemented around the exact coordinates of the marine intake pipelines for all two facilities to protect water quality at the source. 6. The applicant must establish a direct communication and operational alert protocol with these farm operators. The applicant must provide a high-fidelity operational schedule detailing exactly when and where drilling will occur relative to Kleinzee, allowing land-based operations to monitor or temporarily adjust water intake thresholds as a precautionary measure. 7. The proposed prospecting footprint sits adjacent to the nearshore abalone ranching concession areas officially gazetted under Section 18 of the Marine Living Resources Act (MLRA), 1998 (specifically zones NC3 [Beach at Kleinzee, (29 40 43.09S, 17 3 3.50E) to Swartduine, (30 2 52.04S, 17 10 39.68E)] and NC4 [Skulpfontein, (30 6 8.15S, 17 11 8.03E) to Small Rocks 200m from Shore, (30 25 56.26S, 17 20 5.43E)]).	4. Potential impacts and appropriate mitigation measures are being considered in the Marine Specialist study and BAR. However, note that drilling only occurs for a short period of time and will not be in excess. Specific sites will be established, and drill sampling will be implemented accordingly. Furthermore, this concession lies approximately 5 km from these mariculture facilities. Given this distance, together with the fact that seawater abstraction and discharge occur close to shore, any temporary increases in suspended sediment concentrations associated with offshore activities are not expected to affect the hatchery or production ponds. 5. Pipe coordinates have been noted and provided to technical professionals. However, please also refer to response under No.4 above. 6. The aquaculture facilities have been included on our database of organisations that needs to liaise with prior to undertaking any prospecting activities and ample warning will be supplied. 7. Refer to response under No.4 above. 8. Noted. The measures have been included in the Draft BAR and EMPr. 9. Prospecting is planned to occur during the most feasible periods to minimise impact on the environment and surrounding businesses and towns. Furthermore, please refer to point 6 above. 10. Noted. The EMPr and Prospecting Work Programme reflects accordingly. 11. Noted. Please refer to points 3 and 6 above.	considered necessary.

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		Tailing sand and fine particulate drift have the potential to settle onto shallow subtidal rocky reefs and kelp beds (<i>Ecklonia maxima</i>) utilized for abalone grow-out. These risks are to be considered in the BAR. 8. To protect these gazetted ranching areas and the investments already made by people who have permits to ranch in those areas, risk to the animals that have been ranched need to be assessed and appropriate mitigation measures be implemented to avoid loss of investment to the ranching sites. Phase 1 high-resolution geophysical and acoustic data must be used to map all rocky reefs and kelp habitats as absolute, polygonenforced "No-Go" zones. 9. The applicant must coordinate and plan prospecting activities so as not to occur during sensitive operational periods for aquaculture ranching (grow-out), seeding cycles, and land-based abalone farming activities. The Department further encourages open communication channels between both the ranchers and the mining activities. 10. The prospecting vessel must maintain a certified oil spill contingency plan with rapid-response containment equipment optimized for high-energy nearshore environments to ensure zero hydrocarbon or hazardous waste entry into the surf zones where these facilities source their production water. 11. It is recommended that the applicant ensure that there is engagement with the aquaculture and ranching operators in the area that may be impacted by the prospecting activity. Please note that the Directorate Sustainable Aquaculture Management reserves the right to review and/or provide additional comments in future. Enquiries may be directed to the contacts provided at the top of this correspondence.	It is to be noted that published, quantified plume-behaviour data from comparable marine diamond sampling/mining vessels off the southern African west coast, which record suspended sediment concentrations returning to near-background levels at approximately 2 000 m downstream of the source vessel (Carter & Midgley, 2000). At a 5 km separation, this provides a reasonable margin of safety.	
Department of Forestry, Fisheries and the Environment Branch Oceans and Coasts (O&C) Tabisile Mhlana	01/07/2026 (Pre-Consultation)	The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C), appreciates the opportunity granted to provide comments on the Background Information Document for the proposed project and would like to register as an Interested and Affected Party.	EAP (01/07/2026) Please accept this email as confirmation of receipt that the DFFE Branch: Oceans and Coast has been registered as an I&AP. Noted, and the Draft BAR will consider the objectives of ICMA.	N/A

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		The Branch O&C will review and provide comments on the subsequent reports, and the draft BAR should consider the objectives of the Integrated Coastal Management Act.		
	02/09/2026	The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C) appreciates the opportunity granted to provide comments and recommendations on the Draft Basic Assessment Report (DBAR) on the proposed prospecting right in offshore sea concession area 6C, Northern Cape, by TransAtlantic Diamonds (Pty) Ltd. This Branch will provide comments as per the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act"). The Branch O&C has the mandate to ensure the holistic management of the coast, estuarine areas, and maintenance of the coastal landscapes to realise that the development and use of natural resources are sustainable. The Branch further ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes. Based on the submitted Draft BAR with associated reports, the Branch O&C presents the comments stipulated below for consideration. 1. The Branch notes that the proposed prospecting activities will occur within South Africa's coastal waters. However, the ICM Act has not been identified or considered as applicable legislation within the BAR and EMP. Given that the proposed activity will take place within coastal waters as defined by the ICM Act, the EAP should demonstrate how the proposed activity has been assessed against the objectives and requirements of the Act, including the principles of integrated coastal management, the protection of coastal public property, and the precautionary management of coastal and marine resources. 2. The report states that sensitive environmental features, including areas of conservation importance and any sensitive benthic habitats identified during the surveys, will be avoided where practicable. The applicant should commit to biodiversity screening of all final sampling locations before	EAP and Marine Specialist (02/09/2026) Response to point 1: ICMA The EAP notes the comment and has included the National Environmental Management: Integrated Coastal Management Act, 2008 (ICM Act) in the list of applicable legislation in the BAR and EMP. Although the ICM Act was not explicitly identified in the Draft BAR, its principles and objectives were considered through the assessment of the proposed prospecting activities and their potential impacts on the coastal and marine environment. A Marine Impact Assessment (MIA) was undertaken to assess the potential impacts of the proposed activities on the marine environment, including marine biodiversity, benthic habitats, marine fauna, fisheries, and water and sediment quality. The assessment considered the sensitivity of the receiving marine environment and informed the development of mitigation and management measures aimed at avoiding or minimising potential impacts. These measures, including the avoidance of sensitive marine habitats and the CBA Natural area, pre-survey verification prior to intrusive sampling, exclusion buffers around sensitive habitats, management of sediment discharges, marine fauna mitigation measures, and appropriate waste and pollution management, have been incorporated into the EMP and will be implemented throughout the prospecting programme. The EAP therefore considers that the proposed prospecting activities have been assessed with consideration of the objectives and principles of the ICM Act, including the sustainable use and protection of coastal and marine resources and the	Point 1 and 9 addressed on pages 41 and 42 and Section 17 in BAR and page 30-35 in EMP. Point 2 is addressed as follows: -In the MIA; -On pages 5, 13, 18, 22, 110, 114, 129, 130, 167, 168, 170, and Section 17 in the BAR; -In Section 6.4 and 7.8 the EMP. The remaining points raised are already addressed in the BAR and EMP and therefore require no further amendments, or have been considered, with the relevant motivation provided where changes were not

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		intrusive activities, and adoption of a precautionary approach is recommended whereby CBA Natural areas are avoided where practicable and only disturbed where no reasonable alternative exists. 3. The report highlights that the direct disturbance footprint is relatively small (approximately 7,507 m²), the significance of disturbance is habitat-dependent rather than footprint-dependent, and therefore, inclusion of sediment plume modelling, predicted plume extent, deposition footprint and duration of suspended sediment impacts is recommended. 4. The cumulative impact assessment remains relatively high-level and should be strengthened to adequately consider existing marine diamond mining operations, adjacent prospecting and mining rights, commercial fishing activities, shipping and vessel traffic, offshore exploration programmes, climate change, and other relevant ecosystem stressors. The final BAR should include a clear spatial representation of adjacent concessions, existing and proposed offshore activities, and areas of overlapping or concurrent survey activities. Given the increasing number of offshore prospecting and mining applications along the Namaqualand coast, a more robust regional-scale cumulative impact assessment is recommended to adequately assess potential cumulative and synergistic impacts on the marine environment. 5. The draft BAR included the marine fauna mitigation measures; however, the EMPr does not provide sufficient information regarding underwater noise propagation and potential impacts on marine mammals, fish species and other sensitive receptors. The EAP should clarify whether acoustic modelling has been undertaken and provide justification demonstrating that proposed activities are unlikely to result in significant acoustic impacts. 6. The Branch supports the EMPr requiring two MMSOs, PAM operators, 500 m exclusion zones, softstart procedures, marine fauna reporting, whale migration considerations, vessel speed restrictions, and lighting controls. 7. The oil spill and pollution management has been adequately addressed from Shipboard Oil Pollution Emergency Plan	precautionary management of potential environmental impacts. Response to point 2: CBA natural areas We agree with the Department's recommendation and confirm that all proposed prospecting surveys will be conducted outside CBA Natural Areas and that these areas will further be marked as no-go areas for intrusive sampling. Final sampling locations will be screened against available biodiversity information (as documented in the MIA) prior to mobilisation and all prospecting activities to ensure that survey locations do not overlap with CBA Natural Areas or other identified sensitive biodiversity features. Response to point 2: Sediment plume modelling We acknowledge the Department's recommendation. However, based on the scale, intensity and nature of the proposed prospecting activities, we do not consider dedicated sediment plume modelling to be proportionate or necessary at this stage. The proposed prospecting activities are anticipated to be highly localised and substantially lower in intensity and duration than activities such as dredging, seabed mining or large-scale construction, which can generate substantially larger and more persistent sediment plumes. Any sediment disturbance associated with the proposed sampling activities is expected to be limited to the benthos, be small in spatial extent and short-lived. Importantly, the proposed mitigation provides for avoidance of sensitive biodiversity areas and the application of appropriate precautionary buffers around sensitive receptors. These measures are considered sufficient to minimise the potential for material effects associated with any minor and localised sediment mobilisation. On this basis, the additional value of detailed plume modelling in informing the impact assessment is considered	considered necessary.

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		requirements, spill response equipment, MARPOL compliance, Hazardous substance management, Emergency response plans, and Incident reporting systems. 8. The applicant is reminded of the Duty of Care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICM Act which refers to one's duty to avoid causing adverse effects on the coastal environment. 9. The applicant is reminded that, in terms of Section 69 of the ICM Act, no person may discharge effluent originating from a source on land into coastal waters except in accordance with a Coastal Waters Discharge Permit (CWDP) issued by the responsible authority. Furthermore, Section 70 of the ICM Act prohibits the dumping of any waste or other material at sea without a permit issued by the Minister. 10. Section 63 of the ICM Act states that when environmental authorization for coastal activities is applied for in terms of Chapter 5 of the National Environmental Management Act, the competent authority must take into account all relevant factors, including whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas, the socio-economic impact of the proposed activities and the likely effects of coastal processes on the developmental proposal. The Branch reserves the right to revise its comments based on new or additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dffe.gov.za / or Physical Address: Department of Forestry, Fisheries & the Environment (DFFE),	limited and disproportionate to the scale of the proposed activities. It should further be noted that published, quantified plume-behaviour data from comparable marine diamond sampling/mining vessels off the southern African west coast, which record suspended sediment concentrations returning to near-background levels at approximately 2 000 m downstream of the source vessel (Carter & Midgley, 2000). At a 5 km separation, this provides a reasonable margin of safety. Response to point 4: Regional cumulative impact assessment We acknowledge the Department's recommendation. Within the limitations of the information currently available, we have sought to take a precautionary approach and have considered the potential for cumulative impacts from regional prospecting activities and other known or reasonably foreseeable activities that may interact with the proposed prospecting programme. Particular consideration has been given to neighbouring concessions, which are considered the most relevant potential source of cumulative impacts due to their proximity and potential for spatial and temporal overlap. We recognise that a more comprehensive regional assessment would benefit from additional information on the timing, spatial extent, methodologies and intensity of activities associated with other concessions and developments. Where such information is not publicly available or has not been provided, it is not possible to undertake a more detailed quantitative assessment of cumulative effects. The assessment has therefore made best use of the available information and identifies the limitations and uncertainties where relevant.	

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		Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001	Response to point 5: Underwater Noise We acknowledge the Department's comment. The potential impacts of underwater noise generated by the proposed geophysical surveys, coring and drilling activities on marine mammals, fish and other marine receptors were assessed in the Marine Impact Assessment and are addressed in the BAR. The assessment considered the characteristics of the proposed acoustic sources, including source levels, frequency ranges, duration and likely propagation, as well as the sensitivity and mobility of the relevant marine fauna. The assessment concluded that, although temporary localised behavioural responses may occur, significant acoustic impacts are not anticipated, particularly with the implementation of the prescribed mitigation measures. Acoustic modelling has not been undertaken specifically for the proposed survey. However, the Marine Impact Assessment considered available scientific literature and comparable acoustic modelling studies for similar geophysical survey equipment to inform the assessment of potential noise exposure and propagation. This included consideration of the higher-frequency MBES and the lower-frequency Chirp sub-bottom profiler, with the latter identified as having a greater potential for behavioural disturbance. The EMPr is intended to translate the impact assessment findings into practical and enforceable management measures rather than repeat the detailed impact assessment contained in the BAR. The mitigation measures provided in the EMPr were informed directly by the findings and recommendations of the Marine Impact Assessment and include the use of Marine Mammal and Seabird Observers and Passive Acoustic Monitoring, a 500 m mitigation zone, pre-survey observations, soft-start	

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			procedures, appropriate responses to marine fauna within the mitigation zone, vessel speed restrictions, consideration of survey timing and the use of the quietest practicable drilling method. These measures will be implemented during the relevant prospecting activities to ensure that potential acoustic impacts remain localised, temporary and reversible. Response to point 6: We note the Branch's support for the proposed marine fauna mitigation measures. These measures have been retained in the EMPr and will be implemented during the relevant prospecting activities. Response to point 7: We note the Branch's comment and confirms that the oil spill and pollution management measures identified in the EMPr will be implemented throughout the prospecting programme, including compliance with applicable MARPOL requirements and relevant emergency response, hazardous substance and incident reporting procedures. Response to point 8: The Applicant acknowledges its duty in terms of Section 28(1) of NEMA and Section 58 of the ICM Act to take reasonable measures to avoid, minimise and rectify pollution or degradation of the environment. The relevant measures have been incorporated into the EMPr and will be implemented for the duration of the prospecting activities. Response to point 9: The Applicant notes the requirements of Sections 69 and 70 of the ICM Act. As the proposed activities are entirely offshore and do not involve any land-based source of effluent, Section 69 is not applicable to the proposed prospecting activities. The Applicant	

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			nevertheless notes the requirements of Section 70 relating to dumping at sea and will ensure that no dumping of waste or other material at sea takes place unless undertaken in accordance with the applicable legal requirements and any required permit. Response to point 10: We note the requirements of Section 63 of the ICM Act. The potential impacts of the proposed prospecting activities on the coastal and marine environment, including coastal public property and relevant socio-economic and ecological considerations, have been considered through the BAR and supporting specialist assessments to enable the DMPP to consider the relevant factors of the ICM Act in its decision-making process.	
Department of Forestry, Fisheries and the Environment Directorate: Biodiversity Conservation Mthokozese Nsizwane	X	RE: Department of Forestry Fisheries and the Environment Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 24th of July 2026 for review and comment on the project mentioned in the subject line. Kindly note that the project has been allocated to Ms P Makitla and Mr Mthokozese Nsizwane (Copied in this email). Note, all Public Participation Process documents related to Biodiversity EIA review and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation by email: BCAdmin@dfre.gov.za for attention of Mr Seoka Lekota.	EAP (25 August 2026) This comment has been noted with thanks. The Directorate: Biodiversity Conservation at email: BCAdmin@dfre.gov.za for attention of Mr Seoka Lekota was included on the I&AP database and documents accordingly circulated to this Directorate during the public participation process.	N/A
		COMMENTS ON DRAFT BASIC ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE PROSPECTING IN OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE PROVINCE The Directorate: Biodiversity Conservation has reviewed and evaluated the reports. According to the information provided on the report and the site sensitivity map, the prospecting area occurs within the highly productive Benguela ecosystem and contains significant marine biodiversity, including benthic fauna, marine mammals, seabirds and	EAP (25 August 2026) The comments are noted with thanks. The required mitigation measures have either already been included in the marine specialist report, BAR and EMP, have been further clarified where necessary, or have been incorporated into the relevant sections of these reports. Specifically, it has now been included as an essential mitigation measure that the CBA Natural be clearly demarcated as no-go areas prior to any	Points 1, 2, 3, 5 are addressed as follows: -In the MIA; -On pages 5, 13, 18, 22, 110, 114, 129, 130, 167, 168, 170, and Section 17 in the BAR;

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		commercially important fish species. A portion of the concession overlaps with a Critically Biodiverse Area (CBA Natural). From a biodiversity perspective, the concession area is considered to be in a largely natural condition however classified as “Least Concern” under the 2025 National Biodiversity Assessment (NBA). It does not overlap with any declared Marine Protected Areas (MPAs) or Ecologically and Biologically Significant Area (EBSAs). However, a small portion (approximately 9%) falls within a Critical Biodiversity Area (CBA) Natural, where the primary management objective is to maintain ecosystems in a natural or near—natural condition. To avoid impacts on this sensitive biodiversity area, the development footprint/layout must be reconfigured to exclude the CBA Natural area entirely. The area must be retained in its natural or near-natural state and clearly demarcated as a no-go area prior to construction. This avoidance measure will prevent direct loss, fragmentation, and degradation of habitat within the CBA and will support the conservation objectives applicable to the area. However, to minimise further loss to biodiversity the Directorate recommends the following measure to be adhered to: • Conduct a pre-survey verification of sensitive marine habitats before intrusive sampling. • Implement exclusion buffers around sensitive benthic habitats identified during geophysical surveys. • The prospecting activities must avoid the Critical Biodiversity Areas and Ecologically and Biologically Significant Areas within the concession area, this must be treated as a no-go area. • Incorporate an adaptive management framework allowing suspension or relocation of prospecting activities if sensitive species concentrations are detected. • An annual biodiversity monitoring must be conducted to determine whether cumulative ecological impacts are increasing. • Appropriate mitigation measures must be implemented to avoid the faunal risks to the important populations of marine mammals, fish and seabird occurring within the project footprint.	surveys and that prospecting activities exclude the CBA Natural area entirely. Furthermore, a pre-survey verification of sensitive marine habitats before intrusive sampling has been included as mandatory. In addition, exclusion buffer zones must be implemented around sensitive habitats identified during geophysical surveys. The recommended exclusion buffer zone is 500 m. All sensitive benthic habitats identified during geophysical surveys should be avoided, including exclusion zone buffers (500 m recommended) around such habitats.	-In Section 6.4 and 7.8 the EMPr. The remaining points raised are already addressed in the BAR and EMPr and therefore require no further amendments.

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		- Marine Mammal Observers (MMOs) must be appointed during intrusive sampling activities and implement mandatory shutdown procedures when marine mammals enter pre-defined exclusion zones. - Schedule surveys outside peak migration periods for sea mammals and seabirds where operationally possible. The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dfpe.gov.za for the attention of Mr. Seoka Lekota.		
Other Competent Authorities affected				
N/A				N/A
<u>OTHER INTERESTED AND/ OR AFFECTED PARTIES</u>	X			
Allen Lyons		15/06/2026 (Pre-Consultation) Could you please register me and the Strandfontein Ratepayers Association as I&AP's for this project and send me the relevant documents.	EAP (15/06/2026) Please accept this email as confirmation of receipt that you and the Strandfontein Ratepayers Association have been registered as Interested and Affected Parties. Furthermore, please note that Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). All comments received during the Pre-Application Public Participation Process, together with responses thereto, will be compiled into a Comments and Responses Report, which will be made available to the Competent Authority and the public as part of the consultation process. If you object to your name, email address, or the name of the company/organisation you represent, being made publicly available in the public documents and database, please notify us at your earliest convenience. If no response is received, it	N/A

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			will be assumed that you consent to your details being included.	
		19/06/2026 (Pre-Consultation) There are 3 documents uploaded on your website. 6C's BID is not one of the uploaded documents. Could you please e-mail the BID?	EAP (19/06/2026) We just uploaded the document, so I believe you will be able to find and access it now. I have also attached the BID to this email. Please let me know if you have any further questions.	N/A
Protect the West Coast (PTWC)		16/06/2026 (Pre-Consultation) Kindly note that Protect the West Coast NPC hereby registers as an Interested and Affected Party in respect of the prospecting right application made by Trans Atlantic Diamonds (Pty) Ltd with reference number NC 30/5/1/1/2/14851 PR, in respect of Offshore Sea Concession Area 6C, approximately 11 km west of Koinaas, Northern Cape. We note that the application is being assessed through a Basic Assessment process in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 (GN R982), and that Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioner. In the interests of procedural transparency and informed stakeholder engagement, we respectfully request that you furnish us with the following documents as they become available: • Background Information Document (BID); • Draft Basic Assessment Report (BAR); • Draft Environmental Management Programme (EMPr); • Relevant specialist studies, including any marine, ecological, and heritage impact assessments; • Prospecting Work Programme; • NEMA and GNR 1147-compliant rehabilitation plan/s and budget/s; • Google Earth file clearly showing the application area in .kmz or .kml format; • Name and full contact details of the applicant;	EAP (17 June 2026) Please accept this email as confirmation of receipt that you and Protect the West Coast have been registered as Interested and Affected Parties (I&APs) for the proposed EIA process. Please note that the notice sent out on the 15th of June 2026, was for pre-application registration process will take place from 20 June 2026 to 29 June 2026, with only a Background Information Document (BID) being made available on the same day for comment. Only once this process has completed, a notification will be sent to all registered I&AP to notify them of the Public Participation Process (PPP) for comments on the Draft BAR and all associated appendices. Furthermore, please note that Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). All comments received during the registration process and Pre-Application PPP to follow, together with responses thereto, will be compiled into a Comments and Responses Report, which will be made available to the Competent Authority and the public as part of the consultation process. If you object to your name, email address, or the name of the company/organisation you represent, being made publicly available in the public	N/A

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		- Detailed CVs and professional registration certificates of all appointed consultants and specialists; and - DMPR acceptance letter confirming receipt and processing of the application. We would be grateful if you could please confirm our registration, provide us with the BID currently available for the Pre-Consultation Commenting Period, and keep us updated as the process continues.	documents and database, please notify us at your earliest convenience. If no response is received, it will be assumed that you consent to your details being included. EAP (29 June 2026) Please find attached the Prospecting Work Programme (PWP) for Concession Area 6C as requested. Please note that the 30-day Public Participation Process (PPP) will only commence in the coming weeks, with the availability of the Draft BAR and all appendices. As you and PTWC have been registered and I&APs, you will receive an email regarding the availability of the Draft BAR and all appendices, and information regarding the PPP. Please feel free to contact us if you have any questions. EAP (24 July 2026) Draft BAR, with information pertaining to the NEMA and GNR 1147-compliant rehabilitation plan/s and budget/s; a map of the application area; EMP; Specialist studies; details of the applicant; and detailed CVs and professional registration certificates of all appointed consultants and specialists were made available on Anchor's website during the public participation process from 25 July 2026.	
		02/07/2026 We note that Table 9.1 and Table 10.2., along with several other section of the PWP, have had the financial amounts redacted in full. This includes the total prospecting budget and the total remediation and rehabilitation costs. Without this information, PTWC is unable to assess the scope, adequacy, or credibility of the proposed prospecting programme or the associated financial provision, which defeats the very purpose for which the PWP was requested and undermines PTWC's ability to participate meaningfully in this process as required under NEMA and the EIA Regulations, 2014.	EAP (3 July 2026) 1. Access to information and meaningful participation We are of the opinion that your perception that access to information is preventing meaningful participation is incorrect. It has been reiterated that all information necessary and required to understand the proposed activity and to provide meaningful comments on the potential	N/A

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		Given that the Draft BAR and EMPr still to follow, we would be grateful if you could also confirm the following: 1. When Anchor Environmental Consultants come to compile the Draft EMPr for this application, will you have access to the full, unredacted PWP, including the financial information referred to above? 2. If so, why is PTWC, as a registered I&AP, being given a redacted version of the same documentation the EAP relies on to compile the EMPr? 3. Will the unredacted PWP be taken into account in compiling the Draft EMPr? We raise the same query in respect of Concession Area 11C (WC 30/5/1/1/2/10522 PR), where PTWC has similarly received a redacted PWP.	environmental impacts has been made available to you. This includes the information contained in the Prospecting Work Programme (PWP), with limited redactions applied only to administrative, technical, financial and commercially sensitive information, submitted to the Department of Minerals and Petroleum Resources (DMPR) to assess the applicant's competence. Such information is not required to be disclosed as part of the Public Participation Process (PPP), which is concerned with environmental impact assessment rather than full disclosure of all application details. To ensure compliance, guidance was sought from the DMPR. Based on this, it is confirmed that the PPP must provide access to information reasonably required to enable informed comment on environmental impacts, but does not extend to disclosure of all documents irrespective of relevance. Disclosure obligations are therefore limited to information relevant to environmental assessment and may exclude confidential or commercially sensitive information. On this basis, the PWP were shared with redactions applied in line with this guidance. 2. Financial and technical information We would like to highlight that some of the information you requested relates to the Minister's consideration of an applicant's technical and financial ability and forms part of the DMPR's internal decision-making process. It does not form part of the environmental assessment or NEMA PPP requirements. It is therefore important to reiterate that all relevant information has been and will be made available during the 30-day PPP to afford I&APs, government authorities, and members of the public to review and provide comments on the potential environmental impacts associated with	

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			the proposed application, which is the purpose of this NEMA PPP. The assessment of an applicant's competence rests solely with the DMPR and is not the responsibility of Interested and Affected Parties (I&APs). Information relating to these aspects may also be protected in terms of applicable legislation. Where access to additional information is sought, the appropriate mechanism is a request in terms of the Promotion of Access to Information Act (PAIA). EAP (25 August 2026) The Draft BAR, EMPr and specialist studies were made available on Anchor's website during the public participation process from 25 July 2026. These reports included information relating to rehabilitation, total prospecting budget, remediation costs, a map of the application area and most of the information contained in the PWP, including some of the information that was redacted from the PWP. In terms of the query on whether the unredacted PWP will be taken into account by the EAP in compiling the Draft EMPr. We can confirm that we have access and have considered the unredacted PWP in compiling the EMPr and BAR. With regard to why the EAP has access to information that has not been made publicly available, the EAP is required to comply with applicable legal, professional and ethical obligations regarding the handling and confidentiality of such information. Unlike the EAP, the Applicant cannot control the further distribution of information once disclosed publicly. The redactions therefore remain in place for information that is not required for meaningful participation, as previously explained.	

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	03/07/2026	Having considered it carefully, we must respectfully disagree, for the following reasons. Regulation 40(2) of the EIA Regulations, 2014 requires that the public participation process provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application, unless access to that information is protected by law. Regulation 41(6)(a) similarly requires that information containing all relevant facts in respect of the application be made available to potential I&APs. We do not read either provision as limiting disclosure to information bearing only on environmental impacts as distinct from the application as a whole, and we don't think a general reference to commercial sensitivity is sufficient, on its own, to establish that information is protected by law. We would also respectfully differ on the point that the PWP's financial information falls outside the scope of the NEMA public participation process. Regulation 7(1)(k) of the MPRDA Regulations requires the PWP's cost estimate to be broken down to include costs pertaining to the rehabilitation and management of environmental impacts. Section 17(1)(c) of the MPRDA also makes the granting of a prospecting right conditional on the prospecting not resulting in unacceptable pollution or ecological degradation, and on an environmental authorisation being issued. Given this, we would submit that the financial information redacted from the PWP, including the rehabilitation and remediation cost breakdown, forms part of what is required for the environmental authorisation process, rather than being confined to an internal DMPR competence assessment under section 17(1)(a) and (b). We would be grateful if you could furnish us with a copy of the guidance obtained from the DMPR referred to in your email, including the date it was obtained and the office or official who provided it, so that we may consider it properly. We also note, respectfully, that our questions of 2 July 2026 regarding whether Anchor Environmental Consultants will have access to, and will take into account, the unredacted PWP when compiling the Draft EMPr for Concession Area 6C, and the corresponding query for Concession Area 11C, have not yet been answered. We would appreciate a direct response to each.	EAP (31 July 2026) We take note of your disagreement with our response sent to Protect the West Coast (PTWC) on 3 July 2026. To ensure compliance with the information disclosure requirements applicable to the public participation process (PPP), guidance was obtained from the Department of Mineral and Petroleum Resources (DMPR). Please find attached the DMPR's response regarding the similar queries raised for the Basic Assessment Process for Prospecting Right and Environmental Authorisation for Concession Area 11C (WC 30511210522 PR) for ease of reference. As similar queries were raised by PTWC regarding the redacted information in the Prospecting Work Programme (PWP) during the Basic Assessment Process for the application for prospecting rights in Concession Area 11C, we found it appropriate to provide you with a similar response as seen below: The DMPR confirmed that the purpose of the public participation process (PPP) is to provide I&APs with access to information reasonably necessary to understand the proposed activities and to enable informed comment on their potential environmental impacts. The Department further confirmed that the PPP does not require the disclosure of all documents submitted in support of a Prospecting Right application, particularly documents containing administrative, confidential, financial or commercially sensitive information and that such information may be redacted. Accordingly, the disclosure obligation is limited to information relevant to assessing the environmental impacts and may exclude confidential or commercially sensitive information.	N/A

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			All relevant information necessary to understand the proposed activity and to provide meaningful comment on its potential environmental impacts has been made available through the Basic Assessment Report (BAR), Environmental Management Programme (EMPr), associated specialist studies, and appendices. We once again have to reiterate that this includes substantive project information contained in the application form and PWP. To answer your question, Anchor Environmental Consultants has access to, and has taken into account, the unredacted PWP in the preparation of the BAR and EMPr for Concession Area 6C. The redacted portions were done so based on the guidance from the DMPr and relate to administrative, technical, sensitive company, and financial information submitted to the DMPr to assess the applicant's competence. These details are not required to be disclosed as part of the EIA Public Participation Process, is not relevant to the environmental assessment or the evaluation of potential impacts, and its omission does not limit the ability of I&APs to meaningfully participate in the process or to provide informed comment. Furthermore, please note that the information redacted from the shared documents may also be protected in terms of the Protection of Personal Information Act (POPIA). As such, similar redactions may apply to any information disclosed through that process. Lastly, it is important to note that the PWP contains sensitive information which is regarded as Trans Atlantic Diamonds' (TAD) Intellectual Property (IP). It is worth noting that TAD is a private company and their IP, commercially sensitive information and financial records are protected through the	

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			companies Act 71 of 2008 (as amended), PAIA 2 of 2002 and POPIA 4 of 2013. Furthermore, information relating to the Applicant's technical capability, financial resources, contractors, expenditure and operational arrangements does not need to be disclosed to enable meaningful participation in the EIA process. These matters are considered by the DMPR in terms of section 17 of the MPRDA, which requires the Minister to determine whether an applicant has access to the necessary financial resources and technical ability to undertake prospecting. This is a statutory function of the DMPR and is not a matter for I&APs to assess through the EIA or PPP. Accordingly, the requested information falls outside the scope of the EIA process and the associated Public Participation Process. With regards rehabilitation and cost estimates pertaining to the rehabilitation and management of environmental impacts. All of this information was subsequently included in Section 15 and Appendix 10 of the BAR and for your review, however, note updated and in a different format.	
	25/08/2026	RE: COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT AND ASSOCIATED SPECIALIST STUDIES FOR THE PROSPECTING RIGHT APPLICATION BY TRANS ATLANTIC DIAMONDS (PTY) LTD, SEA CONCESSION AREA 6C, DMPR REF. NO. NC30/5/1/1/2/14851 PR 1. Introduction and background 1.1. Protect the West Coast NPC (PTWC) is registered as an interested and affected party in respect of the above application and thanks Anchor Environmental Consultants for the opportunity to comment on the draft basic assessment report (Draft BAR) and its associated specialist studies. 1.2. The comments below are submitted within the current comment period and represent PTWC's initial round of comments. PTWC reserves the right to raise further comments as its review of the specialist studies continues. 1.3. PTWC's comments are grouped under the following headings:	EAP (26 August 2026) Thank you for your comments. It is noted that this section provides a summary of the comments addressed in the remainder of your correspondence. The responses to each comment are provided in the relevant sections below.	N/A

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		1.3.1. the minerals proposed for prospecting; 1.3.2. the exclusion of bulk sampling from the assessment of economic viability; 1.3.3. the adequacy of the baseline benthic sampling programme; 1.3.4. the geology of the mudbelt; 1.3.5. the assessment of sediment plume impacts; 1.3.6. cumulative impacts and the need for a strategic assessment; 1.3.7. the prospecting work programme and the programme assessed in the Draft BAR; and 1.3.8. financial provision and outstanding documentation. 1.4. PTWC understands that it is not privy to all the information informing this application and can only raise queries on what it has seen and been able to analyse. It may be that the applicant holds information not presently available to PTWC that would assist in clarifying the matters raised, and PTWC raises these concerns in that spirit.		
		2. Minerals proposed for prospecting 2.1. The Draft BAR records that Trans Atlantic Diamonds (Pty) Ltd (TAD) proposes to prospect for chrome, copper, corundum, diamonds (general), garnet (abrasive), gemstones, gold ore, heavy minerals (general), iron ore, lithium ore, platinum group metals, rare earths, silver ore, titanium and uranium ore within Concession Area 6C (Draft BAR, PDF page 46). 2.2. Neither the description of the activity (Draft BAR, PDF page 46) nor the need and desirability assessment (Draft BAR, PDF page 59) sets out any concession-specific geological or mineralogical basis for prospecting for this wider suite of minerals. The need and desirability section addresses only the general societal importance of these mineral classes, not whether any of them is realistically expected to occur within Concession Area 6C. 2.3. PTWC understands the documented exploration potential of this and comparable west coast marine concessions to lie in alluvial diamonds and heavy mineral sands. PTWC requests that the applicant clarify, with reference to the available geological data for Concession Area 6C, the basis on which each of the remaining minerals listed is considered a realistic prospecting	EAP and Applicant (26 August 2026) While note specifically included in the BAR, the geological motivation for the proposed minerals is provided in the Prospecting Work Programme (PWP). The PWP explains that Concession Area 6C comprises mineralised Quaternary sediments overlying Cretaceous clay and sandstone. Ancient beach and storm deposits associated with former sea levels occur within the concession and contain mineralised gravels that may host diamonds and other minerals. Similar mineral-rich marine deposits are well documented within adjacent marine concessions and along the broader West Coast. The PWP further explains that the geological processes responsible for concentrating diamonds and other minerals are closely related, providing a	N/A

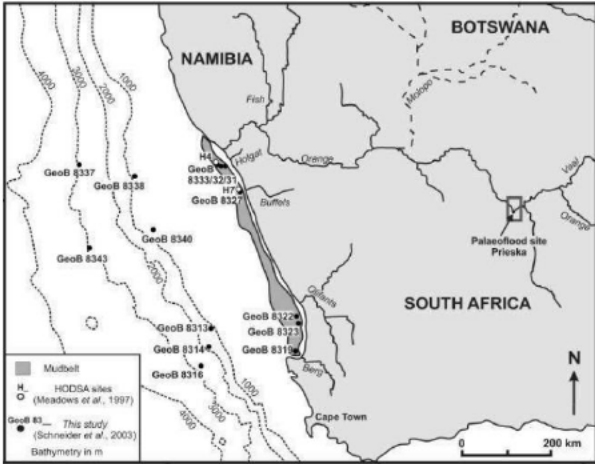
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		target, or confirm that the application will be narrowed accordingly. 2.4. Regulation 7(1)(e) of the MPRDA Regulations, 2004 requires a prospecting work programme to contain a geological description of the land substantiated by a geological map. The prospecting work programme (PWP) furnished to PTWC records, under the heading dealing with that requirement, that no geological map is available for Sea Concession 6C until such time as a geophysical survey is undertaken (PWP, page 7). PTWC requests confirmation of whether a geological map has since been furnished to the DMPR, and, if not, how the geological description of the wider suite of minerals referred to above is substantiated for the purposes of regulation 7(1)(e).	geological basis for investigating the range of minerals included in the application. The PWP therefore does not rely on the assumption that each mineral is definitively present within Concession Area 6C. Rather, the geological setting and depositional processes establish a reasonable possibility that the minerals applied for may occur within the concession and provide a basis for their inclusion as prospecting targets. The purpose of prospecting is, in fact, to investigate and establish the presence, distribution and economic potential of mineral deposits that have not yet been confirmed. Importantly, the wording of Regulation 7(1)(e) requires a description of the geological formation and justification supporting the possibility that the minerals applied for could occur within the prospecting area. It does not require the confirmed presence of each mineral or a separate geological assessment for every individual mineral. The Applicant therefore considers that the PWP satisfies the requirements of Regulation 7(1)(e). The Applicant further notes that the identification of Concession Area 6C as an area available for prospecting by the DMPR provides additional context for the prospecting application, although the geological basis for the proposed targets is provided through the geological description and mineralogical motivation in the PWP. Geological Map A geological map specific to Sea Concession 6C is not currently available and has therefore not been submitted to the DMPR. The proposed survey will provide additional information on the geological structure and	

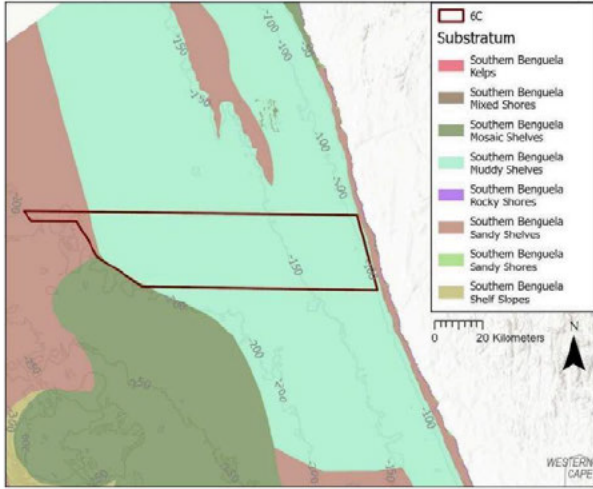
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			distribution of the sedimentary units, which will be used to develop and refine the geological map of the concession.	
		3. Exclusion of bulk sampling from the assessment of economic viability 3.1. The Draft BAR records that "bulk sampling is not considered necessary to achieve the objectives of the current prospecting programme" (Draft BAR, PDF page 63). 3.2. The economic viability of an alluvial diamond deposit depends on grade and diamond value, both of which are distributed unevenly within alluvial deposits and are difficult to estimate reliably from core and drill samples alone. PTWC queries how the applicant intends to establish grade and diamond value with sufficient confidence to support a future mining right application in the absence of bulk sampling, and requests that the applicant clarify whether bulk sampling is intended to form part of a later application, or explain the basis on which it considers drill and core sampling alone to be adequate for this purpose. 3.3. Section 20(2) of the MPRDA requires the holder of a prospecting right to obtain the Minister's written permission before removing and disposing, for the holder's own account, of diamonds and bulk samples of any other minerals found in the course of prospecting operations, over and above the quantities permitted under section 20(1) for testing, identification or analysis. Diamonds (general) are listed among the minerals applied for in this application. PTWC queries whether TAD has obtained, or intends to apply for, the permission required under section 20(2) in respect of the diamonds anticipated to be recovered through the proposed core and drill sampling programme, and requests that this be clarified. 3.4. The PWP furnished to PTWC is expressly titled as having been submitted for a prospecting right application without bulk sampling (PWP, cover page). PTWC understands from this that bulk sampling forms no part of the programme applied for, which returns to the query raised in paragraph 3.2 above. 3.5. Appendix 10 to the Draft BAR records that prospecting for diamonds in the Northern Cape off the West Coast occurred in June 2021, comprising a geophysical survey, and in January	EAP and Applicant (26 August 2026) Response to 3.1 and 3.2 TAD is reliant on a phased exploration logic with reasoning structured around marine-specific geological objectives, environmental compliance and risk mitigation. The primary objective of the initial prospecting phase in Concession 6C is to map the lateral and vertical extent of the marine gravels, sediment layers and underlying bedrock morphology. Drill and Core sampling extract an intact vertical profile of the seabed sediment layers and allows for geologists to identify characteristic indicators that signal trap sites, which marine diamonds on the West Coast are known to be concentrated in, without needing to process large volumes of gravel immediately. TAD prefers a more technical, efficient and structured approach to prospecting with our specialists able to pinpoint localised targets as opposed to sampling blindly across a massive marine concession. This allows for a less invasive approach and minimises environmental impact until a viable deposit is proven. Response to 3.3 and 3.4 No. TAD will not apply for permission in terms of section 20(2) of the MPRDA, as the proposed prospecting programme falls within the scope of section 20(1) and does not constitute bulk sampling. Section 20(1) permits the removal and disposal of any mineral recovered during	Appendix 10 updated and incorrect information omitted

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		2022, comprising bulk sampling (Appendix 10, PDF page 4). PTWC requests clarification of what those activities were, where they were undertaken, under what authorisation, and how they relate to Concession Area 6C and to the present application.	prospecting in the limited quantities required to conduct tests, identify or analyse the resource. The proposed core and drill sampling programme is investigative in nature and will recover only limited samples for geological, geotechnical and laboratory analysis. It is not intended to recover bulk mineral quantities. The PWP is therefore correctly described as a prospecting programme without bulk sampling. Prior to submission of the application, guidance was specifically sought from the Department of Mineral and Petroleum Resources (DMPR) regarding the interpretation of section 20(2), Listing Notice 2 Activity 19, and whether the proposed drilling and coring methodology constitute bulk sampling. The Department confirmed in writing that prospecting without bulk sampling triggers a Basic Assessment, while prospecting with bulk sampling triggers a Scoping and EIA process, and further confirmed that drilling samples do not constitute bulk sampling. Notably, in responding to the question, the Department identified bulk sampling as the determining factor for the application of section 20(2) and made no reference to the mere inclusion of diamonds in the Prospecting Right application or to section 20(2) being automatically triggered by prospecting for diamonds. In addition, it should be noted that section 20(1) expressly applies to “any mineral” recovered during prospecting. Diamonds are therefore not excluded from the operation of section 20(1) where they are removed in the limited quantities required for testing, identification and analysis. The Department has consistently applied section 20(2) accordingly in the processing of this application and in its approach to other prospecting applications of a similar nature. Where diamonds	

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		4. Adequacy of the baseline benthic sampling programme 4.1. The proposed Van Veen grab sampling programme will collect sediment and benthic macrofauna samples from between 20 and 50 sites across the 350 000 ha concession area (Draft BAR, PDF page 42 and 49; Marine and Estuarine Impact Assessment, PDF page 17). This equates to no more than one sample per approximately 7 000 to 17 500 hectares. 4.2. The Draft BAR records that benthic sampling undertaken by Anchor in Concession Areas 1B, 1C and 2C yielded a benthic macrofaunal community of 45 species, with an average biomass of 85.9 g/m² (1B), 31.8 g/m² (1C) and 38.9 g/m² (2C), and that this is markedly lower than the diversity and biomass recorded in the sheltered West Coast bays used for comparison (over 150 species; up to approximately 970 g/m² in Saldanha Bay) (Draft BAR, PDF page 75).	are removed through non-bulk sampling methods, the programme does not fall within the scope of section 20(2). Accordingly, the DMPP accepted that the proposed methodology falls within section 20(1) and does not require permission under section 20(2). Also refer to the responses to Trans Hex Operations (Pty) Ltd's comments submitted on 28 July 2026. Response to 3.5 The information referred to in Appendix 10 regarding prospecting activities undertaken in June 2021 and January 2022 does not relate to TAD or the current application for Concession Area 6C. This information was inadvertently retained from a previous assessment relating to the same concession area and should therefore be disregarded. It has no bearing on the current application or the proposed prospecting programme. The EAP will correct this information in the relevant project documentation. Marine Specialist/ EAP (28 August 2026) The proposed prospecting activities will not be spread uniformly across the full 350 000 ha concession area. Coring will be targeted towards specific areas within the concession where the results of the geophysical surveys indicate that mineral resources may be present and where further investigation is considered warranted. Drilling will be even more targeted and will be undertaken only in areas identified through the results of the coring programme as warranting further investigation. The invasive prospecting activities/ footprint will therefore be concentrated within a much smaller area or specific block/s within the concession,	N/A

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		4.3. The same passage records that "available evidence suggests that the macrofaunal communities of Concession Area 6C are more similar to those found in the offshore, open coast areas such as 1C and 2C than the sheltered, productive West Coast bays, but this should be confirmed during proposed future baseline sampling" (Draft BAR, PDF page 75). The applicant's own characterisation of the baseline benthic community for Concession Area 6C is accordingly an assumption, expressly unconfirmed pending the sampling programme now being assessed. 4.4. Concession Area 6C is mapped across three ecosystem types, the Namaqua Muddy Mid Shelf Mosaic, Namaqua Muddy Sands and Southern Benguela Sandy Outer Shelf, and is described as heterogeneous (Marine and Estuarine Impact Assessment, PDF page 24). Against this heterogeneity and the scale of the concession, PTWC queries whether a sampling density of one station per 7 000 to 17 500 hectares is sufficient to provide a statistically sound characterisation of benthic community structure, and requests that the applicant provide the sampling design rationale, including the statistical basis for the proposed number and spatial distribution of Van Veen stations. 4.5. PTWC notes that the Van Veen grab, while a widely used sampling tool, produces a disturbed sediment sample and does not preserve sediment structure, vertical stratification or the natural positioning of benthic organisms, which may result in the underrepresentation of deeper-dwelling species and provides limited insight into vertical habitat structure. PTWC requests that the applicant consider, as an alternative or supplement, a multicorer capable of collecting undisturbed sediment cores that preserve the sediment-water interface, and confirm the basis on which Van Veen grab sampling alone was considered adequate for this application.	rather than being distributed across the entire concession area. Accordingly, the baseline and Van Veen grab sampling programme will take this into account, with sampling focused on the areas relevant to the proposed prospecting activities. The sampling density should therefore not be assessed by simply dividing the total concession area by the number of proposed grab samples, as this assumes that the sampling programme is intended to characterise the entire 350 000 ha concession uniformly. Furthermore, based on previous benthic studies undertaken on the southern Benguela continental shelf, substantial spatial variation in benthic macrofaunal communities across Concession Area 6C is not anticipated, and the proposed sampling design is considered appropriate for establishing a representative baseline. Accordingly, while the grab samples will be targeted to provide site-specific baseline information, the precise spacing between individual sampling sites is not expected to materially affect their ability to characterise the benthic communities within the concession. The total seabed area expected to be disturbed by invasive sampling is approximately 7,507 m² (0.75 ha), representing approximately 0.000214% of Concession Area 6C. This limited and localised footprint further supports a targeted baseline approach. If necessary and appropriate to supplement the grab sampling data, data from the planned 100–200 vibracore samples may also be incorporated into the baseline dataset. IN terms of the sampling method, Van Veen grab sampling is a well-established and widely accepted method for benthic macrofaunal assessments and is considered appropriate for this programme. Prior to the survey, the Marine Specialist will review the	

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			proposed methodology and may recommend an alternative or supplementary method, including sediment coring, where warranted by site-specific conditions or survey objectives.	
		5. Geology of the mudbelt 5.1. Much of the deeper-water diamond prospecting potential along the West Coast is associated with an extensive mud deposit, the Mudbelt, that has accumulated along the shelf from sediment carried down by the Orange River.  Figure 1. Map showing the extent of the West Coast mudbelt 5.2. The Draft BAR records that exploration targets within Concession Area 6C are overlain by the regional Mudbelt, which reaches its greatest thickness, exceeding 18 metres, in the northeastern portion of the concession area (Draft BAR, PDF page 92).	A geotechnical drilling programme to characterise overburden thickness and composition across the full concession, at the resolution that would be required to plan sediment management for a future mining phase, does not form part of the current prospecting programme, which is confined to the investigative core and drill sampling described in the PWP and Draft BAR. Detailed geotechnical characterisation of the mud overburden would fall to be addressed, together with any associated environmental assessment, at the mining right and mining-specific EIA stage, should the current prospecting phase support an application for a mining right.	N/A

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		 Figure 2. Most of Concession 6C is covered by mud 5.3. Should TAD delineate an economically viable deposit, future mining is likely to require removal of this overlying mud to access the underlying ore-bearing gravels, at a scale materially different from the sampling assessed in this Draft BAR. PTWC queries whether a geotechnical drilling programme sufficient to characterise the clay and mud content and thickness of the overburden across the concession forms part of the current prospecting programme, given that this information appears necessary to inform sediment management planning for any future mining phase.		
		6. Assessment of sediment plume impacts 6.1. The Marine and Estuarine Impact Assessment (MEIA) records that the extent, concentration and duration of sediment plumes generated during drill sampling and tailings disposal depend largely on the proportions of silts, muds and clays in the discharged sediment, together with prevailing sea surface conditions (MEIA, PDF page 58). 6.2. Concession Area 6C is described as mostly classified as "Muddy sand", with almost the entire concession mapped as Southern Benguela Muddy Shelf (MEIA, PDF page 23), and the nearshore	Marine Specialist (28August 2026) The Marine Specialist Report includes a comprehensive description of the affected marine environment and draws on the best available information, including peer-reviewed literature, baseline datasets and previous specialist studies from comparable habitats within the Southern Benguela region. In data-poor environments, such information provides an important basis for impact assessment and is critically evaluated	N/A

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		portion is expected to comprise predominantly muddy sediments interspersed with patches of consolidated substrate (MEIA, PDF page 24). 6.3. The proposed Van Veen grab sampling includes analysis of sediment composition and grain size (MEIA, PDF page 17), but the MEIA does not appear to require that the results of this analysis be used to model sediment plume behaviour before the more invasive Phase 3 drill sampling and tailings disposal commence. The Phase 3 programme is not insignificant in scale: an initial and follow-up drilling programme of up to 300 samples, followed by a detailed resource evaluation phase of approximately 1 200 further samples across some 20 resource development areas over approximately 40 days (MEIA, PDF page 19). 6.4. Much of the evidence relied on to conclude that sediment plumes will be localised and short-lived is drawn from studies and observations undertaken elsewhere, including plume data from marine diamond mining operations off southern Namibia (MEIA, PDF page 58 and Figure 3.2, PDF page 59). The MEIA separately presents current speed and direction data for Concession Area 6C, and records a northward-flowing littoral current associated with the prevailing south-westerly swell (MEIA, PDF page 20 and Figure 2.2, PDF page 21), but this current information does not appear to have been combined with the proposed site-specific grain-size results to model the likely dispersion, concentration or duration of plumes within Concession Area 6C specifically. 6.5. In assessing direct benthic impacts, the MEIA acknowledges that no site-specific benthic survey data are currently available for Concession Area 6C, and rates confidence in that assessment as Medium (MEIA, PDF page 56). By contrast, the impact of tailings discharge and fine sediment plumes is rated High confidence (MEIA, PDF page 60), notwithstanding the absence of the site-specific sediment particle size data that the MEIA itself identifies as an important determinant of plume extent and duration. 6.6. Approximately 9% of Concession Area 6C, some 320 km², is classified as a CBA Natural area, which the MEIA identifies as being of the highest biodiversity priority and recommends should	alongside available site-specific information and recent published evidence. The proposed Van Veen grab sampling and vibracoring form part of the prospecting activities being assessed in Concession Area 6C and are not considered as additional baseline surveys. The sediment characteristics obtained through these activities will provide information on the sediments encountered during prospecting; however, the assessment does not depend on obtaining this information before the activities can be undertaken. The studies referenced in the Marine Specialist Assessment to support the conclusion that sediment plumes are generally localised and short-lived were undertaken within the Southern Benguela upwelling region, including along the southern Namibian coast. These areas provide relevant analogues for Concession Area 6C given their broadly comparable oceanographic and sedimentary conditions. The regional evidence is therefore considered appropriate for informing the assessment, particularly given the relatively limited scale of the proposed prospecting activities. Sediment plumes primarily affect the water column through temporary increases in turbidity, reduced light penetration and the potential release of substances from seabed sediments. Such effects are generally dependent on the spatial extent, persistence and concentration of the plume relative to natural background conditions. Recent evidence indicates that persistent or extensive turbidity effects are unlikely from marine mining activities along the southern Namibian coast (Wright et al., 2024). Given that the sediment volumes associated with the proposed prospecting activities in Concession Area 6C are	

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		be avoided as far as possible (MEIA, PDF page 33). Without an understanding of how far fine sediment plumes may travel from the point of discharge, it cannot be demonstrated that CBA Natural areas outside the immediate sampling footprint would not be indirectly affected by sediment deposition. 6.7. PTWC requests that the grain size data obtained through the proposed Van Veen sampling be combined with the current data already available for Concession Area 6C to produce a site-specific plume dispersion assessment prior to the commencement of drill sampling and tailings disposal, and that the confidence rating attached to this impact be revisited once that assessment is available 6.8. PTWC records that the assignment of impact significance and confidence ratings in the absence of the site-specific data identified above is difficult to reconcile with the risk averse and cautious approach required by section 2(4)(a)(vii) of NEMA, which requires that the limits of current knowledge about the consequences of decisions and actions be taken into account.	substantially smaller than those associated with mining operations, any resulting plumes are expected to be considerably smaller and short-lived. The mitigation measures relating to the avoidance of sensitive areas are primarily intended to prevent the immediate discharge of coarser and heavier tailings material and the associated risk of direct seabed smothering at sensitive receptors. The assessment considers the worst-case scenario for both the nature and extent of potential sediment impacts, including the lower confidence associated with the anticipated habitat characteristics and, consequently, the expected grain size and distribution of unconsolidated sediments. Even under this conservative assessment, the scale and intermittent nature of the proposed prospecting activities are not considered likely to result in impacts of significance. Given the limited volumes of sediment released during the proposed activities, the potential for widespread or persistent smothering by dispersed fine sediment is considered a substantially lesser concern. Nevertheless, areas identified as environmentally sensitive have been highlighted in the Marine Specialist Assessment and will be avoided during the proposed prospecting activities wherever practicable. This provides an additional precautionary measure to minimise the potential for direct or indirect impacts on sensitive marine habitats. The Benguela system is naturally characterised by dynamic oceanographic conditions and periods of elevated suspended sediment concentrations, and marine communities are therefore exposed to naturally variable turbidity conditions (Penney et al., 2007). Available evidence indicates that	

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			temporary increases in turbidity associated with deep-water sampling and prospecting are unlikely to result in significant effects on marine biota (Penney et al., 2007; Pulfrich, 2017). Modelling studies and aerial observations further demonstrate that suspended sediment concentrations decrease rapidly with distance from mining vessels through dilution and settling of fine sediment fractions (Poopech, 1982; Hitchcock & Drucker, 1996; Shillington & Probyn, 1996; CSIR, 1998; Carter & Midgley, 2000). Dredge-mining studies have similarly recorded a return towards background turbidity levels within hours after dredging ceases (Whiteside et al., 1995). The proposed activities in Concession Area 6C are intermittent, with sampling locations separated spatially and time required to transfer the sampling equipment between sites. Sediment will therefore not be released continuously from a single location. The relatively small volumes involved further reduce the potential for sustained or extensive plume formation. On this basis, the Marine Specialist Assessment considers that the available regional evidence provides an appropriate basis for assessing sediment plume impacts associated with the proposed prospecting activities in Concession Area 6C. The assessment recognises the limitations associated with the absence of comprehensive site-specific plume data, but considers that the small scale, intermittent nature and limited sediment volumes associated with the proposed activities, together with the available regional evidence, support the conclusion that plume-related impacts will be localised, short-lived and of low significance.	

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		7. The prospecting work programme and the programme assessed in the Draft BAR 7.1. PTWC has been furnished with a copy of the PWP for Concession Area 6C in which the financial information is redacted, as recorded in paragraph 9.1 below. The balance of the document is legible and PTWC has been able to review it. The concerns below arise from a comparison between the PWP and the programme assessed in the Draft BAR and the Marine and Estuarine Impact Assessment (MEIA). 7.2. The PWP records that Sea Concession 6(c) covers an area of 745,647 hectares in extent (PWP, page 5), and states the extent of the area required for prospecting as 7 456 km² (PWP, Table 4.1, page 5). The Draft BAR and Appendix 10 record the concession as covering approximately 350 000 hectares, or approximately 3 500 km² (Draft BAR page 2, pdf page 16). The two figures differ by a factor of more than two. PTWC requests that the correct extent be confirmed. The point is not academic: the sampling density discussed in paragraph 4.1 above, and the calculation in Appendix 10 that the disturbance footprint represents approximately 0.0002% of the concession, are both derived from the smaller of the two figures. 7.3. The PWP describes the invasive component of the prospecting programme as a single phase comprising vibrocoring or gravity coring at between 100 and 200 sites, with a core diameter of approximately 11 cm, penetration to depths of up to 6 m, a total volume of 11 m³ and a total surface area of 1.9 m², over an area spanning 33 000 hectares (PWP, page 10). The subsequent phase described in the PWP is a feasibility study, being an office-based exercise (PWP, page 10). The MEIA, by contrast, describes an initial and follow-up drilling programme of up to 300 samples, followed by a detailed resource evaluation phase of approximately 1 200 further samples across some 20 resource development areas over approximately 40 days (MEIA, PDF page 19). Appendix 10 describes the third phase as consisting of drill sampling to obtain deeper geological information, and estimates the cumulative seabed area physically disturbed across the second and third phases at approximately 7 507 m² (Appendix 10, PDF page 6).	EAP (30 August 2026) Response to 7.1 and 7.2 Thank you for identifying the discrepancy. The correct extent of Sea Concession Area 6C is approximately 350 000 hectares (3 500 km²), as reflected in the Draft BAR and MEIA. The larger extent recorded in the PWP is incorrect and resulted from a drafting error. The PWP will be corrected and the revised version submitted to the DMPR. The sampling density and disturbance footprint presented in the BAR and MEIA are based on the correct concession extent. Response to 7.3 and 7.4 The Draft BAR, MEIA and PWP describe the same prospecting programme. The apparent discrepancy arises from the level of detail and the manner in which the prospecting phases are presented. The PWP presents the invasive prospecting activities as a single prospecting phase, whereas the BAR and MEIA separate these into distinct phases to provide a clearer description of the methodology, namely: • Phase 2: Van Veen grab sampling and core sampling; and • Phase 3: Drill sampling, including the initial drilling programme and any follow-up drilling required for resource evaluation. The BAR and MEIA therefore provide a more detailed description and assessment of the investigative sampling methodology. It is acknowledged that the PWP does not describe the drill sampling component to the same level of detail as the BAR and MEIA. The PWP can accordingly be updated to align its phase descriptions and methodology with those contained in the BAR and MEIA.	The PWP has been updated to align with the BAR.

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List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.			7.4. Regulation 7(1)(g), (h) and (i) of the MPRDA Regulations, 2004 require the prospecting work programme to describe the prospecting methods to be implemented, including any drilling to be carried out, to set out all planned prospecting activities in phases and within specific timeframes, and to provide technical data detailing those methods and the time required for each phase. Regulation 7(2) provides that the prospecting work programme forms part of the prospecting right when the right is granted. Item 3(1)(d)(ii) of Appendix 1 to the EIA Regulations, 2014 requires a basic assessment report to contain a description of the activities to be undertaken. PTWC has been unable to reconcile the invasive programme described in the PWP with the drill sampling programme assessed in the Draft BAR and the MEIA, and requests that the applicant identify which of the two constitutes the programme applied for. 7.5. The PWP records, in the passage following the budget table, that "the impacts from grab and core sampling are expected to be virtually negligible although the impacts from drill sampling are expected to be more extensive but it is considered essential mitigation to not use the 3-5m² drill tool in this concession due to its status as a CBA and location within the Namaqua Coastal EBSA" (PWP, page 13). The MEIA records that approximately 9% of Concession Area 6C, some 320 km², is classified as a CBA Natural area of the highest biodiversity priority which should be avoided as far as possible (MEIA, PDF page 33). 7.6. The Draft BAR nonetheless proceeds to assess a programme in which drill sampling is a central component (MEIA, PDF page 19; Appendix 10, PDF page 6). That is consistent with the figures in Appendix 10: deducting the 1.9 m² coring footprint stated in the PWP from the cumulative figure of approximately 7 507 m², and dividing across the approximately 1 500 drill samples described in the MEIA, yields an implied average footprint of approximately 5 m² per sample. PTWC advances that calculation as its own and invites correction. 7.7. PTWC accordingly requests that the applicant confirm whether the drill tool proposed for use in Concession Area 6C is the 3 to 5 m² tool that the PWP identifies as essential to avoid, and, if it is, explain the basis on which the applicant's own recorded mitigation position has been departed from, and identify where	Response to 1.5, 1.6 and 1.7 The MEIA does not conclude that the drill tool should be avoided throughout Concession Area 6C. The recommendation is that drilling should, where practicable, be avoided within the CBA and other sensitive benthic habitats. This recommendation has been incorporated into the BAR and EMPr. Furthermore, following comments received from the DFFE, the CBA has been excluded from the proposed survey design and will not form part of the planned drill sampling programme. For clarity, the disturbance calculations are based on the following assumptions: <table><tr><th>Sampling method</th><th># samples</th><th>Total disturbance</th></tr><tr><td>Van Veen grab sampling</td><td>50 samples</td><td>5 m²</td></tr><tr><td>Core sampling</td><td>200 cores (10 cm diameter)</td><td>1.57 m²</td></tr><tr><td>Initial drill sampling</td><td>300 samples × 5 m²</td><td>1 500 m²</td></tr><tr><td>Follow-up drill sampling</td><td>1 200 samples × 5 m²</td><td>6 000 m²</td></tr><tr><td>Total</td><td></td><td>7 506.57 m² (≈ 7 507 m²). Can be rounded to 7600 m²</td></tr></table> The 3–5 m² drill footprint referred to in the PWP is therefore the same drill methodology assessed in the BAR and MEIA. The mitigation does not prohibit the use of the drill tool; it requires that drilling avoid	Sampling method	# samples	Total disturbance	Van Veen grab sampling	50 samples	5 m ²	Core sampling	200 cores (10 cm diameter)	1.57 m ²	Initial drill sampling	300 samples × 5 m ²	1 500 m ²	Follow-up drill sampling	1 200 samples × 5 m ²	6 000 m ²	Total		7 506.57 m ² (≈ 7 507 m ²). Can be rounded to 7600 m ²	
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		in the Draft BAR or the MEIA that departure is assessed. In PTWC's respectful view, a mitigation measure that the applicant itself has characterised as essential by reason of the CBA and EBSA status of the concession cannot be set aside without the assessment addressing it expressly.	the CBA and other sensitive habitats, where practicable, which is the approach adopted in the environmental assessment.	
		8. Cumulative impacts and the need for a strategic assessment 8.1. The Draft BAR records that, given the nature of cumulative impacts and the many factors acting across the broader region, it cannot be assumed that mitigation measures will be implemented consistently by all parties, and that no additional project-specific mitigation has accordingly been prescribed for cumulative impacts. The Draft BAR further records that a strategic Environmental Impact Assessment, informed by marine spatial planning principles, should be undertaken by the relevant government authority to assess and manage cumulative impacts holistically (Draft BAR, PDF page 38). 8.2. Concession Area 6C forms part of a wider series of offshore sea concessions along the West Coast that are the subject of concurrent prospecting applications, several of which PTWC is separately engaged with as a registered I&AP. The Draft BAR's own acknowledgement that cumulative impacts across the region cannot be adequately assessed or mitigated at the level of an individual concession, and its own recommendation that a government-led strategic assessment is required, applies with equal force here. 8.3. PTWC notes that a national marine spatial planning process is underway under the Marine Spatial Planning Act 16 of 2018, intended to produce marine area plans guiding where and when ocean uses, including prospecting, should occur. Consistent with the Draft BAR's own recommendation that a strategic assessment be undertaken to manage cumulative impacts holistically, PTWC requests that this application be held in abeyance pending the outcome of the applicable marine area plan for the West Coast marine planning area, rather than being decided on an individual concession basis in circumstances where the Draft BAR itself records that cumulative impacts cannot presently be assessed.	EAP and Applicant (26 August 2026) The comments regarding cumulative impacts and the ongoing marine spatial planning process are noted and welcomed. A strategic approach to managing activities within the marine environment is recognised as important. However, it is not considered appropriate to hold the current application in abeyance pending completion of the marine spatial planning process. The impacts associated with prospecting are substantially different from other activities such as mining or oil and gas development. The proposed prospecting activities are temporary and have a limited physical footprint, with all of the potential environmental impacts assessed as Low to Insignificant after the implementation of the proposed mitigation measures. The marine spatial planning process is a broader, long-term planning process and may take several years to complete. It is therefore not considered reasonable to delay a prospecting application with limited and localised impacts until the completion of this process. In addition, the proposed prospecting programme will be undertaken as part of a combined survey campaign with other concessions for which the Applicant already holds the necessary authorisations and Prospecting Rights. This will allow the Applicant to assess multiple concessions during a single vessel campaign, reducing the number of vessel mobilisations and the total time spent at sea compared to undertaking separate	N/A

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			campaigns for each concession. This approach itself reduces the potential cumulative impacts associated with repeated vessel mobilisation and survey activities. The recommendation for a broader strategic assessment is therefore supported as a longer-term planning measure, but is not considered a basis for withholding the Environmental Authorisation or Prospecting Right for the current prospecting programme.	
		9. Financial Provision and outstanding documentation 9.1. PTWC requested TAD's prospecting work programme (PWP) as part of its registration as an interested and affected party. The PWP furnished to PTWC had its financial information redacted in full, including the total prospecting budget and the total remediation and rehabilitation costs. PTWC raised this with Anchor Environmental Consultants in July 2026, together with queries as to whether Anchor would have access to, and would rely on, the unredacted PWP in compiling the Draft BAR and EMPr. 9.2. Anchor took the position that this information falls outside the scope of the NEMA public participation process, relying on guidance obtained from the DMPR. PTWC does not agree with that position and maintains the basis for its disagreement, namely that regulation 40(2) and regulation 41(6)(a) of the EIA Regulations, 2014 are not confined to information bearing only on environmental impacts as distinct from the application as a whole, that regulation 7(1)(k) of the MPRDA Regulations, 2004 requires the PWP's cost estimate to expressly address costs pertaining to the rehabilitation and management of environmental impacts, and that section 17(1)(c) of the MPRDA makes the granting of a prospecting right conditional on the prospecting not resulting in unacceptable pollution or ecological degradation. 9.3. Anchor has since confirmed that it had access to, and took into account, the unredacted PWP in compiling the Draft BAR and EMPr, and that the rehabilitation and cost information redacted from the PWP has been included in Section 15 and Appendix 10	EAP and Applicant (30 August 2026) Response to 9.1 – 9.3 We take note of the comments. As noted in your comment, the relevant financial and rehabilitation information has been provided in the Draft BAR in an updated format. Response to 9.4 The financial provision for Concession Areas 7C and 10B will not be used as security for Concession Area 6C, nor will the provision for 6C be used as security for those concessions. The provisions are separate and will be cumulative where the same offshore campaign is undertaken. The comment also appears to assume that environmental incidents and associated remediation will necessarily occur within each concession. The likelihood of such incidents occurring is considered very low, given the nature of the proposed offshore operations and the associated preventative and mitigation measures. The amount of R170,000 identified in the Draft BAR represents the financial provision to be paid to the DMPR as security for environmental incidents, emergency response and pollution remediation. This amount does not represent the total financial resources available to the Applicant should	Appendix 10 has been updated. Financial provision information has been included as Section 5 in the EMPr.

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		of the Draft BAR, in Anchor's words, "updated and in a different format." The Draft BAR records that an amount of R170 000.00 has been set aside as financial provision for environmental incidents, emergency response and pollution remediation, and that application of the DMPR Guideline for the Evaluation of the Quantum of Closure Related Financial Provision found that none of the prescribed closure components apply to the proposed activities, such that no rehabilitation liability is generated (Draft BAR, PDF pages 181 to 182). 9.4. Section 15 of the Draft BAR records that the Applicant also holds prospecting rights for Concession Areas 7C and 10B, that separate financial provision has been made for those concessions, and that because the prospecting activities are intended to be undertaken as part of the same offshore campaign, the financial provision allocated to those concession areas will also be available, where necessary, to respond to environmental incidents or undertake remediation in Concession Area 6C (Draft BAR, PDF pages 181 to 182). Regulation 4 of GNR 1147 requires an applicant to determine and make financial provision sufficient to guarantee the availability of funds to undertake rehabilitation and remediation of the adverse environmental impacts of the operations concerned. In PTWC's respectful view, financial provision made for one concession cannot simultaneously be relied upon as security for the liabilities of another without reducing the provision available to each. PTWC requests confirmation of whether the financial provision for Concession Areas 7C and 10B is in turn stated to be supported by the provision made for Concession Area 6C, and if so, how the total provision available is calculated. 9.5. Section 15 further records that the Applicant has made separate operational budget provision for the implementation of the approved EMPr, including environmental monitoring and the appointment of the ECO, MMSOs, PAM Operators and the FLO (Draft BAR, PDF page 181). That budget is not quantified in the Draft BAR. Given that the adequacy of the proposed benthic baseline sampling and subsequent monitoring is among the concerns raised above, PTWC requests that the amount budgeted for EMPr implementation, and in particular for benthic	remediation be required, but rather the financial provision required to be held with the DMPR. For the proposed prospecting activities, the financial provision relates primarily to potential remediation in the event of an environmental incident. As explained in the Draft BAR, no active rehabilitation of the seabed is considered necessary or feasible for the proposed activities, and no conventional rehabilitation liability is therefore anticipated. The R170,000 provision was based on the amount requested by the DMPR for Concession Areas 7C and 10B, and TAD has made provision for the same amount in respect of Concession Area 6C. Response to 9.5 The disclosure of the specific amounts budgeted for implementation of the EMPr is not a requirement of the NEMA public participation process and these amounts were therefore not included in the Draft BAR. TAD has confirmed that provision has been made for the costs associated with implementing the EMPr, including environmental monitoring and the appointment of the relevant environmental personnel. The amounts are based on the requirements of the proposed prospecting programme and may be adjusted where necessary should the actual requirements differ. Response to 9.6, 9.7 and 9.8 It should first be noted that active rehabilitation of the seabed following the proposed prospecting activities is not considered feasible or necessary due to the nature and depth of the receiving environment. The localised seabed disturbance associated with the proposed grab, coring and drill sampling activities is expected to recover naturally	

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		sampling, laboratory analysis and ongoing monitoring, be disclosed. 9.6. Appendix 4 to GNR 1147 prescribes the minimum content of a final rehabilitation, decommissioning and mine closure plan, including details of the persons who prepared the plan and their professional registrations and experience, the environmental and social context informing it, the closure design principles, the risk assessment approach and its link to closure actions, a commitment to a schedule and budget, the identification of knowledge gaps, and the monitoring, auditing and reporting requirements. Item 1 of Appendix 4 records that the plan forms a component of the environmental management programme submitted in terms of section 24N of NEMA. Item 1 of Appendix 3 records the same in respect of the annual rehabilitation plan. Neither plan appears in the Draft EMP, and PTWC has been unable to locate either in Section 15 of the Draft BAR or in Appendix 10. PTWC requests that both be furnished. 9.7. Regulation 3(1) of GNR 1147 provides that those Regulations apply to an applicant, and regulation 6 requires an applicant to determine financial provision through a detailed itemisation of all activities and costs, calculated on the actual costs of implementing the measures required for annual rehabilitation, for final rehabilitation, decommissioning and closure, and for the remediation of latent or residual impacts, as reflected respectively in an annual rehabilitation plan, a final rehabilitation, decommissioning and mine closure plan, and an environmental risk assessment report. PTWC has not been furnished with any of these three documents and has been unable to locate them in the documentation made available for comment. PTWC requests that they be furnished. 9.8. Regulation 19(3) of the EIA Regulations, 2014 provides that where an application for environmental authorisation is for prospecting, the basic assessment report must address the requirements determined in the regulations pertaining to financial provision. Regulation 19(4) imposes the same requirement on the EMP. Those requirements are set out in GNR 1147, and the matters raised in paragraphs 9.6 and 9.7 above accordingly go to the content of the Draft BAR and the Draft EMP	over time. Accordingly, there are no specific seabed rehabilitation activities that can meaningfully be itemised and costed as part of a conventional rehabilitation programme. The relevant information regarding rehabilitation, decommissioning, closure and remediation has therefore been addressed within the BAR and EMP, as applicable. The only decommissioning measures identified for the proposed offshore prospecting activities have been included in the EMP. This does not relieve the Applicant of its obligation to address environmental impacts that may arise from the prospecting activities. Financial provision has been made for emergency response and pollution remediation, and the Applicant has also made provision for the costs associated with implementing the environmental management measures. Response to 9.9 The closure components listed in Appendix 10 are those typically associated with prospecting and mining operations and included in these types of assessments. They were considered in determining whether any of the typical closure liabilities are relevant to the proposed prospecting activities. All of the listed components were determined to be not applicable to the proposed offshore prospecting programme. This supports the conclusion that the conventional closure activities do not arise in this case and that there are no specific closure objectives requiring active rehabilitation of the seabed. The decommissioning measures applicable to the proposed prospecting activities have accordingly been identified in the EMP.	

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		themselves, and not only to the availability of separate documents. 9.9. Appendix 10 sets out the requirements of regulation 6 of GNR 1147, including the requirement for a detailed itemisation of all activities and costs based on the actual costs of implementation (Appendix 10, PDF page 3). It then determines the quantum by applying the Department's January 2005 Guideline Document for the Evaluation of the Quantum of Closure Related Financial Provision Provided by a Mine, working through a checklist of fourteen closure components comprising the dismantling of processing plant, the demolition of steel and reinforced concrete buildings, the rehabilitation of access roads, the demolition of railway lines and housing, opencast rehabilitation and final voids, the sealing of shafts, adits and inclines, the rehabilitation of overburden, spoils and processing waste deposits, the rehabilitation of subsided areas, general surface rehabilitation, river diversions, fencing, water management and aftercare (Appendix 10, PDF pages 5 to 6). Every one of the fourteen is marked not applicable, and Appendix 10 concludes on that basis that no closure liability is required (Appendix 10, PDF page 6). PTWC requests that the applicant explain how the application of a checklist of land-based mine closure components, none of which, in PTWC's respectful view, is capable of arising in an offshore prospecting operation, satisfies the requirement in regulation 6 of GNR 1147 for a detailed itemisation of the actual costs of the measures required in this concession. 9.10. Appendix 10 classifies the proposed prospecting site as having a medium environmental sensitivity (Appendix 10, PDF page 4). The classification criteria reproduced in Appendix 10 identify, as a high biophysical sensitivity criterion, an area largely in a natural state which forms part of an overall ecological regime of conservation value (Appendix 10, PDF pages 4 to 5). The sensitivity classification is used to determine the multiplication factors applied to the master rate. Given that the MEIA identifies approximately 9% of Concession Area 6C, some 320 km², as a CBA Natural area of the highest biodiversity priority (MEIA, PDF page 33), and that the PWP records the concession as located within the Namaqua Coastal EBSA (PWP, page 13), PTWC	Response to 9.10 The CBA Natural area will be excluded from the prospecting footprint and will be treated as a no-go area. It will therefore not be directly impacted by the proposed prospecting activities and has not been considered in determining the sensitivity of the area to be disturbed. Furthermore, the proposed prospecting activities are temporary and localised and, following implementation of the prescribed mitigation measures, the anticipated impacts are low to insignificant. The activities are not expected to affect the broader ecological functioning of the EBSA. The medium sensitivity classification is therefore considered appropriate for the area in which prospecting activities are proposed. Response to 9.11 The wording in Appendix 10 has been clarified. The intention is that the potential impacts and environmental risks associated with the proposed prospecting activities have been assessed in the relevant specialist studies forming part of the BAR. As no significant environmental risks are expected to arise from the proposed activities, no additional specialist assessments or associated costs are anticipated at this stage. Response to 9.12 Thank you for the comment. It is noted that the relevant financial provision information was not clearly reflected in the Draft EMPr. The EMPr will be amended to include the relevant information regarding the financial provision.	

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		requests that the basis for the medium classification be explained. 9.11. Appendix 10 further records that no further specialist studies or costs will be required, on the footing that all risks have been assessed in the specialist studies which are supplementary to the approved environmental authorisation and EMPr (Appendix 10, PDF page 6). No environmental authorisation has been granted in respect of this application and the EMPr remains in draft. PTWC requests that this passage be corrected or clarified. 9.12. Regulation 12(4) of GNR 1147 requires an applicant to include the sum of the financial provision, and an indication of how that sum was determined, in the environmental management programme submitted in terms of section 24N of the Act. PTWC has been unable to locate any financial provision section, sum or derivation in the Draft EMPr as furnished. PTWC requests that the Draft EMPr be amended to include this information, or that PTWC be directed to it if it has been overlooked.		
		10. Conclusion 10.1. PTWC raises the above in the spirit of transparency and to afford TAD and Anchor Environmental Consultants a proper opportunity to address the concerns raised. 10.2. Regulation 44(1) of the EIA Regulations, 2014 requires the applicant to ensure that the comments of interested and affected parties are recorded in reports and plans, and that those written comments, together with the responses to them, are attached to the reports and plans submitted to the competent authority. PTWC requests that these comments be recorded in the comments and responses report in full, and that a substantive response be given to each of the queries raised above, identified by the paragraph number under which it is raised. Where a query is not answered, PTWC requests that the report record that expressly, together with the reason. 10.3. Regulation 19(1)(a) of the EIA Regulations, 2014 requires the basic assessment report submitted to the competent authority to reflect the incorporation of comments received. Several of the matters raised above concern discrepancies within and between the application documents rather than differences of view.	EAP (30 August 2026) The comments are noted with thanks. The comments have been recorded in full in the Comments and Responses Report, with responses provided under the respective sections and paragraph numbers. The application documentation has been reviewed in light of the matters raised. Where amendments or additional information have been incorporated into the documents, the relevant report and section or page reference are provided in the column to the right. Amendments to the Final BAR, EMPr and associated appendices will also be highlighted for ease of reference.	N/A

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		PTWC requests that the applicant and Anchor Environmental Consultants revisit the application documentation in light of the above, and that the errors and inconsistencies identified be corrected in the final basic assessment report, the Draft EMPr and their appendices before those documents are submitted for decision.		
De Beers Group		24/07/2026 Could you please share the draft BAR with me via email as I can only see the application document on the link provided and not the draft BAR.	EAP (24 July 2026) At the time the email was received, the documents were still being uploaded onto the website and is why the link was not yet active. It was explained that the Draft BAR and all appendices would be uploaded onto Anchor's website late that Friday afternoon (24 July 2026), to enable I&APs to access the documents via the link.	N/A
South African United Fishing Front (NPO)		24/07/2026 What actions have been put in motion to ensure awareness at a grassroot level and whether a community consultation process forms part of this campaign.	EAP (27/07/2026) For Environmental Impact Assessment (EIA) applications, Public Participation (PP) forms a critical part of the process for the relevant competent authority to make a decision on whether to grant Environmental Authorisation (EA) or not. Therefore, PP is conducted in accordance with the National Environmental Management Act (NEMA; 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). I have attached the regulations for ease of reference. All the NEMA EIA PP requirements were implemented accordingly, with proof being collected and will be submitted to the Department of Minerals and Petroleum Resources (DMPR) with the Final Basic Assessment Report (BAR) for the decision-making process. The following methods were used to notify the local residents of the PP process: o A2 notices being erected in Koinghaas and Kleinzee as required;	N/A

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			○ Newspaper advertisements being placed in local (Die Plattelander) and provincial (Gemsbok) newspapers as required; ○ A4 Posters being erected at key locations in Koinghaas, Kleinzee and Hondeklipbaai. Exact locations can be provided upon request, and it is important to note that this is not a requirement, but an additional measure implemented by Anchor Environmental Consultants to increase awareness and participation among local residents; and ○ Emails being sent to local residents, community groups and associations, for which we had email addresses, as required. Hard copies of the Draft BAR and all appendices were placed at the Kleinzee Library and Hondeklipbaai SAPS for residents who cannot access the documents online. Furthermore, a pre-consultation registration process was conducted from the 20th of June 2026 until the 29th of June 2026. During this period, posters were erected at key locations in Hondeklipbaai, Kleinzee and Koinghaas. As mentioned above, the exact locations can be provided upon request, as well as proof of the placement. During the registration period, we received no registration or comment from local residents in the three towns. Anchor Environmental Consultants have conducted numerous EIA applications for prospecting rights along the West Coast in both the Northern Cape and Western Cape in the past, with public meetings were arranged and conducted. However, attendance was limited. Therefore, no public meeting was arranged for this EIA application due to past experiences, as well as it not being a	

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			NEMA EIA PP requirement. However, should residents request for a public meeting, one will be arranged and conducted.	
Northern Cape Permit Section Merietjie Smit		27/07/2026 Only informing Anchor Environmental Consultants that they are not a relevant provincial department, as they are the Nature Conservation: Permit Office.	EAP (27/07/2026) Noted. We will remove you from our database and contact the relevant official.	N/A
Trans Hex Operations (Pty) Ltd Aaron Larkens (on behalf of THO)		17/06/2026 (Pre-Consultation) Requested to be registered, along with colleague copied in, as the Trans Hex representatives to receive all future correspondence in this regard.	EAP (17/06/2026) Please accept this email as confirmation of receipt that you and your colleague have been registered as Interested and Affected Parties. Furthermore, please note that Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). All comments received during the Pre-Application Public Participation Process, together with responses thereto, will be compiled into a Comments and Responses Report, which will be made available to the Competent Authority and the public as part of the consultation process. If you object to your name, email address, or the name of the company/organisation you represent, being made publicly available in the public documents and database, please notify us at your earliest convenience. If no response is received, it will be assumed that you consent to your details being included.	N/A
		28/07/2026 TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR 1. We write on behalf of Trans Hex Operations (Pty) Ltd (“THO”), a registered interested and affected party, in relation to the application by Trans Atlantic Diamonds (Pty) Ltd (“TAD”) for a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (“MPRDA”) and for an environmental authorisation in terms of the National	EAP (25 August 2026) Response to points 1 – 12: <u>Determination of the applicable assessment process</u> The determination of the applicable environmental assessment process in terms of the National Environmental Management Act, 1998 (NEMA) and the Environmental Impact Assessment Regulations, 2014 (EIA Regulations) falls within the	N/A

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		Environmental Management Act, 1998 (“NEMA”) in respect of offshore Sea Concession Area 6C (“the Application”). The application cannot lawfully proceed by way of a Basic Assessment. 2. THO raises two matters at the outset of the comment period, which opened on 25 July 2026, so that they may be addressed before the Final Basic Assessment Report is prepared and before the Application is determined. First: the Application cannot lawfully proceed by way of Basic Assessment 3. TAD has applied to prospect for, among other minerals, “Diamonds (general)” and “Gemstones” (draft BAR, Executive Summary, p. 1, and section 4.3.2, p. 32). 4. Section 20 of the MPRDA provides: <i>“20. Permission to remove and dispose of minerals</i> <i>(1) Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found by such holder in the course of prospecting operations conducted pursuant to such prospecting right in such quantities as may be required to conduct tests on it or to identify or analyse it.</i> <i>(2) The holder of a prospecting right must obtain the Minister’s written permission to remove and dispose for such holder’s own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations.”</i> 5. On an ordinary grammatical reading, section 20(2) distinguishes between (i) diamonds and (ii) bulk samples of any other minerals. The words “bulk samples” qualify only “any other minerals”; they do not qualify “diamonds”. To read them otherwise would ignore the legislature’s inclusion of the word “and” between the two categories. The late Michael O. Dale et al., in the leading commentary on South African mining law, adopts the same reading, recording at para 174.3 that where samples are smaller than bulk samples no ministerial permission is required under section 20(1) “other than in the case of diamonds”. Ministerial permission under section 20(2) is accordingly required in respect	statutory functions of the Competent Authority, being the Department of Mineral and Petroleum Resources (DMPR). Anchor Environmental Consultants, as the independent EAP, has relied on the DMPRs guidance and directions in the processing of this application. The DMPR considered the proposed methodology, determined that Listing Notice 2 Activity 19 is not triggered, and accepted the application to proceed through a Basic Assessment process. This position is confirmed in the Department’s correspondence dated 25 May 2026 (Acknowledgment of submission of Application for Environmental Authorisation), in which the Applicant/ EAP was requested to ensure that the Basic Assessment Report (BAR) complies with the legislative requirements. Had the Department considered that the proposed activities triggered a Scoping and Environmental Impact Reporting (S&EIA) process, it would have required the application to be resubmitted through that process. It did not do so. <u>Interpretation of section 20(2) of the MPRDA and Listing Notice 2 Activity 19</u> The I&AP argues that the application should have undergone a Scoping and Environmental Impact Assessment (S&EIA) because diamonds form part of the minerals applied for and, in its view, section 20(2) of the MPRDA is automatically triggered whenever diamonds are removed during prospecting. On this basis, the I&AP submits that Listing Notice 2 Activity 19 applies. This interpretation is not accepted. Listing Notice 2 Activity 19 is triggered by:	

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		of diamonds regardless of the extent of the intended prospecting operation. 6. Listing Notice 2, activity 19 applies to: <i>“The removal and disposal of a mineral, which requires a permission ... in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission.”</i> 7. Listing Notice 2, activity 19 contains no scale or volumetric threshold. The only question it poses is whether section 20 permission is required. Where the mineral is diamond, it is. Listing Notice 2 requires that the impacts of the listed activity be investigated, assessed and communicated in accordance with regulations 21 to 24 of the EIA Regulations, 2014 — that is, through a Scoping and Environmental Impact Reporting (“S&EIR”) process. 8. The draft BAR nevertheless identifies only Listing Notice 1, activities 19A and 20 (Executive Summary, p. 1; listed-activity table, section 4.3.1, pp. 31–32). Listing Notice 2, activity 19 is not identified at all. The stated basis for that appears at p. 38 of the draft BAR: <i>“Based on confirmation received via communication with the DMPR (pers. comms DMPR), this activity does not constitute bulk sampling in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002). This is because it is undertaken solely for prospecting purposes, does not involve commercial extraction, and does not entail large-scale removal or dredging of the seabed.”</i> 9. That does not answer section 20(2). The diamond limb of section 20(2) is triggered by the removal and disposal of diamonds; it does not depend on the sampling being characterised as “bulk sampling”, or on the activity being described as investigative or non-commercial. In any event, an unrecorded oral communication (“pers. comms”) from an official cannot determine the applicable listed activities, nor can acceptance of the Application by the DMPR, which is a formal gateway step with procedural consequences only. Public power is sourced in	“The removal and disposal of a mineral, which requires permission in terms of section 20 of the Mineral and Petroleum Resources Development Act...” Section 20 of the MPRDA provides: “20. Permission to remove and dispose of minerals Section 20(1): <i>Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found in the course of prospecting operations in such quantities as may be required to conduct tests on it or to identify or analyse it.</i> Section 20(2): <i>The holder of a prospecting right must obtain the Minister's written permission to remove and dispose for such holder's own account of diamonds and bulk samples of any other minerals found in the course of prospecting operations.</i> The I&AP incorrectly equates prospecting for diamonds with the removal and disposal of diamonds requiring permission under section 20(2). These are not the same thing. Section 20 regulates the purpose and volume under which a holder of a Prospecting Right may remove and dispose of minerals recovered during prospecting. Section 20(1) permits the removal and disposal of any mineral found during prospecting in such quantities as may be required to conduct tests, identify or analyse the resource. This is interpreted as referring to limited investigative quantities rather than bulk sampling. Section 20(2), by contrast, specifically refers to “diamonds and bulk samples of any other minerals.” Read together, sections 20(1) and 20(2) distinguish between limited investigative sampling and bulk sampling. TAD will remove and dispose of minerals only in the limited quantities required to conduct geological,	

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		statute, and any departmental advice purporting to displace section 20(2) and the Listing Notices would be ultra vires. 10. Further and in any event, the intended operations appear to constitute bulk sampling. The draft BAR records the use of a drill tool that collects gravel and other seabed material, onboard processing of the recovered material, the discharge of tailings back into the sea, sample volumes of 9 to 15 m³ per sample, 300 drill samples and approximately 1 200 further resource-development samples (draft BAR, section 4.3.2, pp. 37–38). On TAD's own figures that is the removal, processing and disposal of some 13 500 m³ to 22 500 m³ of seabed material. 11. It follows that the pursuit of the Application by way of a Basic Assessment is unlawful. Any environmental authorisation granted on that basis will have been granted following a process not authorised by the EIA Regulations, and will be liable to be set aside on appeal or review. Such an authorisation would also remain vulnerable to challenge indefinitely, in line with the Oudekraal principle, and would afford TAD no reliable foundation on which to commence operations or to raise funding. 12. THO accordingly requests written confirmation that the present Basic Assessment process will be withdrawn or suspended and the Application processed through the S&EIR process. Failing that, please provide the full written basis on which it is contended that section 20(2) is not triggered, together with any written direction or confirmation from the DMPR relied upon, including the identity of the official concerned and the date of the "pers. comms DMPR" recorded at p. 38 of the draft BAR. Second: request for section 16 application and supporting annexures 13. THO requests copies of the following, subject only to the redaction of genuinely financial sensitive information: ○ TAD's section 16 prospecting-right application lodged in respect of Sea Concession Area 6C, together with all annexures; ○ PWP; ○ the proof of technical ability, and the indication whether that ability is to be provided by in-house expertise, contractors or	geotechnical and laboratory tests to identify and analyse the resource. The proposed methodology is investigative in nature and is not intended to recover bulk mineral quantities. The proposed prospecting programme therefore falls within the scope of section 20(1), not section 20(2). Prior to submission of the application, guidance was specifically sought from the Department of Mineral and Petroleum Resources (DMPR) regarding: • when Listing Notice 2 Activity 19 is triggered; • what constitutes "bulk sampling" in practice; and • whether the proposed drilling, drill sampling and coring activities constitute bulk sampling. The Department confirmed in writing: <i>"Prospecting without Bulk sampling triggers a Basic Assessment process."</i> and <i>"Prospecting with Bulk sampling triggers a Scoping & EIA process."</i> When requested to clarify the distinction, the Department further confirmed in writing: <i>"The main different between the two (drilling and bulk sampling) is the sample quantity one will use for testing the mineral. When drilling the quantity of the sample will be determine by the size of the core (in millimetres in size). While in bulk sampling it's high volume (tonnage in size). So to answer the question Drilling sample will not constitute bulk sampling."</i> The Department explained that bulk sampling is a methodology, involving the recovery of large,	

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		consultants, together with the supporting annexures (including any letter of appointment of technical personnel); ○ the list of existing rights and permits held by TAD; and ○ the estimated annual expenditure for the proposed programme. 14. For clarity, this is not a request for the environmental authorisation application, the draft BAR, the specialist studies or the draft EMP. THO has those documents. The prospecting right application is a distinct application, lodged in the prescribed form and supported by prescribed information, and it does not cease to be so because it is captured on SAMRAD together with the environmental application. 15. The request is made in terms of, and for the purposes of, sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations. Section 10 applies expressly to applications lodged under section 16 and calls for comments and objections regarding the application for the right. Regulation 3A requires meaningful consultation, which the amended Regulations define as requiring the applicant, in good faith, to avail “all relevant information” pertaining to the proposed activities so that an interested and affected party can make an “informed decision”. 16. THO’s entitlement to the application papers is confirmed by <i>Dudzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others</i> (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, judgment delivered on 11 September 2020), a copy of which is annexed hereto marked “A”. At para [117.1] the Court declared: <i>“It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 (‘the MPRDA’) are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources (‘the Department’), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application.”</i>	tonnage-scale samples, whereas drilling and coring involve comparatively small investigative samples determined by the dimensions of the drill core. This distinction is important. The proposed prospecting programme involves drilling and coring to obtain limited samples for investigation, testing and analysis. It does not involve bulk sampling. Notably, in responding to the question regarding when a S&EIA process is triggered, the Department identified bulk sampling as the determining factor and made no reference to the mere inclusion of diamonds in the prospecting application or to section 20(2) being automatically triggered by the prospecting of diamonds. That brings us to the I&AP’s argument that section 20(2) is triggered by the removal of diamonds irrespective of whether bulk sampling is undertaken. Firstly, section 20(1) expressly applies to “any mineral” recovered during prospecting. Diamonds are therefore not excluded from the operation of section 20(1) where they are removed in the limited quantities required for testing, identification and analysis. Secondly, section 20(2) refers to “diamonds and bulk samples of any other minerals.” This wording reflects the long-established reality that diamond prospecting has traditionally been undertaken using bulk sampling methodologies. The reference to diamonds does not create a rule that every prospecting application involving diamonds automatically constitutes bulk sampling or triggers Listing Notice 2 Activity 19. Rather, it distinguishes bulk sampling from the limited investigative sampling contemplated by section 20(1). The Department has consistently interpreted section 20(2) accordingly in that, where diamonds	

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		17. Although that declarator was made in relation to an application for a mining right, the reasoning applies equally to an application for a prospecting right: section 10 applies in the same terms to applications lodged under sections 16, 22 and 27, and the consultation obligation in section 16(4)(b) mirrors that in section 22(4)(b). Dale's commentary records the position to the same effect, and expressly notes that the same position applies in respect of other applications under the MPRDA. 18. The Court held that the manner in which an interested and affected party obtains a copy of the application "should not be restricted to the request processes in terms of PAIA ... because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application" (para [91]), and that such a party "would be entitled to a copy from the application as and when it is submitted to the Regional Manager, even before they ask for it" (para [92]). At para [93] the Court criticised the conduct of the applicant and the Department in that matter, recording that the documents were furnished only after "a long struggle, wherein the applicants had to be sent from pillar to post, with both the DMR and TEM refusing to take responsibility", and only once litigation had been instituted. 19. It is for that reason that this request is submitted simultaneously to TAD, to Anchor as the appointed EAP, and to the Regional Manager, Northern Cape. THO asks that neither TAD nor the Department refer THO to the other. THO accepts that the applicant and/or the Department may redact genuinely financially sensitive aspects of the application, as the order in Baleni contemplates, and asks only that each redaction be identified and the basis for it stated. 20. THO requires the documents in order to comment meaningfully on the section 17 grant criteria, and in particular on TAD's technical ability and whether it relies, directly or indirectly, on the expertise, personnel, contractors, vessels or equipment of Trans Hex or its related entities, none of which has been agreed; on the actual vessel and operational model, the draft BAR identifying no vessel, owner, operator or contractor and offering only a stock photograph as "an example"; on whether the estimated expenditure is compatible with a five-year offshore survey,	are removed through non-bulk sampling methods, such as coring and limited drill sampling, solely for investigation, testing and analysis, the methodology does not constitute bulk sampling, does not fall under the scope of Section 20(2), does not trigger Listing Notice 2 Activity 19, and the application proceeds through a Basic Assessment process. Bulk sampling, not the mere inclusion of diamonds in the Prospecting Right application, is the distinguishing factor requiring the higher assessment process. This interpretation is consistent with the Department's written guidance, its processing of this application, and its approach to other prospecting applications of a similar nature. Accordingly, the Competent Authority considered the proposed methodology, determined that Listing Notice 2 Activity 19 is not triggered, and directed that the application be processed through the Basic Assessment procedure. Refer to DMPR correspondence attached to this CRR. Response to points 13 – 20 The requested information has been considered. Firstly, the list of existing Prospecting Rights/Environmental Authorisations held by Trans Atlantic Diamonds (Pty) Ltd (TAD) and the estimated expenditure for the proposed prospecting programme are disclosed in the Draft Basic Assessment Report (BAR) circulated for public review on 25 July 2026. With regard to the Section 16 Prospecting Right application and its annexures, note that this application is completed and submitted electronically through the SAMRAD system and	

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		sampling, drilling and feasibility programme, the draft BAR recording a financial provision of R170 000 pooled with the provisions for Concession Areas 7C and 10B; and on TAD's existing rights and its performance under them, the draft BAR recording that prospecting rights and/or environmental authorisations have previously been secured for Concession Areas 7C, 10B, 11C, 14A and 14C. None of those matters can be tested from the draft BAR, and there is no later, separate process in which THO will be able to raise them. Conclusion 21. THO requests that TAD and/or Anchor and/or the DMPR respond to paragraph 12 and furnish the documents listed in paragraph 13 within 7 calendar days of the date of this letter. If it is contended that any annexure or portion thereof is financially sensitive, please identify it specifically, state the basis for that contention and provide the balance forthwith. THO further requests that the public review and comment period be extended by a period at least equivalent to the delay in producing the documents. 22. Please ensure that this letter is included, in full, in the Comments and Responses Report to be placed before the DMPR. 23. This letter is without prejudice to THO's further substantive and procedural objections to the Application, all of which are reserved, including the right to supplement its objections once the section 16 application material has been produced.	does not exist as a separate signed or printable application document in the Applicant/ EAPs possession. Accordingly, Anchor Environmental Consultants is not in a position to provide a physical copy of the Section 16 application form as requested. The Applicant notes the I&APs reliance on the Baleni judgment. However, it states that an I&AP is entitled, on request to the relevant Regional Manager of the Department of Mineral Resources, to be furnished with a copy of the application, subject to the redaction of financially sensitive information. In this instance, the request has also been directed to the Regional Manager, who is the custodian of the Section 16 Prospecting Right application lodged on the SAMRAD system. We agree that I&APs are afforded an opportunity to comment regarding the Applicant's application for the right and the proposed prospecting activities. This does not, however, require the disclosure of the Prospecting Right application form or every document submitted in support of the application. Rather, the requirement is that I&APs be provided with sufficient relevant information pertaining to the proposed activities. In this instance, that information has been made available through the Draft BAR, Environmental Management Programme (EMPr), specialist studies and supporting appendices. These documents provide a comprehensive description of the proposed prospecting activities, operational methodology, the anticipated programme, project deliverables, receiving environment, specialist findings, potential impacts and proposed mitigation measures, thereby enabling I&APs to comment meaningfully on the application. The substantive information contained in the Prospecting Right application forms and	

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			Prospecting Work Programme was also incorporated into the BAR and supporting documentation, in a more structured and publicly accessible format. This provided I&APs with the information necessary to meaningfully comment on the application and proposed prospecting activities. Information relating to the Applicant's technical capability, financial resources, contractors, expenditure, operational arrangements and supporting annexures forms part of the DMPRs assessment of the Prospecting Right application in terms of section 17 of the MPRDA. Determining whether an applicant has the necessary financial resources and technical ability to undertake prospecting is a statutory function of the DMPR and is not a matter for I&APs to assess. For completeness, Anchor Environmental Consultants confirms that it has had access to, and has taken into account, the unredacted PWP in the preparation of the BAR and EMPr. Lastly, in response to the concern raised regarding the possible use of Trans Hex vessels, equipment, personnel or related operational resources, the Applicant confirms that the proposed prospecting programme will not utilise Trans Hex vessels, equipment, personnel or associated operational infrastructure. TAD will appoint its own contractors and service providers for the implementation of the prospecting programme. Response to point 21 The EAP/Applicant sought guidance from the Department and it was confirmed that I&APs are not entitled to impose timeframes for responses to comments. In addition, there is further no strict legal requirement to respond individually to each I&AP	

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			query by email, provided that all comments are captured and addressed in the Comments and Responses Report, which is circulated as part of the Final BAR. The Applicant did so in this instance. Where an I&AP requests information that is necessary to enable meaningful participation in the public participation process, the EAP/Applicant will, however, address the request as soon as reasonably possible. In this instance, the Department confirmed that the information requested was not required to be disclosed as part of the public participation process. All information and documentation required to enable meaningful participation was made available on 24 July 2026 as part of the public participation process. Response to point 22 Your full letter has been included in the CRR.	
	11/08/2026	TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR — FOLLOW-UP 1. We refer to our letter dated 27 July 2026, which was transmitted by email at 10h42 on 28 July 2026 to Anchor Environmental Consultants (Pty) Ltd (“Anchor”), to Trans Atlantic Diamonds (Pty) Ltd (“TAD”) and to the Department of Mineral and Petroleum Resources (“DMPR”). 2. In that letter Trans Hex Operations (Pty) Ltd (“THO”) recorded two matters: 2.1. an objection that the application cannot lawfully proceed by way of a Basic Assessment, because the application is one to prospect for diamonds, section 20(2) of the Mineral and Petroleum Resources Development Act, 2002 (“MPRDA”) accordingly requires the Minister’s written permission, and Listing Notice 2, activity 19 is thereby triggered, requiring a Scoping and Environmental Impact Reporting process; and 2.2. a request for a copy of TAD’s section 16 prospecting-right application, the prospecting work programme and the non-	EAP (13/08/2026) Please accept this email as confirmation of receipt that we have received your comments, as well as Trans Hex’s comment from the 28th of July 2026. Apologies for not providing you with a receipt of confirmation. Please note that the Public Participation Process (PPP) for this Basic Assessment process is currently in progress and will only conclude on 25 August 2026. All comments received in relation to the application, including your comments received on 28 July 2026, have and will continue to be captured and addressed in the Comments and Response Report (CRR), as required in terms of NEMA. Furthermore, please note that NEMA requires comments received during the PPP to be captured and addressed in the CRR. It does not require the EAP or the Applicant to provide an individual response to each comment immediately upon receipt. Comments are therefore consolidated and	N/A

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		financial supporting annexures, made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations, and in accordance with the declarator in Baleni. 3. A substantive response was requested within 5 calendar days. That period expired on 2 August 2026. To date THO has received no response, and no acknowledgement of receipt, from TAD, from Anchor or from the DMPR. 4. THO records that the position in which it now finds itself is precisely that criticised in Baleni, where the Court noted that the applicants had been “sent from pillar to post, with both the DMR and TEM refusing to take responsibility”, and that the application documents were produced only once litigation had been instituted. 5. The delay is material. The public review and comment period closes at 23h59 on 25 August 2026. THO is therefore being required to formulate and lodge its comments and objection without sight of the very application material on which the section 17 grant criteria will be assessed, and without any answer on the listed-activity and process point. 6. Accordingly, unless THO receives a substantive response to the letter referred to in paragraph 1 above by 16h00 on Friday, 14 August 2026, THO will proceed on the basis that TAD, Anchor and the DMPR do not intend to respond, and will: 6.1. lodge its comments and objection on the record as it stands, and place this letter, the letter of 27 July 2026 and the covering email transmissions before the DMPR; 6.2. record that the section 16 application, the prospecting work programme and the non-financial annexures were requested and were neither produced nor refused with reasons, and that the public participation and consultation process was accordingly not meaningful as contemplated by regulation 3A of the MPRDA Regulations; 6.3. request the Regional Manager, Northern Cape, to refer THO’s objection to the Regional Mining Development and Environmental Committee in terms of section 10(2) of the MPRDA, and not to determine the Application until proper	formally addressed through the CRR as part of the BA process. Thank you for your patience and consideration. EAP (30 August 2026) Response to point 1 – 3 Please refer to our responses to your comments made on 28 July 2026, above. Response to point 4 and 5 Please refer to our responses to your comments made on 28 July 2026, above. We reiterate our response above, that all information and documentation required to enable meaningful participation was made available on 24 July 2026 as part of the public participation process. We also note that Response to point 6 We reiterate our response above. It was confirmed by the DMPR that I&APs may not impose timeframes for responses to comments. There is also no requirement to respond individually to each I&AP query, provided that comments are captured and addressed in the Comments and Responses Report, which was done in this instance. The DMPR further confirmed that the information requested was not required for meaningful participation. All information required for meaningful participation was made available on 24 July 2026 as part of the public participation process. We take note of your comments in paragraph 6.1 to 6.4. These matters relate to steps that THO has indicated it may take. THO is entitled to submit its comments and objection to the Application, which will be considered as part of the public participation process. The matters raised regarding the	

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		disclosure has occurred and a lawful opportunity to comment has been afforded; and 6.4. reserve, and if necessary exercise, its rights to appeal against any environmental authorisation granted and to review any decision taken, including on the grounds set out in the letter of 27 July 2026. 7. The steps recorded in paragraph 6 are without prejudice to THO's rights, all of which remain reserved. Should a response be received after that date, THO will consider it, but it will do so without prejudice to any step already taken.	disclosure of information and the public participation process are addressed above.	
Trans Hex Operations (Pty) Ltd	18/08/2026	TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR — COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT Introduction 1. This is the comment of Trans Hex Operations (Pty) Ltd ("THO") on the draft Basic Assessment Report ("draft BAR") and supporting documents prepared by Anchor Environmental Consultants (Pty) Ltd ("Anchor" or the "EAP") in support of the application by Trans Atlantic Diamonds (Pty) Ltd ("TAD") for an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998 ("NEMA") read with the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations"), in respect of offshore Sea Concession Area 6C ("the EA Application"). 2. It is submitted, in the public participation process prescribed by Chapter 6 of the EIA Regulations, within the 30-day public review and comment period which closes on 25 August 2026. It is directed to the EAP, to the Regional Manager, Northern Cape, of the Department of Mineral and Petroleum Resources ("DMPR") as competent authority, and to TAD as applicant. 3. THO is a registered interested and affected party ("I&AP"). It is the holder of, and applicant for, prospecting and mining rights in respect of offshore sea concessions on the South African west coast, and has direct operational and commercial knowledge of offshore diamond prospecting and mining in the region.	EAP (18/08/2026) Please accept this email as confirmation of receipt that we have received your comments. EAP (30 August 2026) Response to point 1 – 10 THOs comments for this project on the BAR in terms of the NEMA and EIA Regulations have been received and noted. Responses are provided in the relevant section below, or alternatively it has been indicated if such detailed response were already provided on previous comments. Response to point 11 – 28 Part A: section 20(2) of the MPRDA requires an S&EIR process These comments have already been addressed in this CRR. Please refer to the EAP's responses to THO's comments dated 28 July 2026, specifically points 1 – 12. Response to points 29–39 Part B: THO cannot be required to comment until the information is furnished	N/A

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		4. By letter dated 27 July 2026, transmitted by email at 10h42 on 28 July 2026 to Anchor, TAD and the DMPR, THO objected to the EA Application being pursued by way of a Basic Assessment and requested a copy of TAD's section 16 prospecting-right application and its supporting annexures. A substantive response was requested within 5 calendar days. By further letter dated 11 August 2026 THO recorded that nothing had been received and gave notice that, absent a response by 16h00 on Friday, 14 August 2026, it would proceed on the basis that no response was intended. 5. On 13 August 2026 the EAP acknowledged receipt of both letters and apologised for not having acknowledged them earlier. The acknowledgement records that the public participation process concludes on 25 August 2026; that all comments received will be captured and addressed in the Comments and Responses Report ("CRR") as required by NEMA; and that NEMA "does not require the EAP or the Applicant to provide an individual response to each comment immediately upon receipt". 6. That acknowledgement does not answer either of the matters raised. It does not produce the documents requested; it does not address the section 20(2) and listed-activity point; and it does not state whether the documents will be produced at all, or on what basis they are said to be withheld. Neither TAD nor the DMPR has responded at all. 7. THO confines this comment to two points: 7.1. the EA Application is made in support of an application to prospect for diamonds, section 20(2) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") is thereby engaged, Listing Notice 2, activity 19 is triggered, and the EA Application must accordingly be assessed through a Scoping and Environmental Impact Reporting ("S&EIR") process and not by way of a Basic Assessment; and 7.2. THO cannot be required to submit substantive comment on the EA Application until the section 16 prospecting-right application material it has requested is furnished to it. 8. THO deals in passing, and without detail, with the suggestion that the DMPR has confirmed that a Basic Assessment is appropriate.	These comments have already been addressed in this CRR. Please refer to the EAP's responses to THO's comments dated 28 July 2026, specifically points 13–20. The information relevant to the environmental assessment contained in the PWP has been incorporated into the BAR, EMPr and relevant specialist studies and was made available to I&APs. The information provided is considered sufficient to enable I&APs to understand the proposed activities and comment on the potential environmental impacts. To date, THO has not raised any specific comment regarding the potential environmental impacts of the proposed activities or the environmental assessment itself. With regard to point 39, the matters identified by THO relate primarily to the Applicant's technical and financial ability, existing rights and operational arrangements. These matters fall within the DMPR's consideration of the Prospecting Right application and are not matters that I&APs are required to assess as part of the environmental assessment. Point 39.3 The financial provision for Concession Areas 7C, 10B and 6C is separate and will be cumulative where the same offshore campaign is undertaken. The comment appears to assume that environmental incidents and associated remediation will necessarily occur within each concession. The likelihood of such incidents occurring is considered very low, given the nature of the proposed offshore operations and the associated preventative and mitigation measures. The R170,000 identified in the Draft BAR represents the financial provision to be held with the DMPR as security for environmental incidents, emergency response and pollution remediation. It does not	

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		The status of this comment 9. This document is a comment on the EA Application only. It is submitted in the public participation process prescribed under the EIA Regulations, and it is to be recorded as such in the Comments and Responses Report (“CRR”). 10. It is not, and is not to be treated as, THO’s objection to the granting of the prospecting right in terms of section 10 of the MPRDA. THO expressly reserves its right to lodge such an objection, and its right to make representations on the criteria for the grant of the right under section 17 of the MPRDA, in a separate submission. That reservation is dealt with more fully below. Part A: section 20(2) of the MPRDA requires an S&EIR process 11. TAD has applied to prospect for, among other minerals, “Diamonds (general)” and “Gemstones” (draft BAR, Executive Summary, p. 1, and section 4.3.2, p. 32). 12. Section 20 of the MPRDA provides: <i>“20. Permission to remove and dispose of minerals</i> <i>Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found by such holder in the course of prospecting operations conducted pursuant to such prospecting right in such quantities as may be required to conduct tests on it or to identify or analyse it.</i> <i>(2) The holder of a prospecting right must obtain the Minister’s written permission to remove and dispose for such holder’s own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations.”</i> 13. On an ordinary grammatical reading, section 20(2) identifies two categories in respect of which the Minister’s written permission is required: first, diamonds; and second, bulk samples of any other minerals. The qualifier “bulk samples” attaches only to the second category. It does not attach to diamonds. 14. Three textual indicators put that beyond doubt. 14.1. The word “and” separates the two categories. Had the legislature intended a single composite category, it would	represent the total financial resources available to the Applicant should remediation be required. For the proposed prospecting activities, the financial provision relates primarily to potential remediation in the event of an environmental incident. As explained in the Draft BAR, active rehabilitation of the seabed is not considered necessary or feasible for the proposed activities and no conventional rehabilitation liability is therefore anticipated. Point 39.5 It is unclear why THO considers information regarding the identity of contractors and implementation personnel necessary to assess whether the mitigation measures in the EMPr are capable of implementation. The purpose of the PPP is to enable I&APs to understand the proposed activities and comment on their potential environmental impacts. It does not require the disclosure of commercially sensitive information, contractual arrangements or the identities of contractors who may only be appointed once the necessary approvals have been obtained. The relevant consideration is whether the proposed activities can be undertaken in accordance with the EMPr by suitably qualified personnel and in compliance with the prescribed mitigation measures. The EMPr requires appropriately qualified personnel to fulfil the relevant functions, irrespective of the identity of the individual or contractor ultimately appointed. Response to point 40 These comments have already been addressed in this CRR. Please refer to the EAP’s response to THO’s comments dated 28 July 2026, specifically point 21.	

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		have written “bulk samples of diamonds and any other minerals”. It did not. 14.2. The word “other”, in the phrase “any other minerals”, presupposes that a mineral has already been identified in the same sentence. That mineral is diamonds. The word “other” has no work to do unless diamonds stand as a category in their own right. 14.3. Most tellingly, on the contrary reading the express identification of diamonds would be wholly superfluous. If the qualifier “bulk samples” attached to diamonds as well, the legislature would simply have written that the holder must obtain permission to remove and dispose of “bulk samples of minerals”. There would have been no reason whatever to single diamonds out by name. A construction that renders express statutory language meaningless is to be avoided. 15. The point is sharpened by the practical reality that applications are regularly made for prospecting rights in respect of diamonds alone, without any other mineral. On the contrary reading, section 20(2) could never apply to such an application at all, because there would be no “other minerals” of which bulk samples might be taken. The consequence would be that the one mineral the legislature singled out by name is the one mineral to which the subsection never applies. That cannot be a permissible construction of the provision. 16. Nor is the singling out of diamonds surprising. Diamonds are subject to a distinct and more stringent regulatory regime in South African law, and it is entirely intelligible that the legislature should have required the Minister’s written permission for their removal and disposal irrespective of the quantity removed. 17. The late Michael O. Dale et al., in the leading commentary on South African mining law, adopts the same reading. Commenting on section 20(2), the commentary records that where samples are smaller than bulk samples, no ministerial permission is required under section 20(1) “other than in the case of diamonds”. In the case of diamonds, therefore, permission is required even where the samples are factually not bulk samples.	Response to point 41 These comments have already been addressed in this CRR. Please refer to the EAP’s responses to THO’s comments dated 28 July 2026, specifically points 13–20. Response to points 42–45 The EAP notes THO’s comments that its submission relates only to the EA application, that it reserves its right to lodge an objection to the granting of the Prospecting Right, and its requests regarding the section 10 notice, applicable objection period and condonation. The EAP further notes that the Prospecting Right application was lodged in February 2026 and acknowledged by the DMPP on 28 April 2026, and that the Environmental Authorisation application was acknowledged on 25 May 2026. Response to points 46–50 The requests and reservations contained in points 46–50 have been noted. The matters raised therein have been addressed in the responses above and in the EAP’s responses to THO’s comments dated 28 July 2026. The EAP considers that the applicable assessment process has been correctly followed, that sufficient information relevant to the environmental assessment has been made available to I&APs, and that the comments received have been considered and responded to. The comments, requests and reservations raised by THO have been recorded in the CRR and will be submitted to the competent authority for consideration.	

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		18. The consequence for the listed activities is direct. Listing Notice 2, activity 19 applies to: <i>“The removal and disposal of a mineral, which requires a permission ... in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission.”</i> 19. That activity contains no volumetric, scale or tonnage threshold of any kind. The only question it poses is whether permission in terms of section 20 is required. Where the mineral is diamond, on the reading set out above, it is. Listing Notice 2 requires the impacts of the listed activity to be investigated, assessed and communicated in accordance with regulations 21 to 24 of the EIA Regulations — that is, through an S&EIR process. Listing Notice 1, activities 19A and 20 apply cumulatively; they do not displace Listing Notice 2 where it is separately triggered. 20. Section 20(1) does not assist TAD. It applies expressly “[s]ubject to subsection (2)”, and so cannot be invoked to answer a case falling within subsection (2). In any event, the draft BAR records that the purpose of the programme extends to determining whether mining within Concession Area 6C is economically viable, to informing the design of the future mining vessel and to identifying potential mining areas, the Phase 4 feasibility study being intended to produce “results and recommendations for future mining operations, and recommendations on mining vessel design and construction” (draft BAR, pp. 37–38). That is not removal “in such quantities as may be required to conduct tests on it or to identify or analyse it”. 21. The draft BAR nevertheless identifies only Listing Notice 1, activities 19A and 20 (Executive Summary, p. 1; listed-activity table, section 4.3.1, pp. 31–32). Listing Notice 2, activity 19 is not identified at all. The stated basis for that omission appears at p. 38 of the draft BAR: 22. That statement engages only with the question whether the programme constitutes bulk sampling. It does not engage with the diamond limb of section 20(2) at all.		

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		23. In any event, and even if the question were one of scale, the proposed programme constitutes bulk sampling. The draft BAR records a drilling tool that collects “gravel and other seabed materials”; material “processed onboard a vessel using a processing plant”; tailings “discharged back into the sea”; sample volumes of 9 to 15 m³ per sample; 300 drill samples; and approximately 1 200 further resource-development samples (draft BAR, section 4.3.2, pp. 37–38). On TAD’s own figures that is the removal, onboard processing and overboard disposal of between approximately 13 500 m³ and 22 500 m³ of seabed material. A single sample of 9 to 15 m³ of seabed gravel is, at ordinary bulk densities, a tonnage-sized sample. 24. It follows that the EA Application cannot lawfully be assessed by way of a Basic Assessment. It triggers Listing Notice 2, activity 19 and requires an S&EIR process. Any EA granted following a Basic Assessment will have been granted through a process not authorised by the EIA Regulations, will be liable to be set aside on appeal or review, and would remain vulnerable to challenge indefinitely in line with the Oudekraal principle. The DMPR’s confirmation cannot displace the legislation 25. THO deals with this point briefly, and only because it anticipates that it will be raised. 26. In the Appeal Response Report dated 14 August 2026 in respect of Sea Concession Area 11C (DMPR Ref. WC30/5/1/1/2(10522)PR), which was circulated to registered I&APs, TAD and the EAP record that the DMPR instructed the applicant to submit a Basic Assessment Report by correspondence dated 5 December 2025 and confirmed that position on 4 February 2026; that the DMPR confirmed in writing that “Prospecting without Bulk sampling triggers a Basic Assessment process”; that “[t]he main difference between the two (drilling and bulk sampling) is the sample quantity”; and that the DMPR interpreted the phrase “diamonds and bulk samples of any other minerals” as applying to “the prospecting of diamonds in conjunction with the bulk sampling of other minerals”. 27. That position is unlawful, for three short reasons.		

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		27.1. An email or internal view of an official is not a source of law. The meaning of section 20(2) and of Listing Notice 2, activity 19 is a question of statutory interpretation for the courts. Neither the DMPR nor an applicant may amend the MPRDA or the Listing Notices, and a departmental practice inconsistent with the empowering provision is ultra vires. That the DMPR may have applied its view consistently is no answer: consistency is not legality. 27.2. The DMPR's reading is the very reading addressed above. It reads "and" as "in conjunction with", deprives the word "other" of meaning, renders the naming of diamonds superfluous, and would mean that section 20(2) never applies to an application to prospect for diamonds alone. 27.3. The DMPR's test — "sample quantity" — answers a different question. Scale is relevant to the second limb of section 20(2), which concerns minerals other than diamonds. Listing Notice 2, activity 19 contains no threshold at all. 28. THO requests that any correspondence or written guidance from the DMPR relied upon in respect of Concession Area 6C, including the communication recorded as "pers. comms DMPR" at p. 38 of the draft BAR, be produced and recorded in full in the Comments and Responses Report ("CRR"). Part B: THO cannot be required to comment until the information is furnished 29. THO requested copies of TAD's section 16 prospecting-right application together with all annexures; the prospecting work programme ("PWP"); the proof of technical ability and the indication whether that ability is to be provided by in-house expertise, contractors or consultants, together with any letter of appointment of technical personnel; the list of existing rights and permits held by TAD; and the estimated annual expenditure for the proposed programme. The request was expressly made subject to the redaction of genuinely financially sensitive information, and offered that any redaction be identified and justified. Nothing has been produced.		

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		30. The request was made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations. Section 10 applies expressly to applications lodged under section 16 and calls for comments and objections regarding the application for the right, with any objection to be referred to the Regional Mining Development and Environmental Committee ("RMDEC"). Regulation 3A requires meaningful consultation, which the amended Regulations define as requiring the applicant, in good faith, to avail "all relevant information" pertaining to the proposed activities so that an I&AP can make an "informed decision". Baleni judgment 31. In <i>Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others</i> (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, 11 September 2020), the Court declared at para [117.1]: <i>"It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 ('the MPRDA') are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources ('the Department'), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application."</i> 32. Although that declarator was made in relation to a mining right, the reasoning applies equally to a prospecting right: section 10 applies in the same terms to applications lodged under sections 16, 22 and 27, and the consultation obligation in section 16(4)(b) mirrors that in section 22(4)(b). 33. The Court held that access should not be restricted to the processes prescribed by the Promotion of Access to Information Act, 2000, "because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application" (para [91]), and that an I&AP would be entitled to a copy "as and when it is submitted to the Regional Manager, even before they ask for it" (para [92]). At para [93] the Court criticised		

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		the fact that the applicants there had been “sent from pillar to post, with both the DMR and TEM refusing to take responsibility”, and had obtained the documents only once litigation had been instituted. It was for that reason that THO directed its request simultaneously to TAD, to the EAP and to the Regional Manager. All three have been silent. Sustaining the Wild Coast judgment 34. The standard of consultation has since been restated by the Constitutional Court in <i>Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others</i> [2026] ZACC 33 (14 August 2026), a copy of which is annexed hereto marked “A”. There, the High Court had set aside an exploration right and its renewals for want of meaningful consultation; the Supreme Court of Appeal substituted an order suspending that setting aside to permit a curative public participation process; and the Constitutional Court upheld the appeals against that order, with the result that the right and its renewals stand set aside in full, without suspension and without remittal. 35. The content of the duty is not in doubt. The Constitutional Court recorded the finding, which it did not disturb, that: <i>“Meaningful consultation entails providing communities with the necessary information on the proposed activities and affording them an opportunity to make informed representations.”</i> It was further held that meaningful consultation consists in “engaging in a genuine, bona fide substantive two-way process aimed at achieving, as far as possible, consensus”, and that the fact that a party “might have had little or nothing to say” is “not germane to the enquiry whether the communities were entitled to meaningful consultation” 36. Two propositions bear directly on the present matter. At para [94], the Court declined to sanction an order which would set a precedent that a flawed consultation “can later be ‘cured’” at a subsequent stage of the statutory process. At para [98], it held that the extent and seriousness of the breach is a relevant factor, and that to tell affected parties after the fact that they may now be		

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		consulted “is not curative”, since it says to them “that the violation of their rights was not a matter of substance but rather a matter of process”. The combined effect 37. Read together, Baleni and Sustaining the Wild Coast establish the following. An I&AP is entitled, on request, to the application papers and annexures, subject only to the redaction of genuinely financially sensitive material. Meaningful consultation requires that the necessary information be provided before representations are called for, so that the representations may be informed ones. And a failure to provide that information is not cured by an opportunity to comment given after the fact, or by the recording of an objection in a comments table. 38. It follows that THO cannot be required to submit its substantive comment on the EA Application while the section 16 application material remains withheld. A comment period cannot lawfully run against an I&AP who has asked, in writing and in good time, for the information necessary to comment, and has been given neither the information nor any answer as to whether it will be provided. 39. The information withheld is not peripheral. Without it THO cannot address, among other things: 39.1. TAD’s technical ability to conduct the proposed operation optimally in accordance with the PWP, no technical personnel, geologist, geophysicist, sampling contractor or drilling contractor being identified anywhere in the draft BAR; 39.2. the actual vessel and operational model, the draft BAR offering only a stock photograph as “an example” of a “dedicated survey vessel” and identifying no vessel, owner or operator (draft BAR, section 4.3.2, pp. 32–33); 39.3. whether the estimated expenditure and the financial provision of R170 000, stated to be pooled with the provision for Concession Areas 7C and 10B, are compatible with a fiveyear offshore programme across a concession of approximately 350 000 hectares (draft BAR, p. 167); 39.4. TAD’s existing rights and its performance under them, the draft BAR recording that prospecting rights and/or		

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		environmental authorisations have previously been secured for Concession Areas 7C, 10B, 11C, 14A and 14C (draft BAR, section 7.3, p. 52), which bears on section 19 of the MPRDA; and 39.5. whether the mitigation regime in the draft EMPr is capable of implementation, the persons and contractors on whom it depends being unidentified. The answer that the CRR will address the request 40. The EAP's acknowledgement of 13 August 2026 says that comments will be captured and addressed in the CRR, and that NEMA does not require an individual response to each comment on receipt. That does not meet the position, for three reasons. 40.1. First, THO's request was not a request for a response to a comment on the draft BAR. It was a request for the section 16 prospecting-right application and its annexures, made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations, and in accordance with the declarator in Baleni. Whether NEMA obliges an EAP to reply individually to each comment is beside the point. 40.2. Second, regulation 3A ties the meaningful consultation required by the MPRDA to the public participation process prescribed under the EIA Regulations. The applicant cannot rely on that link to bring the request within the NEMA process, and then rely on the NEMA process as a reason to defer answering it. 40.3. Third, and decisively, the CRR is compiled and published with the Final Basic Assessment Report, after the comment period has closed. An answer given in the CRR therefore necessarily comes too late to be of any use to THO in formulating the comment it is presently being required to make. That is the precise vice identified in Baleni and in Sustaining the Wild Coast: recording an objection is not answering it, and an opportunity afforded after the fact is not curative. 41. THO accordingly records that this document is not, and cannot be, its substantive comment on the merits of the EA Application.		

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		THO reserves the right to submit that comment once the section 16 application material has been furnished, and requests that the public participation process be reopened and the comment period extended accordingly. Reservation of THO's rights under the MPRDA 42. THO records, for the avoidance of doubt, that the environmental authorisation process under NEMA and the prospecting-right process under the MPRDA are distinct. Although the two applications may have been lodged simultaneously and through the same electronic platform, they serve different statutory purposes and are governed by different criteria. This comment addresses the first only. 43. THO accordingly reserves, and does not by this comment exercise, its rights: 43.1. to lodge an objection to the granting of the prospecting right in terms of section 10 of the MPRDA; 43.2. to make representations on the criteria for the grant of a prospecting right under section 17 of the MPRDA, including TAD's technical ability, its access to financial resources, the compatibility of its estimated expenditure with the proposed programme, its existing rights and permits, and whether it is in contravention of any provision of the MPRDA; and 43.3. to require that any such objection be referred to the Regional Mining Development and Environmental Committee in terms of section 10(2) of the MPRDA. 44. THO has not been furnished with, and has not seen, the notice contemplated by section 10 of the MPRDA read with regulation 3 of the MPRDA Regulations, nor proof of its publication, nor the date on which the prospecting-right application was accepted. THO requires those documents to be produced, so that it may determine the period within which its objection falls to be lodged. 45. To the extent that the DMPR considers any objection by THO under section 10 of the MPRDA to be, or to have become, out of time, THO requests condonation and records the grounds on which it will be sought: the section 16 application and its annexures have been withheld notwithstanding two written requests; the date and		

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		manner of any section 10 notice have not been disclosed; and THO has acted promptly, having raised these issues on the second day of the comment period. Relief sought 46. THO requests that the Regional Manager and/or the DMPR refuse the EA Application, for the reason set out in paragraph 24. 47. Alternatively, and before any further step is taken, THO requests that the DMPR: 47.1. direct that the EA Application be processed through an S&EIR process, Listing Notice 2, activity 19 being triggered; 47.2. require TAD and/or the EAP to furnish THO and other registered I&APs with the complete section 16 application, the PWP and the supporting annexures, subject only to the redaction of genuinely financially sensitive information, and to identify each redaction and the basis for it; 47.3. require TAD and/or the EAP to produce the correspondence and written guidance from the DMPR relied upon in determining the applicable assessment process, including the communication recorded as “pers. comms DMPR” at p. 38 of the draft BAR; 47.4. suspend determination of the EA Application, and re-open the public participation process and extend the comment period, until proper disclosure has been made and a lawful opportunity to comment has been afforded. 48. THO requests that this comment be recorded in full in the CRR, together with THO’s letters of 27 July 2026 and 11 August 2026 and the covering email transmissions, and that the CRR record accurately that neither letter was answered on its merits, and that the section 16 application material was neither produced nor refused with reasons. 49. THO reserves all of its rights. In particular, and without limitation, THO reserves its comments on the cumulative impact assessment and the precautionary principle, on the socio-economic case advanced in the draft BAR, and on the adequacy of the specialist studies and the draft EMPr, none of which can be addressed until the section 16 application material is furnished. Nothing in the relief requested in paragraph 47 is to be construed		

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		as an abandonment of the position recorded in paragraph 24; nothing in this document derogates from the position recorded in paragraph 38; and nothing in this document limits the rights reserved in paragraph 42. 50. THO further reserves its rights to appeal against any EA granted and to review any decision taken		
Trans Hex Operations (Pty) Ltd Aaron Larkens (on behalf of THO)	26/08/2026	TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR — OBJECTION IN TERMS OF SECTION 10(1)(b) OF THE MPRDA Introduction 1. This is the objection of Trans Hex Operations (Pty) Ltd (“THO”), lodged in terms of section 10(1)(b) of the Mineral and Petroleum Resources Development Act, 2002 (“MPRDA”), to the granting of the prospecting right applied for by Trans Atlantic Diamonds (Pty) Ltd (“TAD”) in terms of section 16 of the MPRDA in respect of offshore Sea Concession Area 6C (“the PR Application”). 2. It is directed to the Regional Manager, Northern Cape, of the Department of Mineral and Petroleum Resources (“DMPR”), and is copied to TAD as applicant and to Anchor Environmental Consultants (Pty) Ltd (“Anchor” or the “EAP”), the environmental assessment practitioner appointed by TAD. 3. This objection is distinct from, and is lodged in addition to, THO’s comment on TAD’s application for an environmental authorisation (“EA”) in terms of the National Environmental Management Act, 1998 (“NEMA”), which was transmitted by email on 18 August 2026 to the EAP, the DMPR and TAD (“the EA Comment”). A copy of the EA Comment is annexed hereto marked “A”. The two processes are distinct: the environmental process is concerned with whether the environmental impacts of the proposed activity are acceptable; the prospecting-right process is concerned with whether the applicant satisfies the statutory criteria for the grant of the right. This objection addresses the latter.	EAP (26/08/2026) Please accept this email as confirmation of receipt that Anchor Environmental Consultants and Trans Atlantic Diamonds have received Trans Hex Operations (Pty) Ltd’s objection in respect to the PR and EA application. EAP (30 August 2026) Reponses to points 1 – 11 The EAP notes THO’s objection to the granting of the Prospecting Right and that the objection is directed to the Regional Manager of the DMPR in terms of section 10(1)(b) of the MPRDA. The EAP further notes THO’s comments regarding its standing as a registered I&AP. The EAP notes THOs comments regarding the section 10 notice, proof of publication, date of acceptance of the Prospecting Right application and its request for condonation. Although the EAP cannot comment on the DMPRs compliance with the procedural requirements of section 10 of the MPRDA, it should be noted that THO was notified by the EAP of both the Prospecting Right and Environmental Authorisation applications, and invited to comment on both applications, during the pre-consultation public participation process on 17 June 2026. The notice also provided the date by which comments were to be submitted.	N/A

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		4. In terms of section 10(2) of the MPRDA, the Regional Manager must refer this objection to the Regional Mining Development and Environmental Committee ("RMDEC") to consider it and to advise the Minister thereon. THO requests that this be done. THO's standing 5. THO is a registered interested and affected party ("I&AP") in relation to TAD's applications. It is the holder of, and applicant for, prospecting and mining rights in respect of offshore sea concessions on the South African west coast, and has direct operational and commercial knowledge of offshore diamond prospecting and mining in the region. It has a direct legal and commercial interest in ensuring that the MPRDA is properly applied, that offshore concession areas are not sterilised by applications that are not implemented, and that TAD does not purport to rely, directly or indirectly, on the expertise, personnel, contractors, vessels or equipment of Trans Hex or its related entities, none of which has been agreed. The section 10 notice and condonation 6. Section 10(1) of the MPRDA requires the Regional Manager, within 14 days after accepting an application lodged in terms of section 16, to make known in the prescribed manner that the application has been accepted, and to call upon interested and affected persons to submit their comments regarding the application within 30 days from the date of the notice. 7. THO has not been furnished with, and has not seen, the notice contemplated by section 10 read with regulation 3 of the MPRDA Regulations, nor proof of its publication, nor the date on which the PR Application was accepted. The only notification received by THO is the EAP's "Invitation to Participate" distributed on 24 July 2026, which is the public participation notice under the EIA Regulations in respect of the EA application, is framed exclusively by reference to the NEMA listed activities, and does not purport to be a notice under section 10 of the MPRDA. THO requires the section 10	The EAP notes THO's summary of its correspondence. The correspondence and matters raised therein are noted and have been addressed in the relevant responses in this CRR. Responses to Ground 1, points 12 – 15: These comments have already been addressed in this CRR. Please refer to the EAP's responses to THO's comments dated 28 July 2026, specifically points 13–20. There are material factual and legal distinctions that are to be highlighted regarding the Wild Coast NPC v Minister of Mineral Resources and Energy; Natural Justice v Minister of Mineral Resources and Energy [2026] ZACC 33 (14 August 2026). The case concerned an exploration right under sections 79–81 of the MPRDA, governed by a different consultation regime and a 13-year-old application process in which the Court found an absence of meaningful consultation with coastal communities holding constitutional and customary rights. For example there was no notice in the community's language or engagement despite being told engagement was required. THO is a legally represented, commercial competitor that has received the BID, Draft BAR, EMPr, specialist studies and all information bearing on environmental impacts and has been able to and has in fact lodged detailed, substantive legal submissions. The dispute regarding the scope of one category of documents (namely the section 16 application file and PWP redactions) is not a case of no consultation having occurred at all; and there is no comparable finding of multiple independent,	

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		notice, proof of its publication and the date of acceptance to be produced. 8. To the extent that the DMPR nevertheless considers it to fall outside any period prescribed under the MPRDA, THO requests condonation: the date and manner of any section 10 notice have not been disclosed; the section 16 application and its annexures have been withheld notwithstanding repeated written requests; and THO has acted promptly, having raised its objections in writing on the second day of the comment period and pursued them since. Background: THO's requests and the responses received 9. By letter dated 27 July 2026, to Anchor, TAD and the DMPR, THO requested a copy of the section 16 prospecting-right application and its supporting annexures, including the prospecting work programme ("PWP"), the proof of technical ability, the list of existing rights and permits and the estimated annual expenditure, subject only to the redaction of genuinely financially sensitive information. THO simultaneously objected to the EA application being pursued by way of a Basic Assessment. 10. By further letter dated 11 August 2026 THO recorded that nothing had been received, and gave notice that absent a response by 16h00 on 14 August 2026 it would proceed on the basis that no response was intended. 11. On 13 August 2026 the EAP acknowledged receipt of both letters, recorded that comments would be addressed in the Comments and Responses Report ("CRR"), and stated that NEMA does not require an individual response to each comment on receipt. Neither TAD nor the DMPR has responded at all. The documents have neither been produced nor refused with reasons. Ground 1: THO has been denied the information required for meaningful consultation 12. Section 10(1)(b) of the MPRDA calls for comments and objections regarding the application for the right. Section 16(4)(b) requires the applicant to consult with the landowner, lawful occupier and any interested and affected party. Regulation 3A of the MPRDA Regulations requires that	non-consultation-related unlawfulness grounds or of a moratorium rendering remittal futile. Responses to Ground 2, points 16 – 18: These matters have already been addressed in this Comments and Responses Report. Refer to the EAPs responses to THO Comments dated 28 July 2026, specifically points 13–20, regarding disclosure of the Prospecting Right application, the Prospecting Work Programme (PWP), technical ability and financial resources. Nevertheless, we hereby confirm that we will share the redacted PWP with the I&AP. Technical ability Information relating to the Applicant's technical capability, financial resources, contractors, expenditure, operational arrangements and supporting annexures forms part of the DMPRs assessment of the Prospecting Right application in terms of section 17 of the MPRDA. Whether an applicant has the necessary technical ability and financial resources to undertake prospecting is a statutory determination made by the DMPR. It is not a matter for Interested and Affected Parties to determine. Use of vessels and resources With regard to THO's query as to whether TAD intends to rely on Trans Hex Operations' vessels, equipment, contractors or data, this is not the case. As previously confirmed during the Concession Area 11C process, those references arose from a drafting error and were corrected. The proposed prospecting programme for Concession Area 6C	

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		consultation to be meaningful, and the amended Regulations define “meaningful consultation” as a process in which the applicant has, in good faith, facilitated participation by giving a reasonable opportunity to comment and by availing “all relevant information” pertaining to the proposed activities, so that the affected party can make an “informed decision”. 13. In <i>Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others</i> (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, 11 September 2020) the Court declared that interested and affected parties are entitled, by sections 10(1) and 22(4) of the MPRDA and on request to the Regional Manager, to be furnished with a copy of the application, subject only to the redaction of financially sensitive aspects. The Court held that such parties should not be relegated to the processes of the Promotion of Access to Information Act, 2000, “because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application” (para [91]), and criticised the applicants in that matter having been “sent from pillar to post, with both the DMR and TEM refusing to take responsibility” (para [93]). The commentary of the late Michael O. Dale et al. records that the same position applies to applications for prospecting rights. 14. The Constitutional Court has since restated the standard in <i>Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others</i> [2026] ZACC 33 (14 August 2026): meaningful consultation entails providing affected parties with the necessary information on the proposed activities and an opportunity to make informed representations; it is a genuine, bona fide, substantive two-way process; a flawed consultation cannot be “cured” at a later stage of the statutory process (para [94]); and an opportunity afforded after the fact “is not curative” (para [98]). 15. THO requested the section 16 application material in writing, in good time and from all three of the applicant, the EAP and the Regional Manager, precisely so that it could formulate an	does not rely on any vessels, equipment, personnel or data belonging to Trans Hex Operations or its related entities. The vessel owner, operator and contractual arrangements form part of the Applicant's operational procurement and technical submission to the DMPR and are not required to enable meaningful participation in the Basic Assessment process. Financial resources and estimated expenditure Refer to the EAP's responses to THO's comments dated 18 August 2026, specifically the response to point 39.3. The comment appears to conflate the financial provision required to be set aside for matters such as remediation with the financial resources available to the Applicant to undertake the proposed prospecting programme. The amount of R170 000 presented in the BAR is the financial provision set aside for environmental incidents, emergency response and pollution remediation. It is not the budget for implementing the prospecting campaign itself. Furthermore, the reference to Concession Areas 7C and 10B does not mean that the financial provision is pooled. Separate financial provision has been made for each concession, and where prospecting is undertaken as part of the same offshore campaign, those provisions are cumulative and available for environmental remediation should this become necessary. It should further be noted that, although the Prospecting Right and Environmental Authorisation are sought for a period of five years, the offshore prospecting activities themselves are expected to occur over a relatively short survey campaign within	

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		informed objection under section 10. The material has been neither produced nor refused with reasons. THO has accordingly been required to lodge this objection without sight of the very documents on which the grant of the right will be assessed. The consultation required by sections 10 and 16(4)(b), regulation 3A and the authorities has not taken place, and the PR Application cannot lawfully be determined until it has. Ground 2: compliance with the section 17 grant criteria cannot be established 16. Section 17(1) of the MPRDA permits the Minister to grant a prospecting right only if, among other things, the applicant has access to financial resources and has the technical ability to conduct the proposed prospecting operation optimally in accordance with the PWP; the estimated expenditure is compatible with the proposed operation and the duration of the PWP; the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment; and the applicant is not in contravention of any relevant provision of the MPRDA. 17. On the material available to THO and to the public, none of those matters can be established, and THO objects that they are not satisfied: 17.1. Technical ability. No technical personnel, geologist, geophysicist, sampling contractor or drilling contractor is identified anywhere in the disclosed record. THO has a direct interest in whether TAD purports to rely, directly or indirectly, on the expertise, personnel, contractors, vessels, equipment or historical data of Trans Hex or its related entities. In the corresponding 11C matter, the redacted PWP eventually produced by TAD referred to vessels "such as the DP STAR and EXPLORER" and to equipment sourced from Underwater Mining Solutions, and reproduced material referable to Trans Hex group work programmes. Neither THO nor its related entities have agreed to any such reliance in respect of Concession Area 6C.	that period. Prospecting will therefore not occur continuously for five years. In addition, if prospecting were to extend over more than one year, the financial provision would be reassessed to ensure that it remains sufficient for the remaining prospecting activities. Also note that prospecting will not take place across the entire 350 000 ha concession area. The prospecting methodology is progressive and targeted. Acoustic /geophysical surveys will identify prospective areas. Coring will then be targeted to areas where the geophysical survey results indicate that mineral resources may be present and further investigation is warranted. Drilling will be more targeted and will only be undertaken where the coring results justify further investigation. The prospecting activities will therefore be concentrated within specific areas or blocks rather than across the entire concession. The Prospecting Work Programme and section 17 The I&AP concludes that the jurisdictional facts required by section 17 have not been established and that the Prospecting Right cannot lawfully be granted. This conclusion is misplaced. Compliance with section 17, including the adequacy of the PWP, the Applicant's technical ability, financial resources and the compatibility of the proposed expenditure with the prospecting programme, falls within the statutory decision-making function of the DMPR. These are matters that the DMPR must evaluate when determining the Prospecting Right application. Importantly, the fact that certain information was not made available to the I&AP as part of the public participation process does not mean that the information was not submitted to, or considered by,	

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		17.2.The vessel and operational model. The draft Basic Assessment Report (“draft BAR”) states only that prospecting “will be conducted using a dedicated survey vessel, with an example shown in Figure 4.3”, that figure being a stock photograph credited to Ship-Technology.com (draft BAR, section 4.3.2, pp. 32– 33). No vessel, owner or operator is identified, and it is not stated whether the vessel exists, is to be chartered or is to be constructed. 17.3.Financial resources and estimated expenditure. The draft BAR records a financial provision of R170 000, pooled with the provision made for Concession Areas 7C and 10B, which are to be prospected “as part of the same offshore campaign” (draft BAR, p. 167). A five-year programme of geophysical survey, grab, core and drill sampling, onboard processing, tailings disposal, resource development and feasibility work, across a concession of approximately 350 000 hectares — and concurrently with at least two other concessions — is capital intensive. THO has direct experience of the cost of such operations and is well placed to comment on whether the estimated expenditure is compatible with the programme, as section 17(1)(b) requires. It cannot do so, and the DMPR cannot rationally satisfy itself of that compatibility, on the disclosed record. 17.4.The PWP. If the right is granted the PWP becomes part of it and performance is assessed against it. The PWP has been withheld. Whether the programme is genuine, implementable and compliant with regulation 7 cannot be assessed. 18. It follows that the jurisdictional facts on which the grant of the right depends have not been established, and that THO has been prevented from making informed representations on them. The right cannot lawfully be granted on this record. Ground 3: TAD’s existing right and prior performance 19. The draft BAR records that TAD “has previously secured Prospecting Rights and/or Environmental Authorisations for Concession Areas 7C, 10B, 11C, 14A and 14C” (draft BAR,	the DMPR. The relevant information required for the DMPR to assess the section 17 criteria, including information relating to the proposed vessel, technical ability, financial resources and proposed expenditure, was furnished to the DMPR as part of the Prospecting Right application. The I&AP is therefore not in a position to conclude that the section 17 criteria have not been established merely because it has not been provided with the complete Prospecting Right application or all of its supporting information. The DMPR, as the competent authority responsible for determining the Prospecting Right application, is required to consider the information submitted by the Applicant and satisfy itself that the requirements of section 17 have been met before granting the right. The Applicant therefore does not accept that the Prospecting Right cannot lawfully be granted based on the matters raised by the I&AP. Responses to Ground 3, points 19 – 21: The I&AP raises questions regarding whether prospecting commenced under the Applicant’s previous Prospecting Rights, what work was undertaken, whether the approved PWPs were	

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		section 7.3, p. 52), and that it presently holds prospecting rights for Concession Areas 7C and 10B (draft BAR, p. 167). 20. Section 19(2) of the MPRDA requires the holder of a prospecting right to commence prospecting within 120 days of the right becoming effective, and thereafter to conduct prospecting operations actively and continuously in accordance with the approved PWP. Section 17(1) requires that the applicant not be in contravention of any relevant provision of the MPRDA. In the 11C matter, the record disclosed that TAD previously obtained an environmental authorisation and prospecting right in 2022 and allowed the right to lapse without renewal, with no explanation of what work, if any, was undertaken under it. 21. Nothing in the disclosed record explains what has been done under any of TAD's existing or previous rights: whether prospecting commenced within 120 days, whether operations have been conducted actively and continuously, whether the approved work programmes have been implemented, or what data or reports have been produced. That history is directly material to TAD's credibility, technical and financial capacity, and compliance with the MPRDA, and to the risk that strategic offshore concessions are being sterilised by serial applications unaccompanied by implementation — contrary to the objects of the MPRDA in section 2, including the sustainable development of the nation's mineral resources. THO objects that the right should not be granted, and cannot rationally be granted, without that history being disclosed and interrogated. Ground 4: the environmental prerequisite cannot be satisfied 22. Section 17(1)(c) of the MPRDA precludes the grant of a prospecting right where the prospecting will result in unacceptable pollution, ecological degradation or damage to the environment. That enquiry depends on a lawful environmental authorisation process. 23. For the reasons set out in Part A of the EA Comment (Annexure "A"), which are incorporated herein by reference, the EA application is being assessed through the wrong process: the PR Application is one to prospect for, among	implemented, and the Applicant's compliance with section 19 of the MPRDA. While the EAP notes the I&AP's query and concern, these matters relate to other Prospecting Rights and not to the current application for Concession Area 6C. The administration and compliance of those existing and previous Prospecting Rights fall within the statutory functions of the DMPR and are not matters for determination by an I&AP, nor are they matters to be determined as part of the current 6C Prospecting Right application. The DMPR will accordingly consider the Applicant's compliance with the MPRDA and its existing and future Prospecting Rights as part of its ongoing statutory functions. Responses to Ground 4, points 22 – 24: These comments have already been addressed in this CRR. Please refer to the EAP's responses to THO's comments dated 28 July 2026, specifically the response regarding the determination of the applicable assessment process and the interpretation of section 20(2) of the MPRDA and Listing Notice 2 Activity 19. In summary, the DMPR, as the Competent Authority, considered the proposed prospecting methodology and determined that Listing Notice 2 Activity 19 is not triggered and that the application is to proceed through a Basic Assessment process.	

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		other minerals, diamonds; section 20(2) of the MPRDA requires the Minister's written permission for the removal and disposal of diamonds, without any bulk-sampling qualifier; Listing Notice 2, activity 19 of the EIA Regulations is thereby triggered; and the application must accordingly be assessed through a Scoping and Environmental Impact Reporting process, not a Basic Assessment. Written guidance or confirmation from the DMPR to the contrary cannot amend the MPRDA or the Listing Notices, and any such guidance would be ultra vires. 24. While the environmental assessment proceeds through an unlawful process, no valid environmental authorisation can result, and the environmental prerequisite for the grant of the prospecting right cannot be satisfied. Summary of grounds 25. THO accordingly objects to the granting of the prospecting right on the grounds that: 25.1. the section 16 application and its supporting annexures have been withheld, with the result that the consultation required by sections 10 and 16(4)(b) of the MPRDA read with regulation 3A has not taken place; 25.2. compliance with the section 17 grant criteria — technical ability, access to financial resources, compatibility of estimated expenditure, and the absence of contravention of the MPRDA — has not been and cannot be established on the disclosed record; 25.3. TAD's performance under its existing and previous rights has not been disclosed, and the pattern of serial applications raises the real risk of sterilisation of strategic offshore concessions without implementation; and 25.4. the environmental authorisation on which the grant depends is being pursued through an unlawful process, so that the environmental prerequisite in section 17(1)(c) cannot be satisfied. Relief sought 26. THO requests that the Regional Manager and/or the DMPR refuse the PR Application.	The proposed sampling involves limited investigative samples and does not constitute bulk sampling or require permission in terms of section 20(2) of the MPRDA. The EAP therefore does not agree with the I&AP's assertion that the environmental assessment process is unlawful or that a valid Environmental Authorisation cannot be issued. Responses to points 25 The EAP notes that points 25.1 to 25.4 summarise the grounds raised by THO in its objection. These matters have been addressed in the responses provided above and are therefore not repeated here. Responses to points 26 – 29: The EAP notes the relief sought by THO in relation to the Prospecting Right Application. The matters raised in support of the relief sought have been addressed in the relevant responses contained in this CRR. The EAP further notes that the determination of the Prospecting Right Application, including the consideration and referral of any objection in terms of the MPRDA, falls within the statutory functions of the DMPR. The EAP has accordingly noted THO's requests for consideration by the DMPR.	

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		27. Alternatively, and before any further step is taken in relation to the PR Application, THO requests that the Regional Manager and/or the DMPR: 27.1. refer this objection to the RMDEC in terms of section 10(2) of the MPRDA, to consider it and to advise the Minister thereon; 27.2. furnish THO with the section 10 / regulation 3 notice, proof of its publication and the date of acceptance of the PR Application; 27.3. require TAD to furnish THO and other registered I&APs with the complete section 16 application, the PWP and the supporting annexures, subject only to the redaction of genuinely financially sensitive information, with each redaction identified and justified; 27.4. require TAD to disclose, with supporting documentation, what has been done under its existing and previous prospecting rights, including whether prospecting commenced within 120 days and has been conducted actively and continuously in accordance with the approved work programmes; 27.5. suspend determination of the PR Application until proper disclosure has been made and THO and other I&APs have been afforded a lawful opportunity to supplement their objections; and 27.6. direct that the related environmental authorisation application be processed through a Scoping and Environmental Impact Reporting process. 28. THO requests written confirmation, within 7 days, of the steps the DMPR proposes taking in relation to this objection, including its referral to the RMDEC 29. THO reserves all of its rights, including the right to supplement this objection once the section 16 application material has been produced, and to pursue such internal and judicial remedies as may be available to it. Nothing in the relief requested in paragraph 27 is to be construed as an abandonment of the grounds recorded in paragraph 25.		
Birdlife South Africa: • Melissa Lewis • Andrea Angel	X	No comments have been received.		N/A

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• Tegan Carpenter-Kling • Christina Hagen • Alistair McInnes	X			
South African National Biodiversity Institute (SANBI): • Dr. Kerry Sink • Prideel Majiedt	X	N/A	No comments have been received.	N/A
World Wide Fund for Nature South Africa (WWF): • Craig Smith	X	N/A	No comments have been received.	N/A
Wildlife and Environment Society of South Africa (WESSA): • Dr Graham Avery • Patrick Dowling • Isobel Douglas • Gary Koekemoer	X	N/A	No comments have been received.	N/A
Fish SA: • Stacey Williams • Lotiso Phantshwa • S. Salie	X	N/A	No comments have been received.	N/A
South African Commercial Line Fishing Association: • Walter Croome	X	N/A	No comments have been received.	N/A
South African Deep Sea Trawling Industry Association: • Johann Augustyn	X	N/A	No comments have been received.	N/A
South African Hake Longline Association: • Clyde Bodenham	X	N/A	No comments have been received.	N/A



**mineral &
petroleum resources**

Department:
Mineral and Petroleum Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9 Roggebaai, 8012; Tel: 021 427 1000; Fax: 021 427 1046, MAP House, 07th Floor, 44
Strand Street, Cape Town, 8001

Enquiries: Linda Njemla **E-mail:** linda.njemla@dmpr.gov.za

EAPASA REG. NO. 2019/1312

From: Mineral Regulation

Sub-Directorate: Mine Environmental Management

Cheruscha Swart

Anchor Environmental Consultants

8 Steenberg House

Silverwood Close

Tokai 7945

Dear Ms Swart

The Department has received your correspondence dated 27 March 2026 requesting guidance on information disclosure obligations and public participation requirements in respect of the Environmental Impact Assessment (EIA) process for a Prospecting Right application, Ref WC30/5/1/1/2/10522PR. We respond to your queries as follows, with reference to the applicable legislative framework and relevant case law.

1. In terms of Regulation 40 of the EIA Regulations, 2014 (as amended), the public participation process (PPP) must provide Interested and Affected Parties (I&APs) with access to all information that "reasonably has the potential to influence the decision on the application," unless such information is protected by law.
2. South African courts have clarified that public participation must be meaningful but not unlimited. In *Earthlife Africa (Cape Town) v Director-General: Department of Environmental Affairs and Tourism 2005 (3) SA 156 (C)*, the Court held that sufficient information must be provided to enable informed participation, but this does not extend to disclosure of all documents irrespective of relevance. Similarly, in *Fuel Retailers Association of Southern Africa v Director-General Environmental Management*,

Mpumalanga 2007 (6) SA 4 (CC), the Constitutional Court emphasized that the purpose of the EIA process is to ensure informed decision-making regarding environmental impacts, not to facilitate access to all administrative or commercial information.

3. Importantly, in *Baleni and Others v Minister of Mineral Resources and Others [2019] 2 All SA 677 (GP)*, the High Court stressed that public participation must be meaningful and inclusive, particularly where rights of affected communities are implicated. However, the judgment does not extend the obligation to disclose all categories of information; rather, it reinforces that affected parties must be given sufficient, relevant information to exercise their rights effectively.
4. Accordingly, the disclosure obligation is limited to information relevant to assessing environmental impacts and enabling meaningful comment thereon.
5. With regards to Appendices, there is no general legal obligation under the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) to disclose such or all appendices submitted via SAMRAD.
6. In *Company Secretary of ArcelorMittal South Africa v Vaal Environmental Justice Alliance 2015 (1) SA 515 (SCA)*, the Supreme Court of Appeal confirmed that access to information may be refused where it is commercially confidential or not required for the exercise or protection of rights, reinforcing that not all information held by an applicant must be disclosed in PPP processes.
7. Where such documents contain administrative, financial, or commercially sensitive information, their disclosure is not required unless they directly inform environmental impact assessment.
8. Section 17(1) of the MPRDA relates to the Minister's consideration of the applicant's technical and financial ability. These are internal decision-making criteria and do not form part of the environmental assessment. The principle established in *Grey's Marine Hout Bay (Pty) Ltd v Minister of Public Works 2005 (6) SA 313 (SCA)* is that decision-makers must consider relevant factors only. By implication, information not relevant to environmental impacts does not fall within the scope of PPP disclosure.

9. Furthermore, such information may be protected under the Protection of Personal Information Act, 2013 (POPIA), and confidential business information protections. Where I&APs seek access to information beyond what is required for PPP purposes, the appropriate mechanism is a request in terms of the Promotion of Access to Information Act, 2000 (PAIA). This was confirmed in *ArcelorMittal* (supra), where the Court held that PAIA provides the proper legal framework for requesting access to additional records, subject to applicable grounds of refusal.
10. Therefore, your understanding is correct. Typically, Basic Assessment Report (BAR), Environmental Management Programme (EMPr), Specialist studies and relevant appendices and any additional information necessary to understand and assess environmental impacts (e.g PWP as it describes the prospecting programme) must be made available. The EA application itself can be provided as it is a public document.
11. Regarding to responses to I&APs, there is no strict legal requirement to respond individually to each I&AP via email, provided that all comments are captured and addressed in the Comments and Responses Report (CRR), and the CRR is circulated as part of the Final BAR. However, where a request relates to information necessary for meaningful participation, a direct response may be required to uphold procedural fairness.
12. I&APs may not unilaterally impose timeframes outside those prescribed by the EIA Regulations. In *Minister of Environmental Affairs and Tourism v Phambili Fisheries (Pty) Ltd 2003 (6) SA 407 (SCA)*, the Court emphasized that administrative processes must follow prescribed procedures and timelines. External parties cannot override statutory timelines. Accordingly, you are not legally obliged to comply with unreasonable or arbitrary deadlines imposed by I&APs.

We trust that this provides the clarity required to proceed in a legally compliant and balanced manner.



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ACTING REGIONAL MANAGER: MINERAL REGULATION

WESTERN CAPE REGION

DATE: 30/03/2026

Pre-Consultation Report

FINAL BASIC ASSESSMENT REPORT

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND
PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC
DIAMONDS (PTY) LTD**

EA Application Ref. No.: NC30/5/1/1/2/14851 PR



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

NAME OF APPLICANT: Trans Atlantic Diamonds (Pty) Ltd
REFERENCE NUMBER: NC 30/5/1/1/2/14851 PR

REPORT ON THE RESULTS OF CONSULTATION

WITH COMMUNITIES AND INTERESTED AND AFFECTED PARTIES

AS REQUIRED IN TERMS OF SECTIONS, 16(4)(b) or 27 (5) (b) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT (ACT 28 of 2002), AND IN ACCORDANCE WITH THE STANDARD DIRECTIVE FOR THE COMPILATION THEREOF AS PUBLISHED ON THE OFFICIAL WEBSITE OF THE DEPARTMENT OF MINERAL RESOURCES.

A. Definitions

‘consultation’ means a two way communication process between the applicant and the community or interested and affected party wherein the former is seeking, listening to, and considering the latter’s response, which allows openness in the decision making process.

‘community’ means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law: Provided that, where as a consequence of the provisions of the Act negotiations or consultations with the community are required, the community shall include the members or part of the community, directly affected by prospecting or mining, on land occupied by such members or part of the community.

‘Interested and affected’ parties include, but are not limited to; –

- (i) Host Communities
- (ii) Landowners (Traditional and Title Deed owners)
- (iii) Traditional Authority
- (iv) Land Claimants
- (v) Lawful land occupier
- (vi) The Department of Land Affairs,
- (vii) Any other person (including on adjacent and non-adjacent properties) whose socio-economic conditions may be directly affected by the proposed prospecting or mining operation
- (viii) The Local Municipality,
- (ix) The relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project.

B. Report on the results of consultation

1. Methodology applied to consultation.

- 1.1. Name the community or communities identified, or explain why no such community was identified:

The application area, sea concession area 6C, is situated approximately 4 to 5 km offshore of the Northern Cape Coast of South Africa. The area is 350 000 hectares in size. The nearest inland town, Koinghaas, is situated approximately 11 km west of the application area, with Kleinsee being located 25 km south of the concession area. With the nearest town being located 11 km from the concession area, no towns are in the immediate vicinity of the concession area. As such, no communities living in the surrounding area have been identified for concession area 6C.

- 1.2. Specifically state whether or not the Community is also the landowner:

The proposed site is an offshore sea concession, which has no landowner. The concession area is approximately 11 km from the nearest coastal town; therefore, no nearby communities exist.

- 1.3. State whether or not the Department of Land Affairs been identified as an interested and affected party:

Yes, the Department of Land Affairs has been identified. They were contacted during the Pre-Consultation Registration period and will also be contacted during the 30-day Public Participation Process.

- 1.4. State specifically whether or not a land claim is involved:

No, a land claim is not involved as this is an offshore prospecting area.

- 1.5. Name the Traditional Authority identified:

The Leliefontein Traditional Council is the governing Traditional Authority for the Kamiesberg Local Municipality, within whose jurisdiction the proposed prospecting site falls.

- 1.6. List the landowners identified by the applicant. (Traditional and Title Deed owners):

As the proposed concession area is offshore, no landowners exist. Furthermore, there are no towns in the immediate vicinity of the concession area. The concession area is located approximately 4 to 5 km offshore of the Northern Cape coast, 11 km from the nearest inland town, Koinghaas, 18 km northwest of

Hondeklip, and 25 km south of Kleinsee. As such, no communities living in the immediate area have been identified for concession area 6C. The above-mentioned towns have been included as stakeholders.

1.7. List the lawful occupiers of the land concerned:

No lawful occupiers of the land exist for this area as this is an offshore sea concession area. However, the nearest towns have been notified of the proposed application and provided the opportunity to register and provide comments and input.

Furthermore, it was brought to our attention that two operational, land-based aquaculture facilities and abalone ranching sites fall within the coastal footprint of the concession area. They will be consulted during the 30-day Public Participation Process for comments.

1.8. Explain whether or not other persons' (including on adjacent and non-adjacent properties) socio-economic conditions will be directly affected by the proposed prospecting or mining operation and if not, explain why not:

Again, it should be noted that this area is located far from any towns or communities.

Commercial and Small-scale Fishing Activities

The proposed prospecting activities may result in temporary, localised disruptions to commercial fishing due to the establishment of a moving 500 m safety zone around the survey vessel and short-term changes in fish behaviour. However, overlap with active fishing grounds is limited, with only the tuna pole and line and traditional linefish sectors operating within the concession area to any notable extent. Catches from the concession area represent only a very small proportion of the total catch, and no impacts on local small-scale fishers are anticipated. The impact on commercial and small-scale fisheries is therefore expected to be insignificant.

Sense of Place and Wellbeing

The prospecting activities are temporary and located offshore. Although some stakeholders may perceive the project as a precursor to future mining, potentially affecting their sense of place and wellbeing, no direct socio-economic impacts are anticipated during the prospecting phase. The impact is therefore expected to be insignificant.

Tourism and Recreation

Potential impacts are limited to the temporary presence of offshore survey vessels and localised sediment plumes. As the prospecting area is located at least 5 km offshore, these activities are unlikely to be visible from the coast or affect tourism and recreational activities. The impact is therefore expected to be insignificant with mitigation.

Employment and Economic Opportunities

The prospecting phase is a highly specialised, short-term activity that offers limited opportunities for direct local employment. Offshore prospecting vessels typically require a small crew comprising qualified maritime personnel, technical specialists, environmental observers and support staff, most of whom require specialised training, certifications and experience. Prospecting is also undertaken as intermittent survey campaigns separated by periods of data processing and analysis, further limiting the potential for sustained employment.

The project may generate a small number of short-term employment and procurement opportunities at the local, provincial and national levels. Local opportunities are expected to be limited to activities such as vessel provisioning, port-based security services, the appointment of a Fishing Liaison Officer from the local fishing community, and the possible use of local fishing vessels as support or standby vessels during survey activities. At the provincial and national levels, opportunities may arise through the procurement of goods and services related to vessel operations, marine logistics, equipment supply, environmental monitoring, laboratory analysis, technical support and professional services.

Overall, employment and economic benefits are expected to be temporary, limited in scale, and concentrated primarily at the provincial and national levels rather than within nearby coastal communities. Consequently, the impact is considered to be positive but of very low significance.

Procurement and Expenditure

The project will generate expenditure on goods and services, including marine logistics, vessel support, environmental monitoring and professional services. However, most procurement is expected to occur through established suppliers in larger centres such as Cape Town and Saldanha Bay, with limited direct benefits to nearby communities. The positive impact is therefore expected to be very low.

Skills Development and Capacity Building

Limited opportunities may exist for training and capacity building, including environmental monitoring, marine observation and occupational health and safety training. While these opportunities are expected to be modest, they may provide longer-term benefits through skills development. The positive impact is therefore expected to be very low.

Environmental and Scientific Knowledge

The prospecting programme will generate valuable geological, oceanographic and ecological information that will improve understanding of the offshore environment and may support future research, environmental management and resource planning. This represents a positive indirect socio-economic benefit through improved scientific knowledge.

Conclusion

The proposed prospecting activities are not expected to result in any significant direct adverse socio-economic impacts on adjacent or non-adjacent properties

or communities. Any negative effects are expected to be temporary, localised and of low significance. While the project may provide some positive socio-economic benefits through limited employment, procurement, skills development and scientific knowledge generation, these benefits are expected to be modest and largely occur at the provincial and national levels rather than within nearby coastal communities.

1.9. Name the Local Municipality identified by the applicant:

The Kamiesberg Local Municipality and Namakwa District Municipality have been identified as the ruling authorities in the area.

1.10. Name the relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project:

- **LOCAL GOVERNMENT**
 - **Kamiesberg Local Municipality**
 - **Nam Khoi Local Municipality**
 - **Namakwa District Municipality**
- **PROVINCIAL DEPARTMENT**
 - **Northern Cape Department of Environment and Nature Conservation: Namakwa District**
- **DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT**
 - **Integrated Environmental Authorisation**
- **DEPARTMENT OF FORESTRY, FISHERIES & ENVIRONMENT**
 - **Biodiversity and Conservation**
 - **Oceans and Coasts**
 - **Fisheries Management**
 - **Environmental Sustainability**
- **DEPARTMENT OF MINERALS & PETROLEUM RESOURCES**
- **DEPARTMENT OF PUBLIC WORKS**
 - **Northern Cape Branch**
- **DEPARTMENT OF TRANSPORT**
 - **Marine Transport and Manufacturing**
- **TRANSPORT**
 - **SANRAL**

- Transnet
- **DEPARTMENT OF TOURISM**
 - Coastal and Marine Tourism Work Stream
- **SOUTH AFRICAN MARITIME SAFETY AUTHORITY & NAVY**
- **SANBI**
- **SOUTH AFRICAN HERITAGE RESOURCE AGENCY**

1.11. Submit evidence that the landowner or lawful occupier of the land in question, and any other interested and affected parties including all those listed above, were notified.

Proof of the notifications and email correspondence for the nearest towns are included in the Comments and Response Report (CRR).

2. Description of the existing status of the cultural, socio-economic or biophysical environment, as the case may be, prior to the proposed prospecting or mining operation.

2.1.1. Confirm that the identified and consulted interested and affected parties agree on the description of the existing status of the environment.

Although there are no local communities which could be consulted to confirm these details, this information was made public for comment. No comments have been received from any community.

The only comment received thus far was from the DFFE Directorate: Sustainable Aquaculture Management, who informed us about the two operational, land-based aquaculture facilities and abalone ranching sites that fall east of the concession area.

The existing status of the environment have, however, been confirmed by the specialists involved.

2.1.2. Describe the existing status of the cultural environment that may be affected:

There are no towns in the immediate vicinity of the concession area. The concession area is located approximately 4 to 5 km offshore of the Northern Cape coast, 11 km from the nearest inland town, Koinghaas, 18 km northwest of Hondeklip, and 25 km south of Kleinsee. The towns fall under the municipal jurisdiction of Kamiesberg Local Municipality and Nama Khoi Local Municipality respectively, which is within the Namakwa District Municipality.

The Namakwa District Municipality is located in the north-western part of the Northern Cape Province and encompasses a vast, sparsely populated region characterised by arid landscapes, small settlements, and dispersed rural

communities. It is comprised of six local municipalities namely, Kamiesberg, Nama Khoi, Hantam, Khai-Ma, Karoo Hoogland and Richtersveld. The Namakwa District Municipality is the largest district municipality in the province, making up over a third of its geographical area. It covers around 126 836 km² and has a total population of just 139 370 inhabitants and around 41 613 households. The district's economy is traditionally based on mining, agriculture, fishing and nature-based tourism, with mining historically playing a significant role in regional economic development and employment generation.

Along the coast, communities such as Port Nolloth, Hondeklipbaai, Kleinsee and Koingnaas have historically been closely associated with the diamond mining industry. While mining remains an important economic sector, declining mineral production in some areas has contributed to economic challenges, including high unemployment levels and limited opportunities for economic diversification. Small-scale commercial fishing and marine-related activities continue to support livelihoods in several coastal communities, while nature-based tourism associated with the Namaqualand coastline and seasonal wildflower displays within the Namaqua National Park contributes to local economic activity. The district has a relatively small population distributed across a large geographic area, resulting in limited access to services and infrastructure in some communities. Socio-economic challenges include unemployment, poverty, skills shortages and outmigration of younger residents seeking employment opportunities elsewhere. Despite these challenges, the region's coastal and marine resources remain important contributors to local livelihoods, cultural identity and future economic development opportunities.

The proposed offshore prospecting activities within Concession Area 6C are located offshore of the Namakwa coastline. While the prospecting activities are not expected to directly affect onshore communities, the marine environment supports a range of economic activities, including commercial and small-scale fishing, tourism and shipping that contribute to the regional economy. However, overlap with active fishing grounds is limited, with only the tuna pole and line and traditional linefish sectors operating within the concession area to any notable extent. Catches from the concession area represent only a very small proportion of the total catch, and no impacts on local small-scale fishers are anticipated.

Koingnaas lies approximately 11 km east of Concession Area 6C, 5 km inland from the coast, 65 km south of the coastal town of Kleinsee and 20 km north of the coastal town of Hondeklipbaai. Established in 1970 as a company town supporting offshore and coastal diamond mining operations along the Namaqualand coast, the settlement experienced significant population and economic decline following the contraction of alluvial diamond mining and the withdrawal of De Beers from the area in 2008. Like several former mining settlements along the Northern Cape coast, Koingnaas has experienced significant depopulation and now functions largely as a remnant mining settlement with limited economic activity.

According to the 2011 Census, Koingnaas had a population of just 105 residents occupying an area of approximately 47 km². The population is

predominantly Afrikaans speaking, with the majority identifying as Coloured. The town is located within a restricted access area, where visitors are required to register and present identification at the entrance gate. The town is accessed via a gravel road and has limited services, including two general stores and a library. The local clinic is currently not operational, with residents relying on healthcare services in Hondeklipbaai. There are no schools in Koingnaas, and learners either attend schools in Hondeklipbaai or Kleinsee, or receive home-based education. Situated within the ecologically significant Namaqualand coastal region, this local town forms part of a broader landscape characterised by low population densities, a strong mining heritage, and emerging opportunities associated with nature-based tourism, conservation and coastal resource management.

2.1.3. Describe the existing status of any heritage environment that may be affected:

South Africa has a rich and diverse underwater cultural heritage. Strategically located on the historical trade route between Europe and the East, South Africa's rugged and dangerous coastline has witnessed more than its fair share of shipwrecks and maritime dramas in the last 500 years.

According to SAHRA's records, at least 2,900 vessels are known to have sunk, or been wrecked, abandoned or scuttled in South African waters since the early 1500s. This does not include the as yet unproven potential for shipwrecks and other sites that relate to pre-European, Indian Ocean maritime exploration, trade and interactions along the South African east coast, or the potential for wrecks of vessels which simply disappeared between Europe and the East to be present in our waters.

Our coastal maritime heritage also includes a largely unexplored, but increasingly acknowledged submerged pre-colonial element, consisting of prehistoric terrestrial archaeological sites, materials and palaeolandscapes which are now inundated by the sea, as well as palaeontological, fossil material in the bedrock which underlies the seabed, and within seabed sediments themselves.

Submerged Prehistory

Since the start of the Quaternary, approximately 2.6 million years ago, the world has been subject to a series of cooling and warming climatic cycles and sea level was mainly lower than it is today.

During the last 900,000 years, during which our tool-making ancestors were colonising much of the world, global sea levels have fluctuated substantially on at least three occasions, the result of increased and decreased polar glaciation. The dropping of sea levels was caused by the locking up in the polar ice caps of huge quantities of seawater as global temperatures cooled.

The most extreme recent sea level drop occurred between circa 20,000 and 17,000 years ago when, during Marine Isotope Stage 2 (MIS) at the height of the last glaciation, the sea was more than 120 m lower than it is today (Waelbroeck *et al*, 2002; Rohling *et al*, 2009). Similar sea level low stands occurred during

MIS 4 (~70,000 years ago), MIS 6 (~190,000 years ago), MIS 8 (~301,000 years ago) and MIS 12 (~478,000 years ago).

Each of these low stands would have “added a large coastal plain to the South African land mass” (Van Andel, 1989:133) where parts of the continental shelf were exposed as dry land (see Cawthra *et al*, 2016). The exposure of the continental shelf would have been most pronounced on the wide Agulhas Bank off the southern Cape coast, and it is estimated that a new area of land, as much as 80,000 km² in extent, was exposed during the successive glacial maxima (Fisher *et al*, 2010).

The exposed continental shelf was repeatedly populated by terrestrial flora and fauna, and also by our human ancestors who were dependant on these resources (Compton, 2011) and for periods numbering in the tens of thousands of years, on at least three occasions during. During the last 500,000 years, covering the latter part of the Earlier Stone Age (ESA), the MSA, and the early Later Stone Age (LSA), our ancestors inhabited areas of what is now seabed around the South African coast. This means that a large part of the archaeological record of the later Earlier, Middle and early Late Stone Age is located on the continental shelf and is now “inundated and for all practical purposes absent from [that] record” (Van Andel, 1989:133-134). Until relatively recently there was little or no global understanding of the potential for, or access to, submerged prehistoric landscapes and sites on the continental shelf. Increasingly frequent discoveries in various parts of the world of drowned, formerly terrestrial landscapes, often as a result of development-led seabed surveys and sampling, is, however, providing increasing evidence for the survival of prehistoric archaeological sites on and within the current seabed.

Closer to home, there is archaeological evidence for a prehistoric human presence in what is now Table Bay. In 1995 and 1996 during the excavation of two Dutch East India Company shipwrecks, divers recovered three ESA handaxes from the seabed under the wrecks. The stone tools, which are between 300,000 and 1.4 million years old, were found at a depth of 7-8 m below mean sea level and were associated with Pleistocene sediments from an ancient submerged and infilled river channel. Their unrolled and unworn condition indicate that they had not been carried to their current position by the ancient river and suggests that they were found more or less where they were dropped ESA hominins more than 300,000 years ago (possibly during MIS 8 (~301,000 years ago) or MIS 12 (~478,000 years ago)), when the sea level was at least 10 m lower than it is today (Werz and Flemming, 2001; Werz *et al*, 2014).

Submerged Prehistory Potential of Concession Areas 11B and 13B

There have, to date, been no studies of the submerged prehistory of the West Coast but the terrestrial archaeological evidence for a hominin presence along the coast in the vicinity of the concession area during the EAS, MSA and LSA is plentiful.

Diepkloof Rock Shelter, inland of Elands Bay and south of the concession area, for example, contains evidence of a nearly continuous human occupation for nearly 85,000 years (see Parkington and Poggenpoel, 1987; Texier *et al*, 2010), while Elands Bay Cave, on the coast at the mouth of the Verloren Vlei,

preserves archaeological evidence of the Pleistocene / Holocene transition during the LSA (Parkington, 1988). Further south at Hoedjiespunt in Saldanha Bay, four hominid teeth, four or five small fragments of cranium, and two postcranial bones from up to two individuals have been found in an ancient hyena lair and are associated with uranium series dates on ostrich eggshell fragments which imply an ESA / MSA age of 130,000 to 180,000 years for these hominids (Berger and Parkington, 1996). Nearby, at Churchaven on the Langebaan Lagoon a set of fossilized human footprints were discovered in an aeolianite slab in 1995. They are thought to be those of a female hominin (hence their nickname “Eve’s footprints”) and have been dated to approximately 117,000 years ago, during the MSA and very close to the start of the last glaciation when sea levels were starting to fall (<http://www.sawestcoast.com/fossileve.html>). LSA coastal shell middens are ubiquitous along the West Coast, as are numerous MSA shell middens; the latter being some of the earliest evidence in the world for the exploitation by our ancestors of marine resources. Older, ESA lithics are also commonly found along on the West Coast. For example, extensive evidence of an ESA presence in this landscape has been uncovered because of mining operations at Tronox Namaqua Sands (David Halkett, ACO Associates, pers. comm.; Orton, 2017a). ESA material has been also been reported from the Tormin Mineral Sands Operation adjacent to Concession Area 12B (Halkett, D. 2023a, 2023b; Halkett, D., & Webley, L. 2016b) and archaeological surveys for both mining operations have identified numerous MSA and LSA sites within and behind the coastal dune cordon (see Hart & Halkett, 1994; Halkett, D. 2023a, 2023b; Halkett, D., & Webley, L. 2016b).

As discussed in the previous section, the maximum sea level low stand during the Quaternary, when hominins would have been present in and on the South African landscape, was c. -120 m. Any area Concession Area 6C where the seabed is shallower than -120 m would have been exposed as subaerial land for much of the last 200 000 years - for ~65 000 years during the MIS 6 ice age, and again between the start of the MIS 5a marine incursion at 80 000 years ago and about 9 000 years ago – and would thus have the potential to have been used by our ancestors and to preserve the archaeological evidence of that use. However, the survival of such terrestrial deposits on or on the seabed is low, as they would have mostly been eroded away and reworked as sea-level rose during the Last Transgression around 9 000 years ago.

Despite this, the evidence exists worldwide and in South Africa for the survival of submerged prehistoric sediments and archaeological material and it is possible that such material may be present in seabed sediments in Concession Area 6C, both as undisturbed, in situ archaeological deposit, but more likely in disturbed, secondary contexts. Buried and submerged river palaeo-channels occur along the entire Namaqualand coast, although they are not shown on the geological maps, being covered by younger deposits. Examples of such channels are known north of the concession area at Kleinsee, Langklip Bay and between Hondeklip Bay and the Swartlinter River (O’Shea, 1971; Hattingh, 2015). Such channels and their associated sediment bodies have the potential to contain, archaeological material and palaeo-environmental evidence. At the same time these channels and the sediment they contain are one of the potential targets of prospecting.

Maritime History of the West Coast and Concession Area 6C

The maritime history of the West Coast dates to almost the early days of the Dutch settlement in Table Bay. The Dutch settlers were quick to recognise and exploit the rich marine resources of the West Coast and fishing and sealing flourished, with the catches transported down the coast to supply the VOC settlement in Table Bay.

This industry led to the development of fishing villages at Saldanha Bay and Lamberts Bay: the former, together with places like Elands Bay, also later becoming ports for the export of grain and other produce from the Swartland and Cederberg (Ingpen 1979).

During the early nineteenth century the West Coast islands became the focus of an international 'white gold' rush to exploit their rich guano resources (Watson, 1930; Snyders, 2011). The guano was soon depleted but the discovery of copper deposits in Namaqualand and the Richtersveld led to the use of Alexander Bay, Robbe Bay (now Port Nolloth) and Hondeklip Bay as established anchorages by the early 1850s and the development of local, coasting shipping services to support this new industry (The Nautical Magazine and Naval Chronicle 1855: 297-303; Ingpen 1979).

According to the available sources, there are at least 89 shipping casualties recorded between the Berg and Orange Rivers, many of which were vessels involved in coastal trade and fishing. None of these maritime casualties are recorded within Concession Area 6C, and it appears unlikely that there will be historical shipwrecks present on the seabed within the concession area. It must be noted, however, that although unlikely, the possibility does exist for the remains of currently unknown and unrecorded wrecks to be present in the concession area. The historical records contain many references to vessels that were lost without trace between their points of departure and arrival. Where survivors of such events were subsequently rescued, the loss was recorded, but in many cases, vessels simply never arrived at their destination and could thus lie anywhere along their intended route. The potential for the occurrence of such unrecorded wrecks was illustrated in 2008 when a 16th century Portuguese wreck, since identified as the *Bom Jesus*, was unexpectedly found during the diamond mining south of Oranjemund in Namibia (see Alves 2011).

Conclusion

The Archaeological scoping assessment of Concession Area 6C indicates that there is some potential for the occurrence of submerged prehistoric archaeological sites or material in the seabed sediments in that portion of the concession area that is shallower than 120 m. Although it is more likely than not that prehistoric archaeological artefacts will be found in disturbed or secondary contexts, their presence in an offshore, submerged context lends them an archaeological significance greater than similar material in a disturbed terrestrial context. The potential presence of prehistoric archaeological artefacts in or on the seabed in Concession Area 6C is not considered a fatal flaw to the proposed prospecting activities. The implementation of measures to identify and recover any such material during the processing of grab and core samples would mitigate any impacts to this heritage resource through a

contribution to archaeological knowledge. There are no records of historical shipwrecks in Concession Area 6C and there appears to be little or no potential for unrecorded shipwrecks to be present in the area either. This archaeological receptor is, therefore, not considered a fatal flaw to the proposed prospecting. In the unlikely event that shipwreck material, or related seabed debris is identified in Concession Area 6C, either from geophysical data before prospecting, or during seabed sampling activities, the reporting of the find to SAHRA and its exclusion from the footprint of sampling activities thereafter will serve as minimum mitigation measures.

No heritage-related permits are required for the prospecting to be authorised, but if any archaeological or palaeontological material requires mitigation then the contracted archaeologist and/or palaeontologist will need to obtain a permit from SAHRA, in their own name, to perform the work.

2.1.4. Describe the existing status of any current land uses and the socio-economic environment that may be directly affected:

The main users of the sea space in Concession Area 6C are the commercial shipping and fishing industries. The wave exposed and linear nature of the coast and lack of nearby ports suitable for large vessels mean that most merchant shipping would travel offshore of the concession area along the continental shelf edge. Most shipping crossing the Concession area would be fishing vessels and other prospecting or mining vessels. No interference is therefore expected.

Overlap with active fishing grounds and vessels is limited, with only the tuna pole and line and traditional linefish sectors operating within the concession area to any notable extent. Catches from the concession area represent only a very small proportion of the total catch. There is no overlap with local small-scale fishers.

Two operational, land-based aquaculture facilities and abalone ranching sites are situated approximately 5km east of the concession area. The marine specialist was consulted and are of the opinion that the proposed activities will have no to insignificant impacts on these facilities, due to the distance. Nevertheless, potential impacts will still be assessed as part of the marine impact assessment and BAR.

2.1.5. Describe the existing status of any infrastructure that may be affected.

No infrastructure is located within the proposed prospecting area, as the site is situated offshore. Furthermore, no infrastructure is present along the nearest inland coastline.

- 2.1.6. Describe the existing status of the biophysical environment that will be affected, including the main aspects such as water resources, flora, fauna, air, soil, topography etc.

As this is an offshore activity, the terrestrial environment is not expected to be affected. Due to the nature of the prospecting activity, noise and air pollution is also not expected.

The marine environment is described below.

MARINE ECOLOGY AND FISHERIES:

Concession Area 6C lies within the Southern Benguela Shelf, a highly productive cool-temperate region along South Africa's west coast influenced by nutrient-rich upwelling. This supports diverse marine life, including pelagic and demersal fish, marine mammals, and seabirds.

Habitats

The dominant benthic habitats within the area comprise muddy sands interspersed with coarser sandy substrates and scattered rocky outcrops. Unconsolidated subtidal habitats support diverse benthic communities that play important roles in nutrient cycling and ecosystem functioning, while also serving as indicators of environmental health. Rocky outcrops provide habitat for slow-growing epifaunal species, including sponges, anemones, and cold-water corals, many of which are sensitive to physical disturbance. The pelagic environment is influenced by the highly productive Benguela Current system and prevailing south-easterly winds, supporting abundant plankton communities and a wide range of fish, seabirds, marine mammals, and turtles. Two notable offshore geological features occur within approximately 150 km of the 6C Concession area: Childs Bank to the south and Tripp Seamount to the west.

Biodiversity

The benthic invertebrates community is separated in those that live on (epifauna), and those that live in the sediment (infauna). Benthic communities on the west coast are dominated by molluscs, polychaetes, and crustaceans, with differences driven largely by particle size. The muddier areas of the region are typically characterised by mud prawns *Calocaris barnardi* while coarser sediments are dominated by deposit feeding polychaetes like *Spiophanes duplex* and *Nephtys* sp. Rocky outcrops are host to sponges and cold water corals that form complex habitats for many other species.

Seasonal nutrient-rich upwelling associated with the Namaqua Upwelling Cell drives high phytoplankton productivity, forming the foundation of a productive pelagic ecosystem. These phytoplankton blooms support abundant zooplankton populations, which in turn sustain key small pelagic fish species such as sardine *Sardinops sagax* and anchovy *Engraulis encrasicolus*, as well as juvenile hake *Merluccius paradoxus* and *M. capensis*. These species constitute an important prey base for larger fish, seabirds, and marine mammals. The region also serves as a migratory and foraging corridor for several commercially important fish species, including snoek *Thyrsites atun*, which track anchovy distributions. In addition, the area supports a range of

larger pelagic species, including tunas, billfishes, and pelagic sharks, many of which are classified as threatened or near threatened by the IUCN.

Sensitivity and Significance

According to the 2025 National Biodiversity Assessment (NBA), the marine threat status¹ within Concession Area 6C are classified as Least Concern, indicating that the ecosystem remains largely intact with relatively low levels of degradation or that hosts species considered at low risk of extinction. There is no overlap with any Marine Protected Area (MPA), with the Namaqua Fossil Forest MPA found ~30 km north of the concession area and the Namaqua MPA ~50 km southeast. There is some overlap with the Critical Biodiversity Areas (CBAs), with around 9% (320 km² approximately) of 6C being classified as a CBA Natural Area. CBAs are spatially identified areas required to meet biodiversity targets and safeguard ecological processes, as determined through systematic biodiversity planning and spatial prioritisation. In the marine environment, these typically include areas important for key habitats, species distributions, ecological connectivity, and ecosystem functioning. CBAs are used in South Africa as decision-support tools to guide sustainable development and biodiversity conservation. They have been developed through national-scale biodiversity planning processes, however their incorporation into regulatory and decision-making frameworks alignment with marine spatial planning instruments, and consistent application within ESIA processes are still developing in practice. A range of sea-use activities and recommendations as to their permissibility, subject to compatibility with different CBAs, is presented in Harris et al. (2022), the Draft Marine Biodiversity Sector Plan (DFFE 2023a) and the Proposed Approach to Spatial Development and Management for South Africa's Marine Planning Areas 2019). Activities assessed not compatible are recommended to be prohibited. The CBAs of highest priority are CBA Natural areas, so as far as possible, mining in these areas should be avoided as prospecting activities are not permitted within CBA natural areas.

Marine Resource Use

The primary users of the marine space around Concession Area 6C are commercial fishing, shipping industries, and offshore diamond mining. While most shipping routes occur further offshore, some fisheries, including tuna pole-and-line, and traditional linefish sectors, may operate in the broader region but there is no direct overlap with the Concession Area. The tuna pole-and-line fishery targets species such as albacore and yellowfin tuna and operates mainly offshore between Cape Agulhas and the Orange River, however, almost all activity take place south of the concession area, and impacts from the proposed activities are expected to be insignificant. The traditional linefish sector targets a wide variety of fish species using hook-and-line methods and is an important livelihood fishery in South Africa. However, as this fishery typically operates in shallower waters closer to shore, and from inhabited areas, the nearest major hub being Hondeklipbaai, interaction with linefishing activities in the offshore concession area is expected to be negligible. Small-scale commercial fishing and marine-related activities continue to support livelihoods in several coastal communities but again these are unlikely to be impacted by the proposed 6C prospecting. Abalone ranching

areas do exist inshore of 6C but these, again, are unlikely to be impact by prospecting in 6C on account of the very nearshore nature of abalone ranching.

2.1.7. Provide any relevant additional information:

None

3. The anticipated environmental, social or cultural impacts identified.

- 3.1. Confirm that the community and identified interested and affected parties have been consulted and that they agree that the potential impacts identified include those identified by them:

Although there are no local communities which could be consulted to confirm these details, this information was made public for comment. No comments have been received from any communities.

The only comment received thus far was from the DFFE Directorate: Sustainable Aquaculture Management, who informed us about the two operational, land-based aquaculture facilities and abalone ranching sites that fall east of the concession area.

The existing status of the environment has, however, been confirmed by the specialists involved.

- 3.1.1. Provide a list and description of potential impacts identified on the cultural environment:

Prospecting activities might result in the following potential impacts:

- **Negatively impact the sense of place;**
- **Reduce the integrity of the environment; and**
- **Reduce the cultural significance and heritage of the area.**

Impacts on the underwater cultural environment are described in the next section.

- 3.1.2. Provide a list and description of potential impacts identified on the heritage environment, if applicable:

No land based heritage resources will be affected.

The following is related to the impacts on the underwater cultural heritage. Potential impacts relate to physical damage and disturbance to:

- **Submerged prehistoric heritage resources;**
- **Maritime archaeological heritage resources; and**

- **Palaeontological features and fossil material.**

Impacts can arise where prospecting intersect with heritage resources. These can be direct in the case where sites are disturbed or damaged by grab, core and drill activities, or indirect as in the case where downstream effects of seabed activities can affect sites or material. The small footprint of sampling is, however, unlikely to cause downstream effects on the surrounding seabed.

The physical intrusion of the cores and grab sampling into the seabed is very small, and the potential impacts on submerged prehistory and palaeontological features will be small. Where impacts do occur, they will be irreversible/ permanent and negative because the finite and non-renewable nature of heritage resources means that they cannot recover if disturbed, damaged or destroyed. Preliminary assessment suggests this impact is very low although there is a high likelihood of this occurring.

It is suggested that after the other studies of the material have been completed the possibility is consider of retaining samples of the coarser fraction (i.e. gravel and stone between c. 20mm and 150 mm) of sorted seabed sediment for assessment by an archaeologist for the presence of prehistoric lithic material. This would result in the changing of the impact status from negative to positive because of a potential benefit to archaeological research and knowledge that could accrue from access to such seabed material. Any fossils such as petrified bone and teeth and shell casts, usually phosphatic, found during the processing of the cores and grab samples must have the details of context recorded and must be kept for identification by an appropriate specialist and if significant, to be deposited in a curatorial institution such as the IZIKO SA Museum. This would result in the changing of the impact status from negative to positive because of a potential benefit of palaeontological research and knowledge that could accrue from such information.

Any impact on maritime archaeological heritage resources is unlikely to arise from prospecting activities.

- 3.1.3. Provide a list and description of potential impacts identified on the socio-economic conditions of any person on the property and on any adjacent or non adjacent property who may be affected by the proposed prospecting or mining operation:

Potential Benefits Include:

- **Employment and economic opportunities**
- **Procurement and expenditure**
- **Skills development, capacity building and transformation**
- **Environmental and scientific knowledge generation**

Employment and Economic Opportunities

The prospecting phase is a specialised, short-term activity requiring mostly skilled personnel, resulting in limited opportunities for local employment. Some temporary opportunities may arise through vessel support, procurement and the appointment of a local Fishing Liaison Officer. Overall, employment and economic benefits are expected to be limited, temporary and concentrated at the provincial and national levels. The impact is therefore considered positive but of very low significance.

Procurement and Expenditure

The project will generate expenditure on vessel operations, marine logistics, environmental monitoring and professional services. However, most procurement is expected to occur through established suppliers in larger centres such as Cape Town and Saldanha Bay, resulting in limited benefits to nearby communities. The impact is therefore very low positive.

Skills Development and Capacity Building

Limited opportunities may exist for training in environmental monitoring, marine observation and occupational health and safety, providing modest long-term skills development benefits. The impact is therefore very low positive.

Environmental and Scientific Knowledge

The prospecting programme will generate valuable geological, oceanographic and ecological data, improving knowledge of the offshore environment and supporting future research, environmental management and resource planning. This represents a positive indirect socio-economic benefit.

Potential Negative Impacts include:

- Impact on commercial and small-scale fisheries and fishing livelihoods;
- Impact on sense of place and wellbeing;
- Impact on tourism and recreation;
- Interference with commercial shipping traffic; and
- Environmental Impacts.

Commercial and Small-scale Fishing Activities

The proposed prospecting activities may temporarily disrupt commercial fishing through the establishment of a moving 500 m safety zone around the survey vessel and short-term changes in fish behaviour. However, overlap with active fishing grounds is limited, catches from the concession area represent only a small proportion of the total catch, and no impacts on local small-scale fishers are anticipated. The impact is therefore expected to be

insignificant.

Sense of Place and Wellbeing

Although some stakeholders may perceive the prospecting activities as a precursor to future mining, the temporary offshore nature of the project means that no direct socio-economic impacts on sense of place and wellbeing are anticipated. The impact is therefore expected to be insignificant.

Tourism and Recreation

The temporary presence of offshore survey vessels and localised sediment plumes are unlikely to affect tourism and recreation, as the prospecting area is located at least 5 km offshore and is not expected to be visible from the coast. The impact is therefore expected to be insignificant with mitigation.

Interference with commercial shipping traffic

The main users of the sea space in Concession Area 6C are the commercial shipping and fishing industries. The wave exposed and linear nature of the coast and lack of nearby ports suitable for large vessels mean that most merchant shipping would travel offshore of the concession area along the continental shelf edge. No interference is therefore expected.

Environmental Impacts

Although the proposed prospecting activities will result in temporary, localised environmental impacts, these have the potential to indirectly affect the socio-economic conditions of people who rely on, use or value the marine environment, including commercial fisheries, tourism and recreation, and people's sense of place and wellbeing. Potential environmental impacts include underwater noise, localised disturbance of benthic habitats, temporary sediment plumes, vessel interactions with marine megafauna, and routine vessel discharges. However, these impacts are generally of Very Low to Low significance, are temporary and spatially limited, and will be further reduced through the implementation of mitigation measures. Consequently, any indirect effects on the socio-economic conditions of adjacent and non-adjacent communities are expected to be negligible to low.

- 3.1.4. Provide a list and description of potential impacts (positive & negative) on: employment opportunities, community health, community proximity:

Potential Benefits Include:

- Employment and economic opportunities
- Procurement and expenditure
- Skills development, capacity building and transformation

Potential Negative Impacts include:

- Impact on commercial and small-scale fisheries and fishing livelihoods

- Impact on sense of place and wellbeing
- Impact on tourism and recreation

The proposed prospecting activities are expected to result in limited positive and negative impacts on employment opportunities, community health and nearby communities. Positive impacts include a small number of temporary employment, procurement and skills development opportunities associated with vessel support, environmental monitoring, marine logistics and the possible appointment of a local Fishing Liaison Officer. However, because prospecting is a specialised, short-term offshore activity requiring skilled personnel, these benefits are expected to be limited and will primarily occur at the provincial and national levels. Potential negative impacts include temporary disruption to commercial fishing activities due to the establishment of a moving safety zone around the survey vessel and short-term behavioural responses of fish, although overlap with active fishing grounds is limited and no impacts on local small-scale fishers are anticipated. The project is located at least 5 km offshore and is temporary in nature; consequently, no direct impacts on community health or nearby communities are anticipated. Temporary impacts on tourism, recreation, and stakeholders' sense of place and wellbeing are also expected to be insignificant, particularly with the implementation of mitigation measures.

- 3.1.5. Provide a list and description of potential impacts identified on the biophysical environment including but not be limited to impacts on: flora, fauna, water resources, air, noise, soil etc.:

As this is an offshore activity, the terrestrial environment and soil is not expected to be affected. Due to the nature of the prospecting activity, noise and air pollution is also not expected. Impacts on the marine environment are described below.

Marine Ecology and Fisheries:

The impact of greatest concern relates to potential seismic disturbance to marine mammals, which was assessed as having medium negative significance prior to mitigation. Migrating humpback and southern right whales are regularly recorded along the west coast, while odontocetes such as dusky and Heaviside's dolphins (both listed as Near Threatened by the IUCN) may occur in the area throughout the year. The Topas sub-bottom profiler proposed for the survey has the potential to disturb these mid-frequency cetaceans. However, the application of standard marine mammal mitigation measures is expected to reduce this impact to low significance.

Although portions of Concession Area 6C contain environmentally sensitive habitats, the proposed prospecting activities are not expected to result in significant ecological impacts due to the limited spatial footprint of the survey. The total seabed area expected to be disturbed during sampling is approximately at 7 507 m² or 0.75 ha, which represents just (0,0002 %) of the

total concession area. In addition, no invasive sampling will be undertaken on reef areas as these are known to be hotspots for marine biodiversity. These areas will be identified only after the non-invasive seismic (acoustic) surveys have been completed. Consultation with stakeholders during the Public Participation Process will further elucidate areas that need to be avoided.

Potential impacts include:

- Seismic disturbance to invertebrates, turtles and fish;
- Seismic disturbance to marine mammals;
- Physical benthic sampling disturbance to benthic communities;
- Vessel collisions with marine megafauna vessels;
- Waste discharge during vessel operations;
- Exclusion zones and proposed activities on fisheries;
- Vessel based artificial light disturbance to marine receptors; and
- Cumulative impacts of other adjacent marine activities.

- 3.1.6. Provide a description of potential cumulative impacts that the proposed operation may contribute to considering other identified land uses which may have potential environmental linkages to the land concerned:

Cumulative impacts occur when the effects of multiple past, existing or reasonably foreseeable future activities combine over time or space to produce a greater overall impact than individual activities alone. The west coast of South Africa supports offshore prospecting and mining, together with oil and gas exploration, and a number of additional prospecting rights and applications occur within the region. However, the presence of multiple prospecting areas does not necessarily mean that cumulative impacts will occur, as prospecting activities are generally short-term, intermittent and are not necessarily undertaken simultaneously or continuously. Nevertheless, there remains the potential for cumulative impacts where activities overlap spatially or temporally, particularly if multiple projects are undertaken within the same period or affect the same environmental receptors. As a project-specific Basic Assessment cannot reliably predict the timing, extent and nature of other current and future activities, cumulative impacts can only be assessed at a high level. The implementation of recognised mitigation measures and industry best practice by all operators will assist in minimising potential cumulative impacts. The confidence in this assessment is therefore considered low due to the uncertainty surrounding other existing and proposed offshore activities.

4. Land use or development alternatives, alternative means of carrying out the proposed operation, and the consequences of not proceeding with the proposed operation.

- 4.1. Provide a list of and describe any alternative land uses that exist on the property or on adjacent or non-adjacent properties that may be affected by the proposed mining operation:

The main users of the sea space in Concession Area 6C are the commercial shipping and fishing industries. Most merchant shipping would travel offshore of the concession area along the continental shelf edge. No interference is therefore expected. Most shipping crossing the Concession area would be fishing vessels and other prospecting or mining vessels.

Overlap with active fishing grounds and vessels is limited, with only the tuna pole and line and traditional linefish sectors operating within the concession area to any notable extent. Catches from the concession area represent only a very small proportion of the total catch. There is no overlap with local small-scale fishers.

Two operational, land-based aquaculture facilities and abalone ranching sites are situated approximately 5km east of the concession area.

- 4.2. Provide a list of and describe any land developments identified by the community or interested and affected parties that are in progress and which may be affected by the proposed mining operation:

Two operational, land-based aquaculture facilities and abalone ranching sites are situated approximately 5km east of the concession area. The marine specialist was consulted and are of the opinion that the proposed activities will have no to insignificant impacts on these facilities, due to the distance. Nevertheless, potential impacts will still be assessed as part of the marine impact assessment and BAR.

- 4.3. Provide a list of and describe any proposals made in the consultation process to adjust the operational plans of the mine to accommodate the needs of the community, landowners and interested and affected parties:

No proposals to adjust the proposed prospecting activity have been made at this stage, only the consideration of the two operational, land-based aquaculture facilities and abalone ranching sites that fall within the coastal footprint of the concession area. Any information received during the Public Participation Process will be included in the BAR.

- 4.4. Provide information in relation to the consequences of not proceeding with proposed operation:

The absence or non-occurrence of prospecting in the concession area is considered to have both positive and negative implications. The advantage of the no-go option will mean that there are no effects to the bio- and geophysical environment in the proposed prospecting area while the disadvantages for prospecting will lead to a loss of opportunity to establish an economically viable natural resource, prevention of socioeconomic benefits and loss of economic and growth development opportunities. Given the high existing levels of unemployment and poverty on the west coast of South Africa, this is considered significant.

5. Description of the process of engagement referred to in 3.2.1 and 3.2.2 above with identified communities, landowners and interested and affected parties.

- 5.1. Provide a description of the information provided to the community, landowners, and interested and affected parties to inform them in sufficient detail of what the prospecting or mining operation will entail on the land, in order for them to assess what impact the prospecting will have on them or on the use of their land:

Stakeholders were identified from local municipalities, district municipalities, relevant government departments, non-government bodies, local coastal communities, adjacent concession area prospecting rights holders, other mining companies and environmental agencies. A background information document (BID) was compiled in English and distributed via email. Emails were sent to stakeholders 15 June 2026 and 20 June 2026 requesting inputs and comments on the information provided in the BID, and requesting them to register and Interested and Affected Parties (I&AP).

The purpose of the BID was to:

- Introduce the project to the I&APs;
- Inform them of the proposed applications and associated regulatory processes; and
- Initiate the Pre-Consultation Registration Period to record perception issues.

The information included in the BID and email included:

- The site plan and location;
- List of activities being applied for;
- Scale and extent of activities to be authorized;
- The duration of the activity;
- The objective of the project;
- The minerals to be prospected for;

- A description of the applicable legislation;
- Contact details of the Environmental Assessment Practitioner (EAP);
- How to register as an I&AP; and
- How to provide comments on the proposed application.

A copy of the BID has been included in Comments and Response Report, as well as the proof of notification which includes the above details.

The Draft BAR will be made available to the public and various authorities for review and comment over a 30-day public participation period. All registered I&APs will be informed of the reports' availability through email, site notices and posters.

The Draft BAR will be made available at the following locations:

- Online on Anchor Environmental Consultants Website; and
- One hardcopy in Kleinsee and one in Hondeklipbaai in a public location such as a Local libraries, community centres and municipal facilities, frequently visited by local communities.

5.2. Provide a list of which of the identified communities, landowners, lawful occupiers, and other interested and affected parties were in fact consulted:

- Department of Transport: Marine Transport and Manufacturing
- Department of Tourism: Coastal and Marine Tourism Work Stream
- South African Maritime Safety Authority and Navy
- SANBI
- SANParks
- South African Heritage Resource Agency (SAHRA)
- Heritage representatives of district
- South African Pelagic Fishing Industry Association
- Kamiesberg Local Municipality
- Nam Khoi Local Municipality
- Namakwa District Municipality
- Northern Cape Department of Environment and Nature Conservation: Namakwa District
- Northern Cape Department of Agriculture, Land Reform and Rural Development (DALRRD)
- Department of Forestry, Fisheries and Environment (DFFE)
 - Oceans and Coasts
 - Fisheries Management

- Environmental Sustainability
- Biodiversity and Conservation
- Sustainable Aquaculture Management
- Local communities in Kleinzee, Koingnaas and Hondeklipbaai through the display of notices in public places and emails
- Please see the Comments and Response Report for an updated list of I&APs that were consulted.

5.3. Provide a list of their views raised in regard to the existing cultural, socio-economic or biophysical environment, as the case may be:

No concerns regarding the proposed prospecting activities in Concession Area 6C were raised by any community members during the Pre-Consultation Process. Only emails to register as I&APs were received during this period, and proof of the correspondence is included in the Comments and Response Report. The only comment received thus far was from the DFFE Directorate: Sustainable Aquaculture Management.

5.4. Provide a list of their views raised on how their existing cultural, socio-economic or biophysical environment potentially will be impacted on by the proposed prospecting or mining operation:

No concerns regarding the proposed prospecting activities in Concession Area 6C were raised by any community members during the Pre-Consultation Process. Only emails to register as I&APs were received during this period, and proof of the correspondence is included in the Comments and Response Report. Also, refer to the comment from DFFE Directorate: Sustainable Aquaculture Management, below.

5.5. Provide list of any other concerns raised by the aforesaid parties:

The DFFE Directorate: Sustainable Aquaculture Management raised a concern regarding the potential impact of the proposed prospecting activities on two operational, lan-based aquaculture facilities and abalone ranching sites that fall within the coastal footprint of the concession area. The Directorate indicated that the BAR and relevant specialist studies should consider the facilities and the potential impact the proposed development might have on these facilities. Copies of all comments and registrations received during the pre-consultation registration period are included in the Comments and Response Report.

5.6. Provide the applicable minutes and records of the consultations as appendices:

Stakeholders were contacted via email during the Pre-Consultation Registration Period. Emails sent to stakeholders and I&APs contacted and all other correspondence are listed in the Comments and Response Report. As no formal

meeting was held, there are no formal meeting minutes.

5.7. Provide information with regard to any objections received.

No objection was received during the Pre-Consultation Registration Period for Concession Area 6C.

6. Describe the most appropriate means to carry out the proposed operation with due accommodation of the issues raised in the consultation process.

The proposed prospecting activities will be undertaken in accordance with the approved Prospecting Work Programme, the Environmental Authorisation (if granted), and the Environmental Management Programme (EMPr).

To ensure that issues raised during the consultation process are appropriately considered, independent specialists have been appointed to assess the receiving environment and evaluate the potential environmental and socio-economic impacts associated with the proposed prospecting activities. The findings and recommendations of these specialist studies have been incorporated into the Draft Basic Assessment Report (BAR) and EMPr.

The Draft BAR, EMPr and specialist studies will be made available to Interested and Affected Parties (I&APs) during the public participation process to allow sufficient opportunity for review and comment. All comments, concerns and recommendations received will be captured in the Comments and Responses Report (CRR), and responses will be provided by the Environmental Assessment Practitioner (EAP), the Applicant and/or the relevant specialists, where appropriate.

Where applicable and reasonable, comments received will be considered and incorporated into the Final BAR, specialist studies and EMPr, including the refinement of impact assessments and mitigation measures where warranted.

Should Environmental Authorisation be granted, the Applicant will be required to implement all mitigation measures and management actions contained in the EMPr and comply with all conditions of the Environmental Authorisation. An independent Environmental Control Officer (ECO) will be appointed to monitor compliance with the Environmental Authorisation, EMPr and other applicable legal requirements throughout the prospecting programme, ensuring that the activities are undertaken in an environmentally responsible manner.

C. IDENTIFICATION OF THE REPORT

The report on the results of consultation must, at the end of the report include a certificate of identification as follows;

Herewith I, the person whose name and identity number is stated below, confirm that I am the person authorised to act as representative of the applicant in terms of the resolution submitted with the application, and confirm that the above report comprises the results of consultation as contemplated in Section 16 (4) (b) or 27 (5) (b) of the Act, as the case may be.

Full Names and Surname

Cheruscha Swart

Identity Number

8811030040085

- END -

Pre-Consultation Registration Process (20-29 2026)

FINAL BASIC ASSESSMENT REPORT

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND
PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC
DIAMONDS (PTY) LTD**

EA Application Ref. No.: NC30/5/1/1/2/14851 PR

BACKGROUND INFORMATION DOCUMENT

19 JUNE 2026



PART OF
SLR

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHTS, BY MEANS OF A BASIC ASSESSMENT, IN OFFSHORE SEA CONCESSION AREA 6C, WEST COAST, NORTHERN CAPE

APPLICANT: Trans Atlantic Diamonds (Pty) Ltd

New EA Application Ref. No.: NC30/5/1/1/2/14851 PR

Minerals: Chrome, Copper, Corundum, Diamonds (general), Garnet (abrasive), Gemstones, Gold Ore, Heavy Minerals (general), Iron Ore, Lithium Ore, Platinum Group Metals, Rare Earths, Silver Ore, and Titanium and Uranium Ore

PROJECT BACKGROUND

Trans Atlantic Diamonds (Pty) Ltd (TAD; the Applicant) intends to undertake prospecting activities within offshore Sea Concession Area 6C in the Northern Cape to assess the viability of future mining operations (Figure 1). To this end, the company is applying to the Department of Mineral and Petroleum Resources (DMPR) for a Prospecting Right (PR) in terms of the Mineral and Petroleum Resources Development Act (MPRDA; Act No. 28 of 2002) for the mineral listed above within Sea Concession Area 6C (EA Application Ref. No.: NC30/5/1/1/2/14851 PR) in the Northern Cape. In addition to the PR, the Applicant is also required to obtain Environmental Authorisation (EA) from the DMPR in terms of the National Environmental Management Act (NEMA, Act No. 107 of 1998) and the 2014 Environmental Impact Assessment (EIA) Regulations, as prospecting is classified as a "listed activity". Listed activities are classified as activities that may have environmental impacts and therefore require assessment and approval prior to commencement.

The proposed activities are not expected to constitute bulk sampling and are therefore anticipated to trigger only the following listed activities under Listing Notice 1:

- **Activity 19A:** "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea..."
- **Activity 20:** "Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the prospecting right."

Accordingly, EA must be obtained through a Basic Assessment (BA) process, during which the potential environmental impacts of the proposed prospecting activities are assessed. The findings of the BA are compiled in a Basic Assessment Report (BAR), which is made available for review and comment through a Public Participation Process (PPP) prior to submission to the DMPR for decision-making. The BA process and BAR are supported by input from relevant specialists to inform the assessment of potential impacts. Anchor has been engaged to provide Environmental Assessment Practitioner (EAP) services to support the prospecting rights application, conduct the BA, and undertake the necessary specialist studies as part of the environmental permitting process.

PURPOSE OF THIS DOCUMENT

This document constitutes a Background Information Document (BID) and is intended to provide Interested and Affected Parties (I&APs) with high-level information regarding the proposed project. It includes a preliminary description of the receiving environment, including marine, fisheries, socio-economic, submerged prehistoric archaeological, maritime archaeological, and palaeontological resources, as well as the environmental sensitivities of the concession area. The document also provides a preliminary list of potential impacts associated with the proposed prospecting activities. The purpose is to enable I&APs to provide early comments and identify any concerns prior to the formal public participation process, during a pre-consultation period that will run from 20 June to 29 June 2026.

PROJECT LOCATION

Sea Concession Area 6C is located approximately 4 to 5km offshore of the Northern Cape coast, about 11km west of the nearest inland town, Koingnaas and 25km south of Kleinsee (Figure 1, Table 1). The sea concession area is approximately 350 hectares.

Table 1. Coordinates of the concession area for the proposed prospecting.

Vertex	Latitude	Longitude
a	30.182314	16.168534
b	30.074266	15.978797
c	29.941495	15.886008
d	29.941499	15.695164
e	29.905389	15.660994
f	29.905369	17.081360
g	30.182299	17.171094
h	30.182314	16.168534

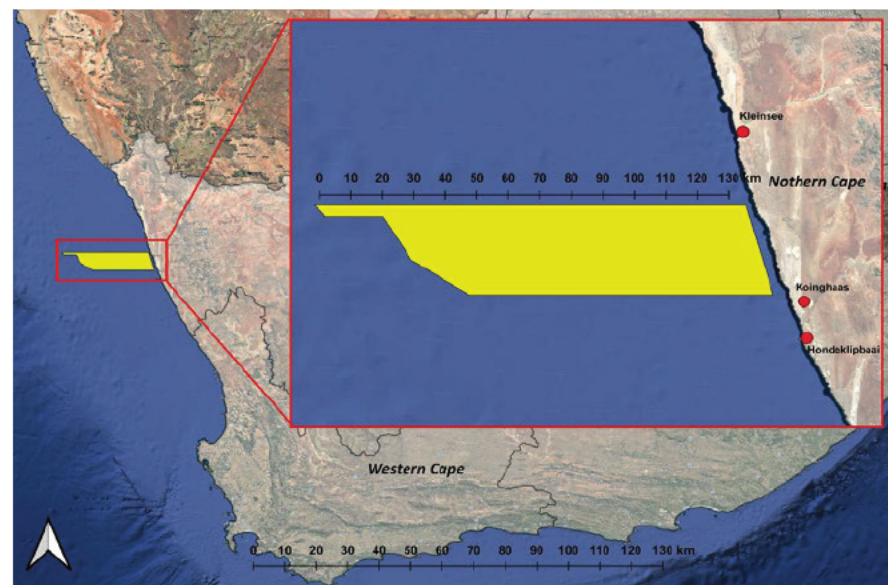


Figure 1. Sea concession 6C off the Northern Cape Coast.

BRIEF OVERVIEW OF PROSPECTING ACTIVITIES

Prospecting will be conducted using a dedicated survey vessel, with an example shown in Figure 2. As the activity is located offshore and comprises prospecting only, no land-based infrastructure will be required. Sampling will be conducted in four phases, combining both non-invasive and invasive sampling activities (Figure 3), none of which require infrastructure. Activities will be followed by a feasibility study and resource estimation. The total surface area expected to be disturbed during Phases 1–3 is approximately 7 507 m² (0.75 ha).



Figure 2 An example of a vessel used for prospecting and exploration (Image source: Ship-Technology.com).

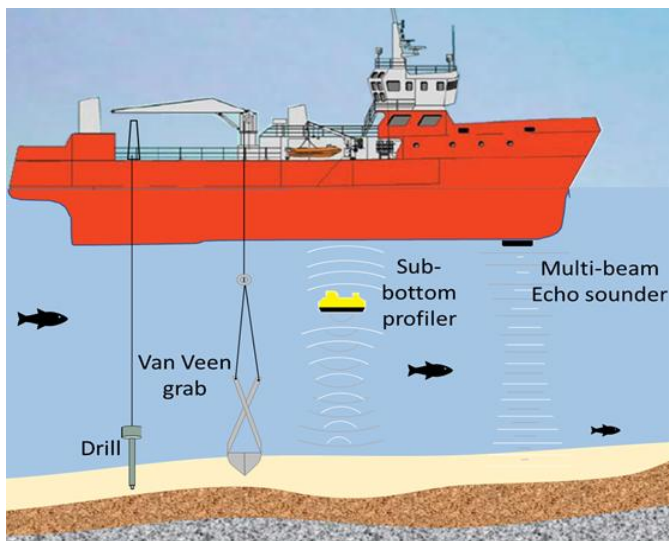


Figure 3 Illustration of some of the various sampling methods that will be used.

Desktop Study: A desktop study will be undertaken, including a review of available literature, geological data, and previous exploration information to understand depositional environments, sediment stratigraphy and mineral potential within the concession area. This will inform the identification of target sites and support the design of an efficient prospecting programme that minimises environmental impacts and costs.

Geophysical Survey: Conducted to collect high-resolution bathymetry data using a high-frequency multibeam echo sounder and mid-frequency sub-bottom profiler. Sound pulses are sent to the seabed and reflected back, creating images of seafloor features and sediment layers. Results are used to identify target sampling areas, sensitive zones to avoid and to inform drilling methods and mining vessel design (Figure 4). This phase will be followed by data acquisition and synthesis and geological modelling.

Van Veen Grab Sampling: The grab collects surface sediment samples that are analysed to identify benthic macrofauna (small animals such as worms, mussels, and crustaceans) and the characteristics of seafloor sediments (Figure 5). Results from this survey will be used to describe and monitor the baseline macrofaunal communities in the area during and after prospecting and mining, while sediment samples will help determine the nature and stability of the seabed, which is important for planning future prospecting and mining operations. About 20–50 samples will be collected and disturb a total surface area of 5 m² and a total volume of 1.5 m³.

Coring: Seabed samples will be collected using Vibracore, Gravity or Sonic cores, which penetrate the seafloor to extract sediment layers and provide information on its structure and geological units (Figure 6). Results will be used to inform the engineering of the drilling tool and mining vessel. Around 100–200 sites will be sampled, disturbing a total of 1.57 m² and collecting 4.71 m³ of material.

Drilling: Prospective target areas will be analysed using a specially designed drill tool that samples gravel from the seabed. Material will be processed onboard by a DMS processing plant and tailings discarded overboard. Results will be used to inform the engineering of the mining vessel. Approximately 300 samples covering 1 500 m² will be collected (based on a 5 m² drill). If these indicate a potential resource, resource development will commence. Each resource area (500 m × 300 m) will require 60 additional samples on a 50 m grid, and with around 20 such areas, this totals 1 200 samples covering 6 000 m². The combined surface area disturbed by all drill sampling will be approximately 7 500 m².

Feasibility study and resource estimation: If earlier phases yield positive results, a desktop feasibility study will be undertaken to evaluate the extent of mineral resources and the economic viability of mining, based on collected prospecting data. The resulting report will include resource estimates, geological and seafloor information, sample evaluations, and recommendations for future mining operations and vessel design.

DETAILED DESCRIPTION OF PROSPECTING METHOD

DESCRIPTION OF THE PROPOSED ACTIVITIES

The proposed prospecting programme will take place during spring and/or summer and when weather conditions are suitable and seas are calm. It is anticipated to be completed within five (5) years. Sampling will be conducted in four phases and include a combination of non-invasive and invasive activities to detect the presence of specific sediment deposits which will contain the target minerals. Prospecting operations are expected to occur sporadically over the entire extent of the concession area. The non-invasive activities will include geophysical exploration (acoustic survey), data acquisition and analysis, while the invasive activities will include physical sampling (collection of core, drill and grab samples) (Figure 3).

PHASE 1

a) Desktop Study:

A comprehensive literature review will be undertaken to investigate the depositional environments, sediment stratigraphy and geological units of the area. Data will be obtained from a variety of sources including previous explorations in neighbouring concession areas, published papers, data from field surveys, databases, etc. This review will allow the applicant to identify target sites that are likely to contain diamonds or other valuable minerals within the concession area. It will also enable the applicant to identify potential challenges and the best means to address these challenges with a view to minimising environmental impacts and costs. This will allow for a more efficient and effective prospecting sampling programme.

b) Geophysical Exploration

Geophysical surveying will be undertaken to collect high-resolution acoustic and multibeam echosounder data along survey lines spaced 100 m to 1000 m apart throughout the concession area. The vessel can typically survey approximately 120 km/day in an offshore area. The geophysical survey is therefore anticipated to be undertaken within a broader operational window of up to two months to accommodate mobilisation, weather delays, sea-state constraints, and other logistical requirements, although the active survey period itself is expected to be shorter.

Surveys will be conducted using a dedicated survey vessel which will have a hull-mounted multibeam echosounder (MBES) and a Topas sub-bottom profiler system that are designed to collect high-resolution acoustic data (Figure 3; Figure 4). As these devices are hull mounted, the vessel will not tow any cables and no physical or environmentally destructive impacts are anticipated for this sampling method. Potential noise or sound impacts on biota will, however, be considered. The geophysical survey allows the operator to produce a digital terrain model of the seafloor. The MBES provides depth sounding information on either side of the vessel's track across a swath width of approximately two times the water depth, while the sub-bottom profiler generates profiles up to 60 m beneath the seafloor, thereby giving a cross-section view of the sediment layers. The source sound level of the MBES is variable but will be a maximum of 221 dB re 1µPa @ 1m, with a frequency range of between 200 and 400 kHz. The sub-bottom profiler uses shallow (35 to 45 kHz) and medium penetration (1 to 10 kHz) "Chirp" acoustic pulses. This equipment has a variable power output and can therefore have the power ramped up in accordance with survey requirements and be contained within acceptable environmental noise levels. As such, it is also capable of "soft starts". The use of a magnetometer to detect magnetic signatures will also be required.



Figure 4 An example of a sub-bottom profiler.
Source: Seatronics.

The information collected during the acoustic survey will be reviewed by the geologist and used to model the bathymetry of 6C to identify target areas for sampling, any areas that need to be avoided and to inform the appropriate core sampling and drilling method that must be implemented. This process can take approximately one month. The preferred alternative within the site is thus subject to change pending results from the geophysical survey.

PHASE 2:

a) Van Veen grab sampling

This is a popular method used to collect sediment samples for biological, environmental and seafloor characterisation studies (geotechnical studies). The device consists of a stainless-steel clamshell bucket that closes around and collects sediment from the seabed.

A Van Veen grab with a sampling capacity of approximately 50 kg will be used to collect baseline environmental data on sediments and benthic macrofauna at between 20 and 50 sampling sites (Figure 5). The grab penetrates approximately 20 to 50 cm into the seabed and collects surface sediment samples. A portion of each sample will be preserved (using formalin or ethanol) and sent to a laboratory for biological analysis, while another portion will be analysed to determine the physical characteristics of the sediments, including composition, grain size, and sediment strength. Biological analyses will be used to identify and characterise benthic macrofaunal communities (small animals such as worms, mussels, and crustaceans), while sediment analyses will provide information on the nature and geological characteristics of the seabed. The sampling programme will disturb a total seabed area of approximately 5 m² and will result in the collection of approximately 1.5 m³ of sediment. The information obtained will provide baseline data against which any future changes in benthic communities can be assessed following prospecting and, should the project proceed, mining activities.



Figure 5 A Van Veen grab works like a claw to grab sediment containing macrofauna from the seafloor.

b) Core sampling

Geotechnical samples will be collected at 100-200 sites using either vibracoring, gravity coring or sonic coring (Figure 6). Geotechnical samples are physical samples of soil, sediment, or rock collected to assess the physical properties of the material. A core is a cylindrical tool used to penetrate the seafloor to collect sediment samples. These samples are analysed to determine the sea floor geology (types of material present, such as sand, gravel and/ or rock as well as the hardness and strength of rock), topography (for example trenches, slopes or elevated features on the seabed) and sediment stratigraphy (the layering of sand, mud and rock over time). This information is then used to engineer the drilling tool (for phase three of the prospecting activities – see below) and the future mining vessel. Geotechnical sampling is also used for resource evaluation, i.e. determining whether there are materials that can be mined in the area and whether it will be economically viable. The type of coring will depend on the geological formations of the seafloor.

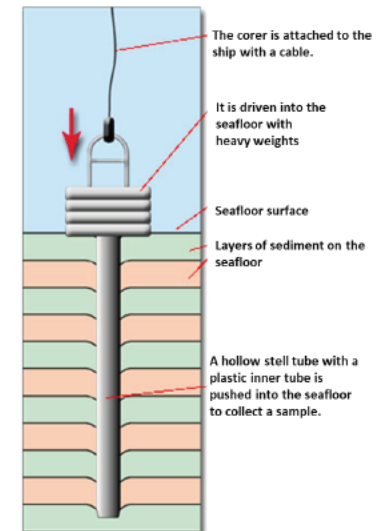


Figure 6 Example of a corer. Source: British Ocean Sediment Core Research Facility.

The sonic corer is an advanced drilling tool that uses high-frequency vibrations to help push a core barrel (a hollow tube) into the seabed. This allows it to sample not only loose sediments but also harder materials such as some types of rock. In contrast, gravity coring and vibracoring can only collect unconsolidated material, meaning loose sediments such as sand and mud.

Each core sample is about 10 cm in diameter and is typically drilled to a depth of 3–8 m below the seabed. Each core contains approximately 0.024 m³ of material. Overall, the sampling will disturb a very small footprint on the seabed, affecting a total surface area of about 1.57 m² and yielding approximately 4.71 m³ of material in total. There is no release or spillage of material into the ocean during sampling, as the material remains intact within the core tube and is brought back to the vessel for secure storage. No sediment processing is undertaken on the vessel, as all samples are transported to shore for analysis. Collecting around 200 cores will take approximately 10 working days. Exact sampling locations will be determined using results from geophysical surveys and recommendations from the marine ecology specialist study as part of the EIA.

PHASE 3

a) Drill sampling

Prospective target areas will be investigated using a specially designed drilling tool that can collect gravel and other seabed materials. The material brought to the surface will be processed onboard a vessel using a processing plant, and the remaining fine material (tailings) will be discharged back into the sea. This can result in temporary sediment plumes in the water column. The formation and persistence of these sediment plumes depends mainly on the size of the particles and the prevailing ocean conditions. Coarser material such as sand settles quickly and produces short-lived plumes, while finer muddy sediments can remain suspended for longer periods.

Depending on the final tool design, the drill will impact an area of approximately 3 to 5 m² per sample. The average drilling depth is expected to be around 3 m, although the system is capable of drilling up to 12 m into the seabed if required. Each sample is expected to yield approximately 9 to 15 m³ of material. This activity does not constitute bulk sampling in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002; pers. comms DMPR), as it is undertaken for prospecting purposes only and not for commercial extraction, and does not involve large-scale removal or dredging of the seabed. At an initial sampling density of 0.06 samples per hectare, approximately 150 samples will be collected. A further 150 follow-up samples may be required, resulting in a total of 300 drilling samples. These will cover a total disturbed area of approximately 1 500 m² (based on a 5 m² drill footprint) and will be spaced roughly 300 m apart in a north-south direction. At a rate of about 30 samples per day, this phase would take approximately 10 days, excluding potential weather delays. If follow-up results indicate a potentially viable resource, a more detailed phase of resource evaluation would be undertaken. This would focus on smaller defined areas of up to 500 m by 300 m, with additional sampling on a 50 m grid. Around 20 such resource development areas are expected, requiring approximately 1 200 additional samples and covering a total disturbed area of about 6 000 m² (again based on a 5 m² drill footprint). At a rate of 30 samples per day, this phase would take approximately 40 days.

Overall, the total seabed area disturbed across Phases 1, 2, and 3 is estimated at approximately 7 507 m² (0.75 ha/ 0.007507 km²). This represents a very small proportion (0,0002 %) of the total Concession Area 6C (~346 000ha/ 3 500km²). The information collected will be used to understand seabed conditions, evaluate mineral resources, and determine whether mining within Concession Area 6C is economically viable. It will also inform the design of the future mining vessel and help identify potential areas suitable for mining activities.

PHASE 4:

a) Feasibility study and resource estimation

Should Phases 1, 2 and 3 yield positive results and the targeted features be identified, a feasibility study will be conducted to assess the likely magnitude of the resource and the economic viability of mining in the proposed prospecting area. This will be a desktop study and will consider the data collected as part of the prospecting activities. The outcome of this will be a Feasibility Study Report. The report will include data on the seafloor topography, sediment stratigraphy and geological units; distribution of potentially mineralised deposits; an evaluation of the drill samples; resource evaluation of areas that are mineralised; an estimate of the extent and size of the resource present; results and recommendations for future mining operations, and recommendations on mining vessel design and construction.

SPECIALIST STUDY SUMMARIES & HIGH-LEVEL IMPACT IDENTIFICATION

MARINE ECOLOGY AND FISHERIES:

Concession Area 6C lies within the Southern Benguela Shelf, a highly productive cool-temperate region along South Africa's west coast influenced by nutrient-rich upwelling. This supports diverse marine life, including pelagic and demersal fish, marine mammals, and seabirds.

HABITATS

The dominant benthic habitats within the area comprise muddy sands interspersed with coarser sandy substrates and scattered rocky outcrops. Unconsolidated subtidal habitats support diverse benthic communities that play important roles in nutrient cycling and ecosystem functioning, while also serving as indicators of environmental health. Rocky outcrops provide habitat for slow-growing epifaunal species, including sponges, anemones, and cold-water corals, many of which are sensitive to physical disturbance. The pelagic environment is influenced by the highly productive Benguela Current system and prevailing south-easterly winds, supporting abundant plankton communities and a wide range of fish, seabirds, marine mammals, and turtles. Two notable offshore geological features occur within approximately 150 km of the 6C Concession area: Childs Bank to the south and Tripp Seamount to the west.

BIODIVERSITY

The benthic invertebrates community is separated in those that live on (epifauna), and those that live in the sediment (infauna). Benthic communities on the west coast are dominated by molluscs, polychaetes, and crustaceans, with differences driven largely by particle size. The muddier areas of the region are typically characterised by mud prawns *Calocaris barnardi* while coarser sediments are dominated by deposit feeding polychaetes like *Spiophanes duplex* and *Nephtys* sp. Rocky outcrops are host to sponges and cold water corals that form complex habitats for many other species.

Seasonal nutrient-rich upwelling associated with the Namaqua Upwelling Cell drives high phytoplankton productivity, forming the foundation of a productive pelagic ecosystem. These phytoplankton blooms support abundant zooplankton populations, which in turn sustain key small pelagic fish species such as sardine *Sardinops sagax* and anchovy *Engraulis encrasicolus*, as well as juvenile hake *Merluccius paradoxus* and *M. capensis*. These species constitute an important prey base for larger fish, seabirds, and marine mammals. The region also serves as a migratory and foraging corridor for several commercially important fish species, including snoek *Thyrsites atun*, which track anchovy distributions. In addition, the area supports a range of

larger pelagic species, including tunas, billfishes, and pelagic sharks, many of which are classified as threatened or near threatened by the IUCN.

Several seabird species occur in the region, including threatened species such as the African Penguin and Cape Gannet, which breed on the west coast and rely on small pelagic fish for food. Many species forage within tens of kilometres of the coast, meaning they may occur within the concession area. A diverse range of whales, dolphins, and seals may occur in the region, in the tens of species. These including threatened species such as the Blue Whale *Balaenoptera bonaerensis*, Sei Whale *B. borealis*, and Humpback Whale *Megaptera novaeangliae* as well as many species categorised as Least Concern by the IUCN.

SENSITIVITY AND SIGNIFICANCE

According to the 2025 National Biodiversity Assessment (NBA), the marine threat status¹ within Concession Area 6C are classified as Least Concern, indicating that the ecosystem remains largely intact with relatively low levels of degradation or that hosts species considered at low risk of extinction. There is no overlap with any Marine Protected Area (MPA), with the Namaqua Fossil Forest MPA found ~30 km north of the concession area and the Namaqua MPA ~50 km southeast. There is some of overlap with the Critical Biodiversity Areas (CBAs), with around 9% (320 km² approximately) of 6C being classified as a CBA Natural Area. CBAs are spatially identified areas required to meet biodiversity targets and safeguard ecological processes, as determined through systematic biodiversity planning and spatial prioritisation. In the marine environment, these typically include areas important for key habitats, species distributions, ecological connectivity, and ecosystem functioning. CBAs are used in South Africa as decision-support tools to guide sustainable development and biodiversity conservation. They have been developed through national-scale biodiversity planning processes, however their incorporation into regulatory and decision-making frameworks alignment with marine spatial planning instruments, and consistent application within ESIA processes are still developing in practice. A range of sea-use activities and recommendations as to their permissibility, subject to compatibility with different Critical Biodiversity Areas, is presented in Harris et al. (2022), the Draft Marine Biodiversity Sector Plan (DFE 2023a) and the Proposed Approach to Spatial Development and Management for South Africa's Marine Planning Areas (2019). Activities assessed not compatible are recommended to be prohibited. The CBAs of highest priority are CBA Natural areas, so as far as possible, mining in these areas should be avoided as prospecting activities are not permitted within CBA natural areas.

MARINE RESOURCE USE

The primary users of the marine space around Concession Area 6C are commercial fishing, shipping industries, and offshore diamond mining. While most shipping routes occur further offshore, some fisheries, including tuna pole-and-line, and traditional linefish sectors, may operate in the broader region but there is no direct overlap with the Concession Area. The tuna pole-and-line fishery targets species such as albacore and yellowfin tuna and operates mainly offshore between Cape Agulhas and the Orange River, however, almost all activity take place south of the concession area, and impacts from the proposed activities are expected to be insignificant. The traditional linefish sector targets a wide variety of fish species using hook-and-line methods and is an important livelihood fishery in South Africa. However, as this fishery typically operates in shallower waters closer to shore, and from inhabited areas, the nearest major hub being Hondeklipbaai, interaction with linefishing activities in the offshore concession area is expected to be negligible. Small-scale commercial fishing and marine-related activities continue to support livelihoods in several coastal communities but again these are unlikely to be impacted by the proposed 6C prospecting.

¹ Indicator of how threatened ecosystems are, in other words the degree to which ecosystems are still intact or alternatively losing vital aspects of their structure, function or composition. Ecosystem types are categorised as Critically Endangered, Endangered, Vulnerable, Near Threatened or Least Concern, based on the proportion of the original extent of each ecosystem type that remains in good ecological condition relative to a series of biodiversity thresholds. Critically Endangered, Endangered and Vulnerable ecosystems are collectively referred to threatened ecosystems, and may be listed as such in terms of the Biodiversity Act.

Abalone ranching areas do exist inshore of 6C but these, again, are unlikely to be impacted by prospecting in 6C on account of the very nearshore nature of abalone ranching.

POTENTIAL IMPACTS

During the scoping phase, the potential impacts associated with the proposed prospecting activities were assessed as ranging from medium to insignificant significance prior to mitigation. With the implementation of appropriate mitigation measures, all impacts can be reduced to low, very low, or insignificant levels.

The impact of greatest concern relates to potential seismic disturbance to marine mammals, which was assessed as having medium negative significance prior to mitigation. Migrating humpback and southern right whales are regularly recorded along the west coast, while odontocetes such as dusky and Heaviside's dolphins (both listed as Near Threatened by the IUCN) may occur in the area throughout the year. The Topas sub-bottom profiler proposed for the survey has the potential to disturb these mid-frequency cetaceans. However, the application of standard marine mammal mitigation measures is expected to reduce this impact to low significance.

Although portions of Concession Area 6C contain environmentally sensitive habitats, the proposed prospecting activities are not expected to result in significant ecological impacts due to the limited spatial footprint of the survey. The total seabed area expected to be disturbed during sampling is approximately at 7 507 m² or 0.75 ha, which represents just (0,0002 %) of the total concession area. In addition, no invasive sampling will be undertaken on reef areas as these are known to be hotspots for marine biodiversity. These areas will be identified only after the non-invasive seismic (acoustic) surveys have been completed. Consultation with stakeholders during the Public Participation Process will further elucidate areas that need to be avoided.

Potential impacts include (significance rating - post mitigation):

- Seismic disturbance to invertebrates, turtles and fish (Insignificant)
- Seismic disturbance to marine mammals (Low)
- Seismic disturbance to and seabirds (Very Low)
- Physical benthic sampling disturbance to benthic communities (Low)
- Vessel collisions with marine megafauna vessels (Insignificant)
- Waste discharges during vessel operations (Insignificant)
- Exclusion zones and proposed activities on fisheries (Insignificant)
- Vessel based artificial light disturbance to marine receptors (Very Low)
- Cumulative impacts of other adjacent marine activities (e.g. shipping traffic) (Low)

SOCIO-ECONOMIC CONTEXT

REGIONAL CONTEXT

The Namakwa District Municipality is located in the north-western part of the Northern Cape Province and encompasses a vast, sparsely populated region characterised by arid landscapes, small settlements, and dispersed rural communities. It is comprised of six local municipalities namely, Kamiesberg, Nama Khoi, Hantam, Khai-Ma, Karoo Hoogland and Richtersveld. The Namakwa District Municipality is the largest district municipality in the province, making up over a third of its geographical area. It covers around 126 836 km² and has a total population of just 139 370 inhabitants and around 41 613 households. The district's economy is traditionally based on mining, agriculture, fishing and nature-based tourism, with mining historically playing a significant role in regional economic development and employment generation.

Along the coast, communities such as Port Nolloth, Hondeklipbaai, Kleinsee and Koinaas have historically been closely associated with the diamond mining industry. While mining remains an important economic

sector, declining mineral production in some areas has contributed to economic challenges, including high unemployment levels and limited opportunities for economic diversification. Small-scale commercial fishing and marine-related activities continue to support livelihoods in several coastal communities, while nature-based tourism associated with the Namaqualand coastline and seasonal wildflower displays within the Namaqua National Park contributes to local economic activity. The district has a relatively small population distributed across a large geographic area, resulting in limited access to services and infrastructure in some communities. Socio-economic challenges include unemployment, poverty, skills shortages and out-migration of younger residents seeking employment opportunities elsewhere. Despite these challenges, the region's coastal and marine resources remain important contributors to local livelihoods, cultural identity and future economic development opportunities.

The proposed offshore prospecting activities within Concession Area 6C are located offshore of the Namakwa coastline. While the prospecting activities are not expected to directly affect onshore communities, the marine environment supports a range of economic activities, including commercial and small-scale fishing, tourism and shipping that contribute to the regional economy.

LOCAL CONTEXT

Koingnaas is a small settlement located within the Kamiesberg Local Municipality of the Namakwa District in the Northern Cape Province. The town lies approximately 11 km east of Concession Area 6C, 5 km inland from the coast, 65 km south of the coastal town of Kleinsee and 20 km north of the coastal town of Hondeklipbaai. Established in 1970 as a company town supporting offshore and coastal diamond mining operations along the Namaqualand coast, the settlement experienced significant population and economic decline following the contraction of alluvial diamond mining and the withdrawal of De Beers from the area in 2008. Like several former mining settlements along the Northern Cape coast, Koingnaas has experienced significant depopulation and now functions largely as a remnant mining settlement with limited economic activity.

According to the 2011 Census, Koingnaas had a population of just 105 residents occupying an area of approximately 47 km². The population is predominantly Afrikaans speaking, with the majority identifying as Coloured. The town is located within a restricted access area, where visitors are required to register and present identification at the entrance gate. The town is accessed via a gravel road and has limited services, including two general stores and a library. The local clinic is currently not operational, with residents relying on healthcare services in Hondeklipbaai. There are no schools in Koingnaas, and learners either attend schools in Hondeklipbaai or Kleinsee, or receive home-based education. Situated within the ecologically significant Namaqualand coastal region, this local town forms part of a broader landscape characterised by low population densities, a strong mining heritage, and emerging opportunities associated with nature-based tourism, conservation and coastal resource management.

POTENTIAL IMPACTS

Prospecting is unlikely to overlap with key fisheries which operate in the broader region, including tuna pole and line, traditional linefish sectors (see marine ecology and fisheries section above). These fisheries typically operate in shallower waters closer to shore and further south, where interaction with prospecting activities in Concession Area 6C are expected to be negligible. At the same time, Trans Atlantic Diamonds' prospecting operations could provide employment, procurement and skills-transfer opportunities, supporting economic development at a regional to national scale. At the local scale, the potential impact on economic performance is expected to be insignificant. Potential Impacts and benefits include:

- Socio-economic impacts on tuna pole and line and traditional line fish (Insignificant)
- Socio-economic impacts on small pelagic purse seine (Insignificant)
- Regional economic benefits (Low positive)
- Local economic benefits (Insignificant)

HERITAGE RESOURCES

PALAEONTOLOGY

The formations which make up the “footwall” of the shelf, are generally underlined by unconsolidated Quaternary sediments that were deposited since about 300 ka (ka=thousand years ago), and are the sources of fossils, which mostly are eroded out and occur as objects in the overlying Quaternary gravels. Seaward from the inner shelf are successively younger formations of Cretaceous, Paleogene and Miocene age which comprise the middle shelf of the concession area. The discoveries of the Cretaceous fossil woods, the Miocene petrified whale fossils and the Subantarctic, Algoa and West African molluscan taxa in the Last Transgression Sequence, are all published in the international scientific literature.

The Palaeontological Scoping Report recommends that the Environmental Management Programme (EMP) for the proposed prospecting and mining rights area include provisions for the collection of representative examples of the fossils that occur therein. As part of Environmental Awareness Training, geological staff involved in logging and sample analysis must be informed of the need to watch for fossil material and rescue such from the vibracores, grab samples and the drillship gravel oversize screen.

Furthermore, all material of potential interest must have the details of context recorded and be kept for identification by an appropriate specialist and if significant, to be deposited in a curatorial institution such as the IZIKO SA Museum. Details will be provided in the Palaeontology Impact Assessment.

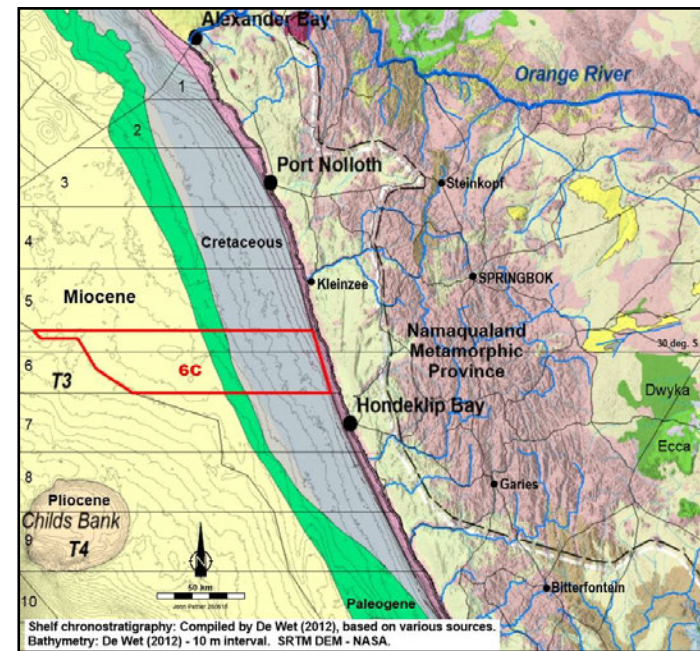


Figure 7 The footwall geology of Sea Concession 6C.

ARCHAEOLOGICAL SENSITIVITIES

South Africa has a rich and diverse underwater cultural heritage. Strategically located on the historical trade route between Europe and the East, South Africa's rugged and dangerous coastline has witnessed more than its fair share of shipwrecks and maritime dramas in the last 500 years.

According to SAHRA's records, at least 2,900 vessels are known to have sunk, or been wrecked, abandoned or scuttled in South African waters since the early 1500s. This does not include the as yet unproven potential for shipwrecks and other sites that relate to pre-European, Indian Ocean maritime exploration, trade and interactions along the South African east coast, or the potential for wrecks of vessels which simply disappeared between Europe and the East to be present in our waters.

Our coastal maritime heritage also includes a largely unexplored, but increasingly acknowledged submerged pre-colonial element, consisting of prehistoric terrestrial archaeological sites, materials and palaeolandscapes which are now inundated by the sea, as well as palaeontological, fossil material in the bedrock which underlies the seabed, and within seabed sediments themselves.

This report considers the potential for submerged pre-colonial archaeological resources and historical shipwrecks in Concession Area 6C.

SUBMERGED PREHISTORY

Since the start of the Quaternary, approximately 2.6 million years ago, the world has been subject to a series of cooling and warming climatic cycles and sea level was mainly lower than it is today.

During the last 900,000 years, during which our tool-making ancestors were colonising much of the world, global sea levels have fluctuated substantially on at least three occasions, the result of increased and decreased polar glaciation. The dropping of sea levels was caused by the locking up in the polar ice caps of huge quantities of seawater as global temperatures cooled.

The most extreme recent sea level drop occurred between circa 20,000 and 17,000 years ago when, during Marine Isotope Stage 2 (MIS) at the height of the last glaciation, the sea was more than 120 m lower than it is today (Waelbroeck *et al.*, 2002; Rohling *et al.*, 2009). Similar sea level low stands occurred during MIS 4 (~70,000 years ago), MIS 6 (~190,000 years ago), MIS 8 (~301,000 years ago) and MIS 12 (~478,000 years ago).

Each of these low stands would have "added a large coastal plain to the South African land mass" (Van Andel, 1989:133) where parts of the continental shelf were exposed as dry land (see Cawthra *et al.*, 2016). The exposure of the continental shelf would have been most pronounced on the wide Agulhas Bank off the southern Cape coast, and it is estimated that a new area of land, as much as 80,000 km² in extent, was exposed during the successive glacial maxima (Fisher *et al.*, 2010).

The exposed continental shelf was repeatedly populated by terrestrial flora and fauna, and also by our human ancestors who were dependant on these resources (Compton, 2011). and for periods numbering in the tens of thousands of years, on at least three occasions during. During the last 500,000 years, covering the latter part of the Earlier Stone Age (ESA), the MSA, and the early Later Stone Age (LSA), our ancestors inhabited areas of what is now seabed around the South African coast. This means that a large part of the archaeological record of the later Earlier, Middle and early Late Stone Age is located on the continental shelf and is now "inundated and for all practical purposes absent from [that] record" (Van Andel, 1989:133-134). Until relatively recently there was little or no global understanding of the potential for, or access to, submerged prehistoric landscapes and sites on the continental shelf. Increasingly frequent discoveries in various parts of the world of drowned, formerly terrestrial landscapes, often as a result of development-led seabed surveys and sampling, is, however, providing increasing evidence for the survival of prehistoric archaeological sites on and within the current seabed.

Closer to home, there is archaeological evidence for a prehistoric human presence in what is now Table Bay. In 1995 and 1996 during the excavation of two Dutch East India Company shipwrecks, divers recovered three

ESA handaxes from the seabed under the wrecks. The stone tools, which are between 300,000 and 1.4 million years old, were found at a depth of 7-8 m below mean sea level and were associated with Pleistocene sediments from an ancient submerged and infilled river channel. Their unrolled and unworn condition indicate that they had not been carried to their current position by the ancient river and suggests that they were found more or less where they were dropped ESA hominins more than 300,000 years ago (possibly during MIS 8 (~301,000 years ago) or MIS 12 (~478,000 years ago)), when the sea level was at least 10 m lower than it is today (Werz and Flemming, 2001; Werz *et al.*, 2014).

SUBMERGED PREHISTORY POTENTIAL OF CONCESSION AREAS 11B AND 13B

There have, to date, been no studies of the submerged prehistory of the West Coast but the terrestrial archaeological evidence for a hominin presence along the coast in the vicinity of the concession area during the EAS, MSA and LSA is plentiful.

Diepkloof Rock Shelter, inland of Elands Bay and south of the concession area, for example, contains evidence of a nearly continuous human occupation for nearly 85,000 years (see Parkington and Poggenpoel, 1987; Texier *et al.*, 2010), while Elands Bay Cave, on the coast at the mouth of the Verloren Vlei, preserves archaeological evidence of the Pleistocene / Holocene transition during the LSA (Parkington, 1988). Further south at Hoedjiespunt in Saldanha Bay, four hominid teeth, four or five small fragments of cranium, and two postcranial bones from up to two individuals have been found in an ancient hyena lair and are associated with uranium series dates on ostrich eggshell fragments which imply an ESA / MSA age of 130,000 to 180,000 years for these hominids (Berger and Parkington, 1996). Nearby, at Churchhaven on the Langebaan Lagoon a set of fossilized human footprints were discovered in an aeolianite slab in 1995. They are thought to be those of a female hominin (hence their nickname "Eve's footprints") and have been dated to approximately 117,000 years ago, during the MSA and very close to the start of the last glaciation when sea levels were starting to fall (<http://www.sawestcoast.com/fossileve.html>). LSA coastal shell middens are ubiquitous along the West Coast, as are numerous MSA shell middens; the latter being some of the earliest evidence in the world for the exploitation by our ancestors of marine resources. Older, ESA lithics are also commonly found along on the West Coast. For example, extensive evidence of an ESA presence in this landscape has been uncovered because of mining operations at Tronox Namaqua Sands (David Halkett, ACO Associates, pers. comm.; Orton, 2017a). ESA material has been also been reported from the Tormin Mineral Sands Operation adjacent to Concession Area 12B (Halkett, D. 2023a, 2023b; Halkett, D., & Webley, L. 2016b) and archaeological surveys for both mining operations have identified numerous MSA and LSA sites within and behind the coastal dune cordon (see Hart & Halkett, 1994; Halkett, D. 2023a, 2023b; Halkett, D., & Webley, L. 2016b).

As discussed in the previous section, the maximum sea level low stand during the Quaternary, when hominins would have been present in and on the South African landscape, was c. -120 m. Any area Concession Area 6C where the seabed is shallower than -120 m would have been exposed as subaerial land for much of the last 200 000 years - for ~65 000 years during the MIS 6 ice age, and again between the start of the MIS 5a marine incursion at 80 000 years ago and about 9 000 years ago – and would thus have the potential to have been used by our ancestors and to preserve the archaeological evidence of that use. However, the survival of such terrestrial deposits on or on the seabed is low, as they would have mostly been eroded away and reworked as sea-level rose during the Last Transgression around 9 000 years ago.

Despite this, the evidence exists worldwide and in South Africa for the survival of submerged prehistoric sediments and archaeological material and it is possible that such material may be present in seabed sediments in Concession Area 6C, both as undisturbed, in situ archaeological deposit, but more likely in disturbed, secondary contexts. Buried and submerged river palaeo-channels occur along the entire Namaqualand coast, although they are not shown on the geological maps, being covered by younger deposits. Examples of such channels are known north of the concession area at Kleinsee, Langklip Bay and between Hondeklop Bay and the Swartlants River (O'Shea, 1971; Hattingh, 2015). Such channels and their associated sediment bodies have the potential to contain, archaeological material and palaeo-environmental evidence. At the same time these channels and the sediment they contain are one of the potential targets of prospecting.

MARITIME HISTORY OF THE WEST COAST AND CONCESSION AREA 6C

The maritime history of the West Coast dates to almost the early days of the Dutch settlement in Table Bay. The Dutch settlers were quick to recognise and exploit the rich marine resources of the West Coast and fishing and sealing flourished, with the catches transported down the coast to supply the VOC settlement in Table Bay.

This industry led to the development of fishing villages at Saldanha Bay and Lamberts Bay: the former, together with places like Elands Bay, also later becoming ports for the export of grain and other produce from the Swartland and Cederberg (Ingpen 1979).

During the early nineteenth century the West Coast islands became the focus of an international 'white gold' rush to exploit their rich guano resources (Watson, 1930; Snyders, 2011). The guano was soon depleted but the discovery of copper deposits in Namaqualand and the Richtersveld led to the use of Alexander Bay, Robbe Bay (now Port Nolloth) and Hondeklip Bay as established anchorages by the early 1850s and the development of local, coasting shipping services to support this new industry (The Nautical Magazine and Naval Chronicle 1855: 297-303; Ingpen 1979).

According to the available sources, there are at least 89 shipping casualties recorded between the Berg and Orange Rivers, many of which were vessels involved in coastal trade and fishing. None of these maritime casualties are recorded within Concession Area 6C, and it appears unlikely that there will be historical shipwrecks present on the seabed within the concession area. It must be noted, however, that although unlikely, the possibility does exist for the remains of currently unknown and unrecorded wrecks to be present in the concession area. The historical records contain many references to vessels that were lost without trace between their points of departure and arrival. Where survivors of such events were subsequently rescued, the loss was recorded, but in many cases, vessels simply never arrived at their destination and could thus lie anywhere along their intended route. The potential for the occurrence of such unrecorded wrecks was illustrated in 2008 when a 16th century Portuguese wreck, since identified as the *Bom Jesus*, was unexpectedly found during the diamond mining south of Oranjemund in Namibia (see Alves 2011).

CONCLUSION

The Archaeological scoping assessment of Concession Area 6C indicates that there is some potential for the occurrence of submerged prehistoric archaeological sites or material in the seabed sediments in that portion of the concession area that is shallower than 120 m. Although it is more likely than not that prehistoric archaeological artefacts will be found in disturbed or secondary contexts, their presence in an offshore, submerged context lends them an archaeological significance greater than similar material in a disturbed terrestrial context. The potential presence of prehistoric archaeological artefacts in or on the seabed in Concession Area 6C is not considered a fatal flaw to the proposed prospecting activities. The implementation of measures to identify and recover any such material during the processing of grab and core samples would mitigate any impacts to this heritage resource through a contribution to archaeological knowledge. There are no records of historical shipwrecks in Concession Area 6C and there appears to be little or no potential for unrecorded shipwrecks to be present in the area either. This archaeological receptor is, therefore, not considered a fatal flaw to the proposed prospecting. In the unlikely event that shipwreck material, or related seabed debris is identified in Concession Area 6C, either from geophysical data before prospecting, or during seabed sampling activities, the reporting of the find to SAHRA and its exclusion from the footprint of sampling activities thereafter will serve as minimum mitigation measures.

No heritage-related permits are required for the prospecting to be authorised, but if any archaeological or palaeontological material requires mitigation then the contracted archaeologist and/or palaeontologist will need to obtain a permit from SAHRA, in their own name, to perform the work.

APPLICATION PROCESS AND TIMELINE

Phase 1: Lodge Application

An application for a PR and EA has been lodged with the DMPR.

Phase 2: Pre-Consultation and Registration Period

An opportunity is provided for local communities, representative bodies, stakeholders, and other I&APs to register as I&APs for the project. Registration will ensure that I&APs receive further updates regarding the project and associated application process.

The BID is also available for review and comment during the pre-consultation period, which runs from **20 June 2026 to 23:59 on 29 June 2026**.

Documents can be accessed electronically at:

<https://anchorenvironmental.co.za/public-documents>

Phase 3: Circulate documents during Participation Period

The Draft BAR, Environmental Management Programme (EMPr), and specialist reports will be made available for review and comment during a 30-day public participation period, anticipated to run from mid-July 2026 to mid-August 2026. The documents will be available electronically on Anchor's website, as well as in hard copy at designated public locations in Hondeklipbaai and Kleinsee.

Phase 4: Submit Final BAR to the DMPR

All stakeholder comments will be considered and addressed in a Comments and Responses Report (CRR), which will form part of the final BAR. The final BAR will then be submitted to the DMPR for decision-making.

Phase 5: Decision by the DMPR

The DMPR will have 107 days to review the submitted application documents and decide whether to grant the Environmental Authorisation (EA) and Prospecting Right (PR) for Concession Area 6C.

HOW TO REGISTER AND PARTICIPATE

I&APs are herewith invited to register as I&APs and submit preliminary comments on the BID and proposed activity during the Pre-Consultation Registration Period:

From: Saturday 20 June 2026

To: Monday 29 June 2026 at 23:59

METHOD TO COMMENT:

Submit your comments to the contact person below via email, post or telephonically. Ensure that your name, contact details, your interest in this activity (e.g. resident, fisherman, etc.) and manner in which you wish to be contacted (phone/ WhatsApp/ post/ email) is provided.



Mr Steve September

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Office Park, Silverwood Close, Tokai, 7945

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENT

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

Project Details

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (NC 30/5/1/1/2/14851 PR).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process.

OPPORTUNITY TO COMMENT: A Background Information Document (BID) with preliminary information on the project and environment is available for review and comment.

Please review the BID, provide comments, and register as an Interested and Affected Party (I&AP):
From 20 June 2026 to 23:59 on 29 June 2026.

Where to access the BID:

- <https://anchorenvironmental.co.za/public-documents>

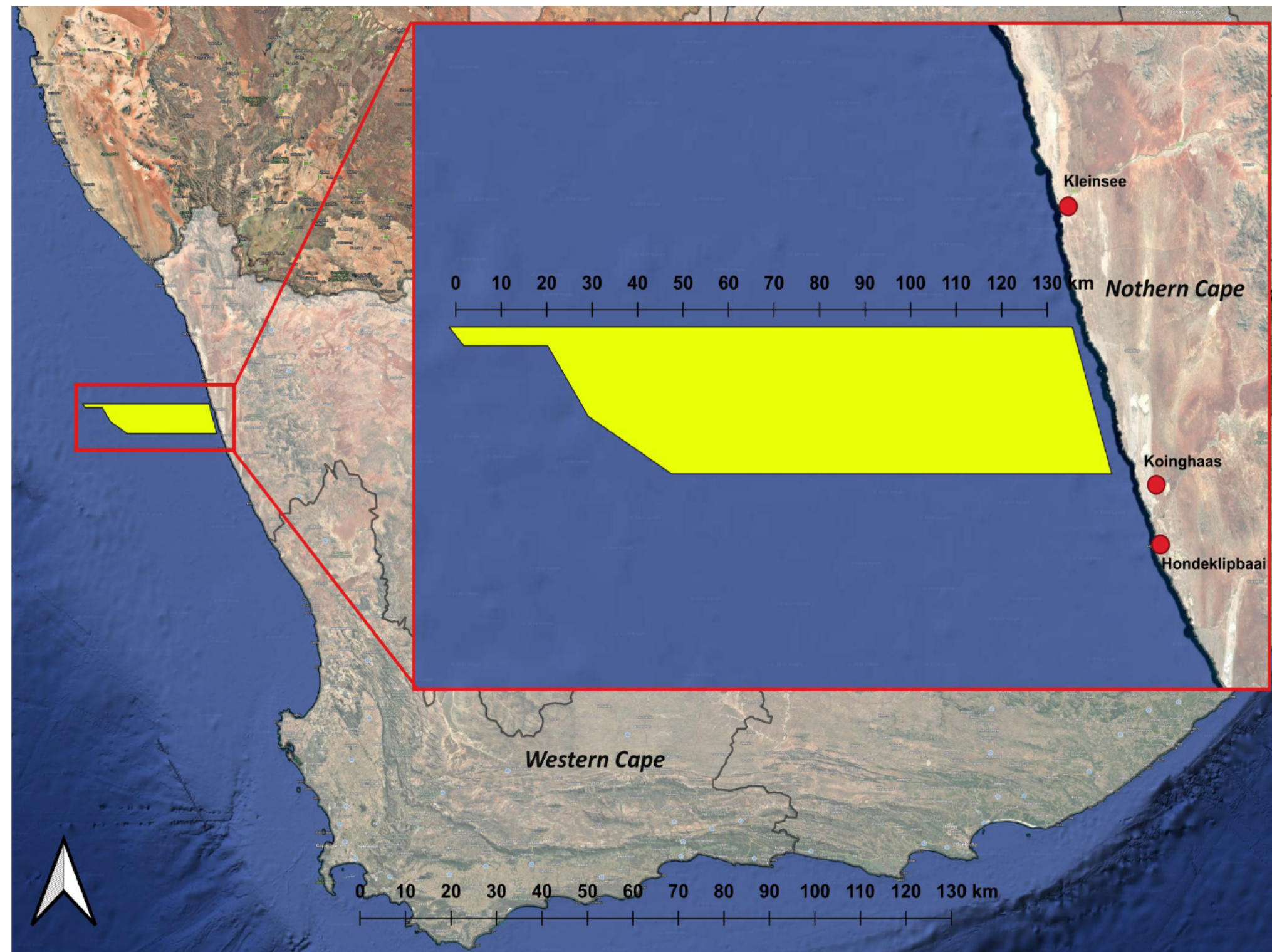


KENNISGEWING VAN AANSOEK OM PROSPEKTEERREGTE EN OMGEWINGSMAGTIGING IN SEEKONSESSIEGEBIED 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Kennisgewing ingevolge die Omgewingsimpakstudie-regulasies, 2014 (uitgevaardig ingevolge die Nasionale Wet op Omgewingsbestuur (NEMA), Wet 107 van 1998), en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne (MPRDA), Wet 28 van 2002.

Projekbesonderhede

Trans Atlantic Diamonds (Edms.) Bpk. het by die Departement van Minerale en Petroleumhulpbronne (DMPR) aansoek gedoen om Prospekterregte en Omgewingsmagtiging vir die prospektering van chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Seekonsessiegebied 6C (NC 30/5/1/1/2/14851 PR).



Die aansoek word onderneem ingevolge NEMA en MPRDA. Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite ingevolge die NEMA EIA-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgraving, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n prospekterreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiële omgewings-, sosiale, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyns aangestel om die Basiese Assesseringsproses uit te voer.

GELEENTHEID OM KOMMENTAAR TE LEWER: 'n Agtergrondinligtingsdokument (BID) met voorlopige inligting oor die projek en die omgewing is beskikbaar vir hersiening en kommentaar.

To submit comments/questions, receive updates, or register as an I&AP, contact:

Om kommentaar/vrae in te dien, op hoogte van die projek gehou te word, of om as 'n I&AP te registreer, kontak:



Mr Steve September
Anchor Environmental Consultants
Tel: 021 701 3420
Email/ E-pos:
steve@anchorenvironmental.co.za

Hersien die BID, lewer kommentaar en registreer as 'n Geaffekteerde en Belanghebbende (I&AP):
Vanaf 20 Junie 2026 tot 23:59 op 29 Junie 2026

Waar om die BID te verkry:

- <https://anchorenvironmental.co.za/public-documents>

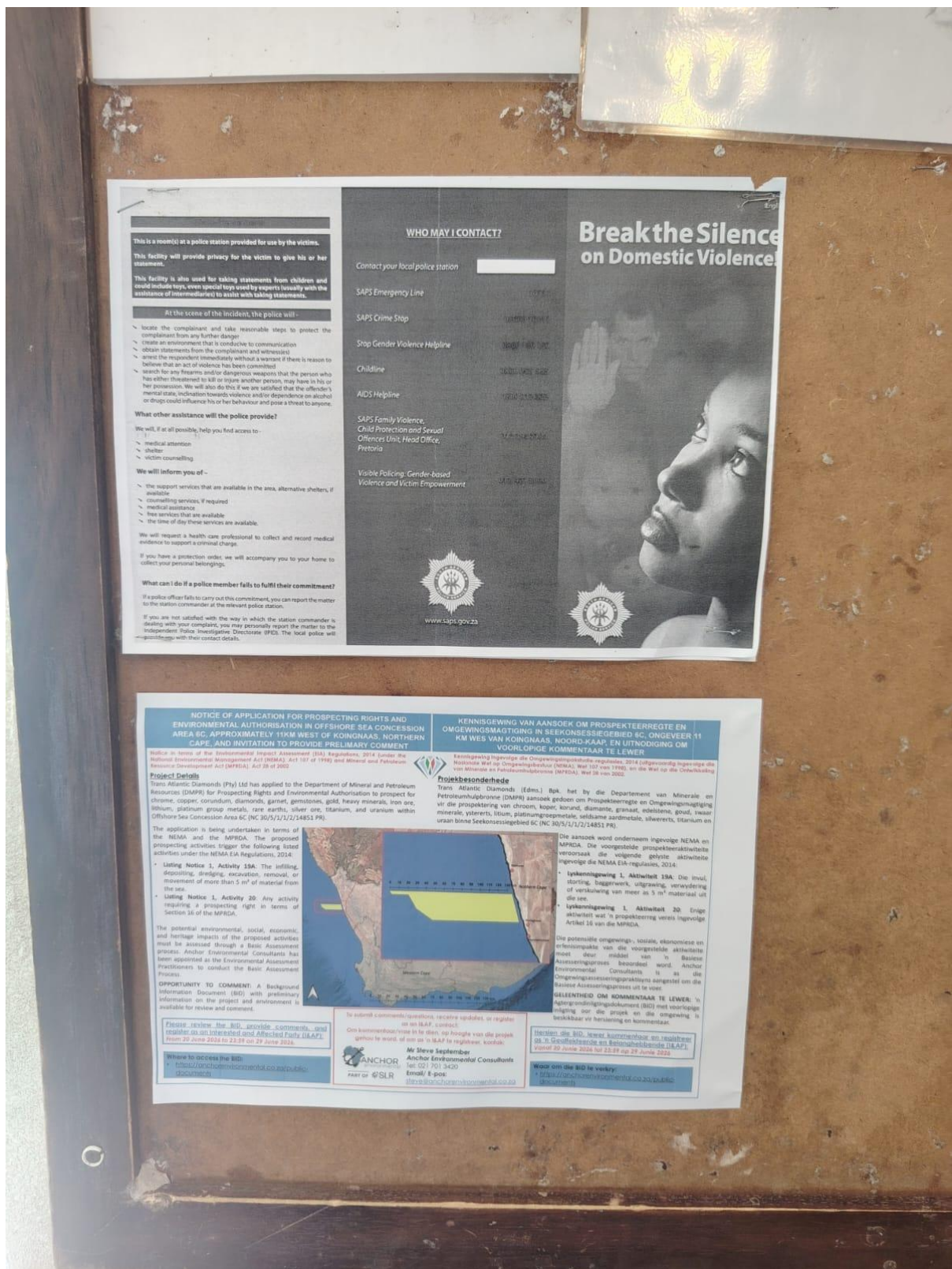


FIGURE 1. HONDEKLIPBAAI LIQUOR STORE

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENT

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

Project Details
Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (NC 30/5/1/1/2/14851 PR).

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OPPORTUNITY TO COMMENT: A Background Information Document (BID) with preliminary information on the project and environment is available for review and comment.

Please review the BID, provide comments, and register as an Interested and Affected Party (IAAP) from 20 June 2026 to 23:59 on 29 June 2026.

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KENNISGEWING VAN AANSOEK OM PROSPEKTEERREKTE EN OMGEWINGSMAGTIGING IN SEEKONSESSIEGEBIED 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Kennisgewing ingevolge die Omgewingswet 107 van 1998, en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne (MPRDA), Wet 28 van 2002.

Projekbesonderhede
Trans Atlantic Diamonds (Edms.) Bpk. het by die Departement van Minerale en Petroleumhulpbronne (DMPR) aansoek gedoen om Prospekterregte en Omgewingsmagtiging vir die prospektering van chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platina-groepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Seekonssessiegebied 6C (NC 30/5/1/1/2/14851 PR).

Die aansoek word onderneem ingevolge NEMA en MPRDA. Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite ingevolge die NEMA EIA-regulasies, 2014:

- Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgrawing, verwydering of verskuiving van meer as 5 m³ materiaal uit die see.
- Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n prospekterreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiele omgewings-, sosiale, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyn aangestel om die Basiese Assesseringsproses uit te voer.

GELEENTHEID OM KOMMENTAAR TE LEWER: 'n Agtergrondinligtingsdokument (BID) met voorlopige inligting oor die projek en die omgewing is beskikbaar vir hersiening en kommentaar.

Hersien die BID, lewer kommentaar, en registreer as 'n Geïnteresseerde en Belanghebbende (IAAP) Vanaf 20 Junie 2026 tot 23:59 op 29 Junie 2026.

Waar om die BID te verkry:
• <https://anchorenvironmental.co.za/public-documents>

To submit comments/questions, receive updates, or register as an IAAP, contact:

Om kommentaar/vrae in te dien, op hoogte van die projek gehou te word, of om as 'n IAAP te registreer, kontak:

Mr Steve September
Anchor Environmental Consultants
Tel: 021 701 3420
Email/ E-pos: Steve@anchorenvironmental.co.za

ANCHOR Environmental Consultants PART OF SLR

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Mr Steve September
Anchor Environmental Consultants
Tel: 021 701 3420
Email/ E-pos: Steve@anchorenvironmental.co.za

ANCHOR Environmental Consultants PART OF SLR

FIGURE 2. HONDEKLIPBAAI POLICE STATION



FIGURE 3. KLEINZEE OK GROCER

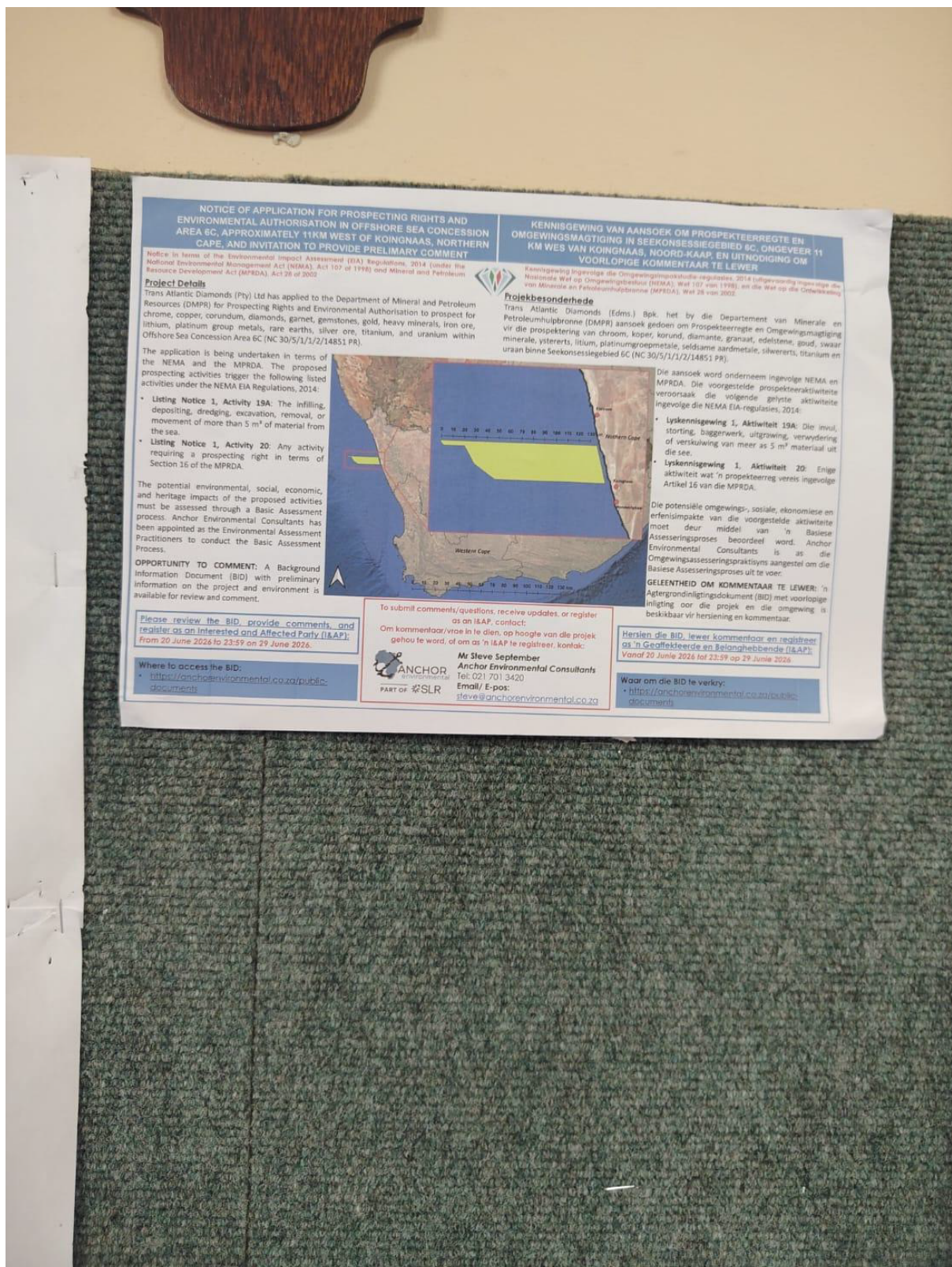


FIGURE 4. KOINGHAAS LIBRARY



FIGURE 5. KOINGHAAS MINIMARK



Outlook

INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

From Steve September <steve@anchorenvironmental.co.za>

Date Mon 6/15/2026 11:49 AM

Bcc mm@kamiesberg.gov.za <mm@kamiesberg.gov.za>; susarah.nero@gmail.com <susarah.nero@gmail.com>; barendd@kamiesberg.gov.za <barendd@kamiesberg.gov.za>; navrae@kamiesberg.gov.za <navrae@kamiesberg.gov.za>; tumelod@kamiesberg.gov.za <tumelod@kamiesberg.gov.za>; heinrich@kamiesberg.gov.za <heinrich@kamiesberg.gov.za>; melishian@kamiesberg.gov.za <melishian@kamiesberg.gov.za>; sakkiej@kamiesberg.co.za <sakkiej@kamiesberg.co.za>; johnhe@kamiesberg.co.za <johnhe@kamiesberg.co.za>; sarahc@kamiesberg.co.za <sarahc@kamiesberg.co.za>; brandon@kamiesberg.co.za <brandon@kamiesberg.co.za>; josephc@kamiesberg.co.za <josephc@kamiesberg.co.za>; gustav@kamiesberg.gov.za <gustav@kamiesberg.gov.za>; reservations@sanparks.org <reservations@sanparks.org>; GARIES@ncschools.co.za <GARIES@ncschools.co.za>; peter.dolamore@zircresources.com <peter.dolamore@zircresources.com>; susarah.nero@gmail.com <susarah.nero@gmail.com>; petert@gcis.gov.za <petert@gcis.gov.za>; heinrich@matzikama.co.za <heinrich@matzikama.co.za>; Johannes.adams@namakhoi.gov.za <Johannes.adams@namakhoi.gov.za>; candice.rabie@namakhoi.gov.za <candice.rabie@namakhoi.gov.za>; kathloho.palori@namakhoi.gov.za <kathloho.palori@namakhoi.gov.za>; info@namakwa-dm.gov.za <info@namakwa-dm.gov.za>; Jodinec@namakwa-dm.gov.za <Jodinec@namakwa-dm.gov.za>; roynnyc@namakwa-dm.gov.za <roynnyc@namakwa-dm.gov.za>; hertzogt@namakwa-dm.gov.za <hertzogt@namakwa-dm.gov.za>; ivang@namakwa-dm.gov.za <ivang@namakwa-dm.gov.za>; MJezile@environment.gov.za <MJezile@environment.gov.za>; FDaya@environment.gov.za <FDaya@environment.gov.za>; EnvironAssessment@environment.gov.za <EnvironAssessment@environment.gov.za>; ecloete@ncpg.gov.za <ecloete@ncpg.gov.za>; hhanekom@ncpg.gov.za <hhanekom@ncpg.gov.za>; msmit@ncpg.gov.za <msmit@ncpg.gov.za>; lhanser@ncpg.gov.za <lhanser@ncpg.gov.za>; Thabo.Mokoena@dmpr.gov.za <Thabo.Mokoena@dmpr.gov.za>; Buang.Mokate@dmpr.gov.za <Buang.Mokate@dmpr.gov.za>; Nhlanhla.jali@dmpr.gov.za <Nhlanhla.jali@dmpr.gov.za>; Molefe.morokane@dmpr.gov.za <Molefe.morokane@dmpr.gov.za>; Tshifhiwa.Mukwevho@dmpr.gov.za <Tshifhiwa.Mukwevho@dmpr.gov.za>; Deidre.Karsten@dmpr.gov.za <Deidre.Karsten@dmpr.gov.za>; Tshifhiwa.Mukwevho@dmpr.gov.za <Tshifhiwa.Mukwevho@dmpr.gov.za>; Thareen.Wippenaar@dmpr.gov.za <Thareen.Wippenaar@dmpr.gov.za>; Jasper.Nieuwoudt@dmpr.gov.za <Jasper.Nieuwoudt@dmpr.gov.za>; JohaarR@dws.gov.za <JohaarR@dws.gov.za>; NakinN@dws.gov.za <NakinN@dws.gov.za>; torcht@dws.gov.za <torcht@dws.gov.za>; badanak@dws.gov.za <badanak@dws.gov.za>; magaqanas@dws.gov.za <magaqanas@dws.gov.za>; SimawoZ@dws.gov.za <SimawoZ@dws.gov.za>; engelbrecht@dws.gov.za <engelbrecht@dws.gov.za>; lintnaar-Straussm@dws.gov.za <lintnaar-Straussm@dws.gov.za>; saaymans@dws.gov.za <saaymans@dws.gov.za>; zantantaq@dws.gov.za <zantantaq@dws.gov.za>; claassenm@dws.gov.za <claassenm@dws.gov.za>; MPhasha@environment.gov.za <MPhasha@environment.gov.za>; LDitshego@environment.gov.za <LDitshego@environment.gov.za>; Livia@environment.gov.za <Livia@environment.gov.za>; slekota@environment.gov.za <slekota@environment.gov.za>; BCAdmin@environment.gov.za <BCAdmin@environment.gov.za>; amaifo@environment.gov.za <amaifo@environment.gov.za>; kmatibe@environment.gov.za <kmatisbe@environment.gov.za>; CSCApplications@environment.gov.za <CSCApplications@environment.gov.za>; CSCenquiries@environment.gov.za <CSCenquiries@environment.gov.za>; Zgalant@environment.gov.za <Zgalant@environment.gov.za>; WCRL@environment.gov.za <WCRL@environment.gov.za>; OCEIA@environment.gov.za <OCEIA@environment.gov.za>; jbeaumont@environment.gov.za <jbeaumont@environment.gov.za>; Ttanci@environment.gov.za <Ttanci@environment.gov.za>; TCoetsee@environment.gov.za <TCoetsee@environment.gov.za>; SMagaqa@environment.gov.za <SMagaqa@environment.gov.za>; ttanci@dffe.gov.za <ttanci@dffe.gov.za>; kmagongwa@dffe.gov.za <kmagongwa@dffe.gov.za>; nbpillay@environment.gov.za <nbpillay@environment.gov.za>; TMeregi@environment.gov.za <TMeregi@environment.gov.za>; ayaphi@upprov.ncape.gov.za <ayaphi@upprov.ncape.gov.za>; bronwen.dtec@gmail.com <bronwen.dtec@gmail.com>; woppel.dtec@gmail.com <woppel.dtec@gmail.com>; elsabewart.denc@gmail.com <elsabewart.denc@gmail.com>;

natalieuus.denc@gmail.com <natalieuus.denc@gmail.com>; EIAAdmin@environment.gov.za <EIAAdmin@environment.gov.za>; fgirnett@environment.gov.za <fgirnett@environment.gov.za>; sdromo@environment.gov.za <sdromo@environment.gov.za>; fgirnett@environment.gov.za <fgirnett@environment.gov.za>; Tnyalunga@environment.gov.za <Tnyalunga@environment.gov.za>; MMogorosi@environment.gov.za <MMogorosi@environment.gov.za>; XMyanga@environment.gov.za <XMyanga@environment.gov.za>; Tmboweni@environment.gov.za <Tmboweni@environment.gov.za>; nmkhize@environment.gov.za <nmkhize@environment.gov.za>; cmarais@environment.gov.za <cmarais@environment.gov.za>; MPretorius@environment.gov.za <MPretorius@environment.gov.za>; bsemoli@environment.gov.za <bsemoli@environment.gov.za>; mbeta@environment.gov.za <mbeta@environment.gov.za>; angqongwa@environment.gov.za <angqongwa@environment.gov.za>; SMiddleton@environment.gov.za <SMiddleton@environment.gov.za>; DStevens@environment.gov.za <DStevens@environment.gov.za>; spheeha@environment.gov.za <spheeha@environment.gov.za>; odubula@environment.gov.za <odubula@environment.gov.za>; SSFM@environment.gov.za <SSFM@environment.gov.za>; fransiena83@gmail.com <fransiena83@gmail.com>; bwilliams@sahra.org.za <bwilliams@sahra.org.za>; nhiggitt@sahra.org.za <nhiggitt@sahra.org.za>; Carmen.Abrahams@dpw.gopcv.za <Carmen.Abrahams@dpw.gopcv.za>; info@DALRRD.gov.za <info@DALRRD.gov.za>; queries@dalrrd.gov.za <queries@dalrrd.gov.za>; Fatima.Williams@dalrrd.gov.za <Fatima.Williams@dalrrd.gov.za>; WAlexander@dalrrd.gov.za <WAlexander@dalrrd.gov.za>; David.Smit@dalrrd.gov.za <David.Smit@dalrrd.gov.za>; BMars@dalrrd.gov.za <BMars@dalrrd.gov.za>; Clareen.Collins@dalrrd.gov.za <Clareen.Collins@dalrrd.gov.za>; Lubabalo.Mbekeni@dalrrd.gov.za <Lubabalo.Mbekeni@dalrrd.gov.za>; Andrey.Booyesen@dalrrd.gov.za <Andrey.Booyesen@dalrrd.gov.za>; LJoseph@dalrrd.gov.za <LJoseph@dalrrd.gov.za>; Jimmy.Freysen@dalrrd.gov.za <Jimmy.Freysen@dalrrd.gov.za>; Emmanuel.Jeje@dalrrd.gov.za <Emmanuel.Jeje@dalrrd.gov.za>; ncloete@ncpg.gov.za <ncloete@ncpg.gov.za>; lfamer@ncpg.gov.za <lfamer@ncpg.gov.za>; NonhlanhlaB@dalrrd.gov.za <NonhlanhlaB@dalrrd.gov.za>; Mthobeli.Nogubha@dalrrd.gov.za <Mthobeli.Nogubha@dalrrd.gov.za>; DGOOffice@dalrrd.gov.za <DGOOffice@dalrrd.gov.za>; Koleka.Martins@dalrrd.gov.za <Koleka.Martins@dalrrd.gov.za>; Phumeza.Tshevu@dalrrd.gov.za <Phumeza.Tshevu@dalrrd.gov.za>; Siphamandla.Mbebe@dalrrd.gov.za <Siphamandla.Mbebe@dalrrd.gov.za>; madiyam@dot.gov.za <madiyam@dot.gov.za>; MashiloT@dot.gov.za <MashiloT@dot.gov.za>; Grace.Swanepoel@westerncape.gov.za <Grace.Swanepoel@westerncape.gov.za>; KleinhansM@nra.co.za <KleinhansM@nra.co.za>; marlon.saayman@transnet.net <marlon.saayman@transnet.net>; ethel.coetsee@transnet.net <ethel.coetsee@transnet.net>; AbrahamsN@nra.co.za <AbrahamsN@nra.co.za>; xdlamini@tourism.gov.za <xdlamini@tourism.gov.za>; spearce@tourism.gov.za <spearce@tourism.gov.za>; strohl@caa.co.za <strohl@caa.co.za>; glouw@samsa.org.za <glouw@samsa.org.za>; samsact@samsa.org.za <samsact@samsa.org.za>; services@samsa.org.za <services@samsa.org.za>; info@samsa.org.za <info@samsa.org.za>; hydrosan@iafrica.com <hydrosan@iafrica.com>; nnoble@samsa.org.za <nnoble@samsa.org.za>; pschutz@samsa.org.za <pschutz@samsa.org.za>; gmorgan@samsa.org.za <gmorgan@samsa.org.za>; Hesterhuizen@samsa.org.za <Hesterhuizen@samsa.org.za>; avanderhorst@samsa.org.za <avanderhorst@samsa.org.za>; lbenn@samsa.org.za <lbenn@samsa.org.za>; csmith@wwf.org.za <csmith@wwf.org.za>; info@wwf.org.za <info@wwf.org.za>;

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Hendeklinbranc@ranc.gov.za <Hendeklinbranc@ranc.gov.za>;

DIE AFRIKAANSE VERTALING VAN HIERDIE E-POS VOLG NA DIE ENGELS

Dear Interested and Affected Party,

I hope this email finds you well.

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST

OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/11/2/14851 PR

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

The application is being undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process.

OPPORTUNITY TO PROVIDE PRELIMINARY COMMENTS

You have been identified as a potential Interested and Affected Party (I&AP). A Background Information Document (BID), containing preliminary information on the proposed project and receiving environment, will be made available for review and comment during the Pre-Consultation Commenting Period as follows: via email, electronically on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

I&APs are invited to submit preliminary comments on the proposed activities during the Pre-Consultation Commenting Period, from **20 June 2026 to 29 June 2026**.

Upcoming Basic Assessment and Public Participation Process

The findings of the Basic Assessment process will be presented in a Basic Assessment Report (BAR), and measures to manage and mitigate identified impacts will be presented in an Environmental Management Programme (EMPr). Once completed, these documents will be made available for a further 30-day public review and comment period. I&APs will be informed of this process in due course.

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a Comments and Responses Report, which will form part of the application submitted to the Competent Authority and will be publicly available. If you object to your name, email address, or the name of the organisation you represent being included in this report, please notify us when submitting comments. If no objection is received, it will be assumed that you consent to the inclusion of these details.

For further information, to submit comments, or to register as an I&AP, please contact the Environmental Assessment Practitioners below .

AFRIKAANS

Geagte Belangstellende en Geaffekteerde Party,

KENNISGEWING VAN AANSOEK OM PROSPEKTEREGTE EN OMGEWINGSMAGTIGING IN DIE AFLANDSE SEEKONSESSIE AREA 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Aansoek Verwysings No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Edms) Bpk. het by die Departement van Minerale en Petroleumbronne (DMPR) aansoek gedoen vir Prospekteregte en Omgewingsmagtiging om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Offshore Seekonsessiegebied 6C.

Die aansoek word onderneem ingevolge die Nasionale Omgewingsbestuurswet, 1998 (Wet Nr. 107 van 1998) (NEMA) en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne, 2002 (Wet Nr. 28 van 2002) (MPRDA). Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite onder die NEMA OIB-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgrawing, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n propekterreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiele omgewings-, sosiale, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyns aangestel om die Basiese Assesseringsproses uit te voer.

GELEENTHEID OM VOORLOPIGE KOMMENTAAR TE LEWER

U is geïdentifiseer as 'n potensiele Belanghebbende en Geaffekteerde Party (I&AP). 'n Agtergrondinligtingsdokument (BID), wat voorlopige inligting oor die voorgestelde projek en ontvangsomgewing bevat, sal beskikbaar gestel word vir hersiening en kommentaar gedurende die Voor-Konsultasie Kommentaarperiode soos volg: per e-pos, elektronies op Anchor Environmental Consultants se webwerf by <https://www.anchorenvironmental.co.za/public-documents>.

I&APs word genooi om voorlopige kommentaar oor die voorgestelde aktiwiteite in te dien gedurende die Voor-Konsultasie Kommentaarperiode, van 20 Junie 2026 tot 29 Junie 2026.

Aankomende Basiese Assesering en Openbare Deelnameproses

Die bevindinge van die Basiese Assesseringsproses sal in 'n Basiese Assesseringsverslag (BAR) aangebied word, en maatreëls om geïdentifiseerde impakte te bestuur en te verminder, sal in 'n Omgewingsbestuursprogram (OMP) aangebied word. Sodra hierdie dokumente voltooi is, sal dit beskikbaar gestel word vir 'n verdere 30-dae openbare hersienings- en kommentaarperiode. B&GP's sal te gepaste tyd van hierdie proses in kennis gestel word.

Openbaarmaking van belang

Wanneer u as 'n B&GP registreer of kommentaar indien, verskaf asseblief u naam, kontakbesonderhede en besonderhede van enige sake-, finansiële, persoonlike of ander belang wat u in die aansoek mag hê.
Beskerming van Persoonlike Inligting
 Anchor Environmental Consultants voldoen aan die Wet op die Beskerming van Persoonlike Inligting, 2013 (Wet Nr. 4 van 2013). Ontvangde kommentaar en reaksies daarop sal ingesluit word in 'n Kommentaar- en Antwoordverslag, wat deel sal vorm van die aansoek wat by die Bevoegde Owerheid ingedien word en publiek beskikbaar sal wees. Indien u beswaar maak teen die insluiting van u naam, e-posadres of die naam van die organisasie wat u verteenwoordig in hierdie verslag, stel ons asseblief in kennis wanneer u kommentaar indien. Indien geen beswaar ontvang word nie, sal aanvaar word dat u instem tot die insluiting van hierdie besonderhede.

Vir verdere inligting, om kommentaar in te dien, of om as 'n I&AP te registreer, kontak asseblief die Omgewingsassesseringspraktisyn heronder.

Kind Regards



STEVE SEPTEMBER
 CONSULTANT
 ENVIRONMENTAL MANAGEMENT

steve@anchorenmvironmental.co.za
 Tel: +27 21 701 3420
 8 Steenberg House, Silverwood Close
 Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

Dear Interested and Affected Party,

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

Please note that this email is regarding the **PRE-CONSULTATION REGISTRATION PERIOD** for the above-mentioned application that runs from **Saturday, 20 June 2026 until 23:59 of 29 June 2029**.

I&APs are herewith invited to register as I&APs and submit preliminary comments on the BID and proposed activity during the Pre-Consultation Registration Period.

Please find attached the Background Information Document (BID) for review and comments, which can also be accessed on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

An opportunity to review and comment on the Draft BAR and EMPr will follow. The date on which the Draft BAR and EMPr will be made available for public review will be communicated to I&APs in due course.

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

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STEVE SEPTEMBER
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ENVIRONMENTAL MANAGEMENT

steve@anchorenvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

From: Steve September

Sent: Wednesday, 17 June 2026 13:53

Subject: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

DIE AFRIKAANSE VERTALING VAN HIERDIE E-POS VOLG NA DIE ENGELS

Dear Interested and Affected Party,

I hope this email finds you well.

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

The application is being undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process.

OPPORTUNITY TO PROVIDE PRELIMINARY COMMENTS

You have been identified as a potential Interested and Affected Party (I&AP). A Background Information Document (BID), containing preliminary information on the proposed project and receiving environment, will be made available for review and comment during the Pre-Consultation Commenting Period as follows: via email, electronically on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

I&APs are invited to submit preliminary comments on the proposed activities during the Pre-Consultation Commenting Period, **from 20 June 2026 to 29 June 2026**.

Upcoming Basic Assessment and Public Participation Process

The findings of the Basic Assessment process will be presented in a Basic Assessment Report (BAR), and measures to manage and mitigate identified impacts will be presented in an Environmental Management Programme (EMPr). Once completed, these documents will be made available for a further 30-day public review and comment period. I&APs will be informed of this process in due course.

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For further information, to submit comments, or to register as an I&AP, please contact the Environmental Assessment Practitioners below.

AFRIKAANS

Geagte Belangstellende en Geaffekteerde Party,

KENNISGEWING VAN AANSOEK OM PROSPEKTEREGTE EN OMGEWINGSMAGTIGING IN DIE AFLANDSE SEEKONSESSIE AREA 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Aansoek Verwysings No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Edms) Bpk. het by die Departement van Minerale en Petroleumbronne (DMPR) aansoek gedoen vir Prospektereregte en Omgewingsmagtiging om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Offshore Seekonsessiegebied 6C.

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Aankomende Basiese Assessering en Openbare Deelnameproses

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Beskerming van Persoonlike Inligting

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Vir verdere inligting, om kommentaar in te dien, of om as 'n I&AP te registreer, kontak asseblief die Omgewingsassesseringspraktisyn heronder.

Kind Regards



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenmvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

Steve September

From: Allen Lyons <a_e_lyons@yahoo.co.uk>
Sent: Monday, 15 June 2026 15:48
To: Steve September; Strandfontein Belastingbetalers
Subject: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve

Could you please register me and the Strandfontein Ratepayers Association as I&AP's for this project and send me the relevant documents.

Best regards
Allen Lyons

Steve September

From: Michael Yaman <michael.y@protectthewestcoast.org>
Sent: Tuesday, 16 June 2026 14:52
To: Steve September
Cc: Merle; Allen Lyons; Tiaan Engelbrecht; Mike Schlebach; Patrick Forbes
Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve,

I hope this email finds you well.

Kindly note that Protect the West Coast NPC hereby registers as an Interested and Affected Party in respect of the prospecting right application made by Trans Atlantic Diamonds (Pty) Ltd with reference number NC 30/5/1/1/2/14851 PR, in respect of Offshore Sea Concession Area 6C, approximately 11 km west of Koinaas, Northern Cape.

We note that the application is being assessed through a Basic Assessment process in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 (GN R982), and that Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioner.

In the interests of procedural transparency and informed stakeholder engagement, we respectfully request that you furnish us with the following documents as they become available:

- Background Information Document (BID);
- Draft Basic Assessment Report (BAR);
- Draft Environmental Management Programme (EMPr);
- Relevant specialist studies, including any marine, ecological, and heritage impact assessments;
- Prospecting Work Programme;
- NEMA and GNR 1147-compliant rehabilitation plan/s and budget/s;
- Google Earth file clearly showing the application area in .kmz or .kml format;
- Name and full contact details of the applicant;
- Detailed CVs and professional registration certificates of all appointed consultants and specialists; and
- DMPr acceptance letter confirming receipt and processing of the application.

We would be grateful if you could please confirm our registration, provide us with the BID currently available for the Pre-Consultation Commenting Period, and keep us updated as the process continues.

We thank you in advance for your attention to this matter.

Kindly acknowledge receipt of this email.



Kind Regards

OPPORTUNITY TO PROVIDE PRELIMINARY COMMENTS

You have been identified as a potential Interested and Affected Party (I&AP). A Background Information Document (BID), containing preliminary information on the proposed project and receiving environment, will be made available for review and comment during the Pre-Consultation Commenting Period as follows: via email, electronically on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

I&APs are invited to submit preliminary comments on the proposed activities during the Pre-Consultation Commenting Period, **from 20 June 2026 to 29 June 2026**.

Upcoming Basic Assessment and Public Participation Process

The findings of the Basic Assessment process will be presented in a Basic Assessment Report (BAR), and measures to manage and mitigate identified impacts will be presented in an Environmental Management Programme (EMPr). Once completed, these documents will be made available for a further 30-day public review and comment period. I&APs will be informed of this process in due course.

Disclosure of interest

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For further information, to submit comments, or to register as an I&AP, please contact the Environmental Assessment Practitioners below .

Steve September

From: Aaron Larkens <aaronl@transhex.co.za>
Sent: Wednesday, 17 June 2026 11:53
To: Steve September
Cc: Elza Klopper; Jaco du Plooy; Ian Hestermann
Subject: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Good day Steve.

I received a copy of your email below.

I would be grateful if you could please include Elza (in copy) and myself as the Trans Hex representatives to receive all future correspondence in this regard.

Thank you.

Aaron Larkens
Head of Legal

Tel: +27 21 510 1881
E-mail: AaronL@transhex.co.za
19 Chain Avenue, Montague Gardens,
7441
South Africa



www.transhex.co.za

To view Trans Hex's E-mail Disclaimer please visit www.transhex.co.za/email-disclaimer/

From: Ian Hestermann <ianh@transhex.co.za>
Sent: Wednesday, 17 June 2026 11:21
To: Aaron Larkens <aaronl@transhex.co.za>
Cc: Elza Klopper <elzak@transhex.co.za>; Jaco du Plooy <jacodp@transhex.co.za>
Subject: FW: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Hi Aaron

Did you receive the e-mail below?

Regards
Ian

From: Steve September <steve@anchorenvironmental.co.za>
Sent: Monday, 15 June 2026 11:49
Subject: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Trans Hex IT Department

DIE AFRIKAANSE VERTALING VAN HIERDIE E-POS VOLG NA DIE ENGELS

Dear Interested and Affected Party,

I hope this email finds you well.

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

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OPPORTUNITY TO PROVIDE PRELIMINARY COMMENTS

You have been identified as a potential Interested and Affected Party (I&AP). A Background Information Document (BID), containing preliminary information on the proposed project and receiving environment, will be made available for review and comment during the Pre-Consultation Commenting Period as follows: via email, electronically on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

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Steve September

From: Allen Lyons <a_e_lyons@yahoo.co.uk>
Sent: Friday, 19 June 2026 14:54
To: Steve September
Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Thanks Steve. Got it

On Friday, 19 June 2026 at 14:51:15 GMT+2, Steve September <steve@anchorencenvironmental.co.za> wrote:

Dear Allen

I hope this email finds you well.

We just uploaded the document, so I believe you will be able to find and access it now.

I have also attached the BID to this email.

Please let me know if you have any questions.

Kind Regards

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

From: Allen Lyons <a_e_lyons@yahoo.co.uk>
Sent: Friday, 19 June 2026 14:46
To: Steve September <steve@anchorencenvironmental.co.za>
Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve

There are 3 documents uploaded on your web site. 6c's BID is not one of the uploaded documents. Could you please e-mail the BID?

Best regards
Allen Lyons

On Friday, 19 June 2026 at 13:55:59 GMT+2, Steve September <steve@anchorencenvironmental.co.za> wrote:

Dear Interested and Affected Party,

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

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When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a Comments and Responses Report, which will form part



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Branch: Fisheries Management, Directorate: Sustainable Aquaculture Management, Private Bag X2, Vleeborg, Cape Town, 8018
Tel: +27 21 402 3911

Ref: SAM: NC30/5/1/1/2/14851 PR

Enquiries: Alexis Osborne **Tel**+27 21 402 3672 **Email:** EnvironAssessments@dffe.gov.za

Anchor Environmental Consultants (Pty) Ltd

8 Steenberg House
Silverwood Close
Tokai
7966

Email: steve@anchorenvironmental.co.za

Dear Steve September

RE: APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHT
APPLICATION IN OFFSHORE SEA CONCESSION AREA 6C, WEST COAST, NORTHERN CAPE,
SOUTH AFRICA.

The Directorate: Sustainable Aquaculture Management of the Department of Forestry, Fisheries and the Environment ("DFFE") has reviewed the Background Information Document (BID) for the Application for Environmental Authorisation and Prospecting Rights, by means of a Basic Assessment, in Offshore Sea Concession Area 6C, West Coast, Northern Cape for Trans Atlantic Diamonds (Pty) Ltd.

The comments of the DFFE are as follows:

1. The DFFE, Branch: Fisheries Management has a mandate for the development and management of aquaculture in South Africa, please register the Directorate: Sustainable Aquaculture Management as an Interested and Affected Party (I&AP) to be included for further communication (EnvironAssessments@dffe.gov.za).
2. While the impacts associated with the proposed prospecting activities are individually assessed as low or minimal in the BID, the Department notes that this application is geographically contiguous to multiple prospecting zones along the West Coast. The cumulative impacts arising from multiple overlapping applications such as repeated disturbance of the seabed, expanded sediment plume generation, and broader-scale alteration of benthic habitats must be rigorously evaluated in the Basic Assessment Report (BAR).



Batho pele - putting people first

[illegible]

3. The Department notes that the BID fails to identify the environmental risks posed to two operational, land-based aquaculture facilities and the abalone ranching sites that fall within the coastal footprint of Concession Area 6C. These facilities are:
 - a. **Kleinzee Mariculture CC** (previously De Beers Ltd)- Located in Kleinzee (29° 39' 46" S; 17. 02 '47 "E)
 - b. **Diamond Coast Aquaculture (Pty) Ltd** - Located in Kleinzee (29° 39' 52,62" S; 17° 3' 7,30" E)
 - c. Ranching areas
4. The aforementioned land-based operations rely on continuous, shore-based flow-through marine water intake pumps. Elevated suspended sediment and turbidity from Phase 3 drilling operations pose a material risk of clogging land-based filtration infrastructure, causing tank sedimentation, and inducing respiratory stress or mortality in sensitive abalone stock. These risks are to be considered in the BAR.
5. It is therefore recommended that a strict navigation and sampling exclusion buffer zone be implemented around the exact coordinates of the marine intake pipelines for all two facilities to protect water quality at the source.
6. The applicant must establish a direct communication and operational alert protocol with these farm operators. The applicant must provide a high-fidelity operational schedule detailing exactly when and where drilling will occur relative to Kleinzee, allowing land-based operations to monitor or temporarily adjust water intake thresholds as a precautionary measure.
7. The proposed prospecting footprint sits adjacent to the nearshore abalone ranching concession areas officially gazetted under Section 18 of the Marine Living Resources Act (MLRA), 1998 (specifically zones NC3 [Beach at Kleinzee, (29 40 43.09S, 17 3 3.50E) to Swartduine, (30 2 52.04S, 17 10 39.68E)] and NC4 [Skulphontein, (30 6 8.15S, 17 11 8.03E) to Small Rocks 200m from Shore, (30 25 56.26S, 17 20 5.43E)]). Tailing sand and fine particulate drift have the potential to settle onto shallow subtidal rocky reefs and kelp beds (*Ecklonia maxima*) utilized for abalone grow-out. These risks are to be considered in the BAR.
8. To protect these gazetted ranching areas and the investments already made by people who have permits to ranch in those areas, risk to the animals that have been ranches need to be assessed and appropriate mitigation measures be implemented to avoid loss of investment to the ranching sites. Phase 1 high-resolution geophysical and acoustic data must be used to map all rocky reefs and kelp habitats as absolute, polygon-enforced "No-Go" zones.
9. The applicant must coordinate and plan prospecting activities so as not to occur during sensitive operational periods for aquaculture ranching (grow-out), seeding cycles, and land-based abalone farming activities. The Department further encourages open communication channels between both the ranchers and the mining activities.
10. The prospecting vessel must maintain a certified oil spill contingency plan with rapid-response containment equipment optimized for high-energy nearshore environments to ensure zero hydrocarbon or hazardous waste entry into the surf zones where these facilities source their production water.
11. It is recommended that the applicant ensure that there is engagement with the aquaculture and ranching operators in the area that may be impacted by the prospecting activity.

Please note that the Directorate Sustainable Aquaculture Management reserves the right to review and/or provide additional comments in future. Enquiries may be directed to the contacts provided at the top of this correspondence.

Yours sincerely

A. N. Jobeni
Mr Asanda Njobeni
DIRECTOR: SUSTAINABLE AQUACULTURE MANAGEMENT
 DATE: 2026/03/1

Steve September

From: OCEIA <OCEIA@dffe.gov.za>
Sent: Wednesday, 01 July 2026 13:19
To: Steve September
Subject: RE: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve

I trust this email finds you well.

The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C), appreciates the opportunity granted to provide comments on the Background Information Document for the proposed project and would like to register as an Interested and Affected Party.

The Branch O&C will review and provide comments on the subsequent reports, and the draft BAR should consider the objectives of the Integrated Coastal Management Act.

Kind Regards
Tabisile Mhlana

From: Steve September <steve@anchorenvironmental.co.za>
Sent: Friday, 19 June 2026 13:56
To: Steve September <steve@anchorenvironmental.co.za>
Subject: RE: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Some people who received this message don't often get email from steve@anchorenvironmental.co.za. [Learn why this is important](#)

Dear Interested and Affected Party,

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

Please note that this email is regarding the **PRE-CONSULTATION REGISTRATION PERIOD** for the above-mentioned application that runs from **Saturday, 20 June 2026 until 23:59 of 29 June 2029**.

I&APs are herewith invited to register as I&APs and submit preliminary comments on the BID and proposed activity during the Pre-Consultation Registration Period.

Please find attached the Background Information Document (BID) for review and comments, which can also be accessed on Anchor Environmental Consultants' website at <https://www.anchorenvironmental.co.za/public-documents>.

An opportunity to review and comment on the Draft BAR and EMPr will follow. The date on which the Draft BAR and EMPr will be made available for public review will be communicated to I&APs in due course.

Disclosure of interest

Geagte Belangstellende en Geaffekteerde Party,

KENNISGEWING VAN AANSOEK OM PROSPEKTEREGTE EN OMGEWINGSMAGTIGING IN DIE AFLANDSE SEEKONSESSIE AREA 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Aansoek Verwysings No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Edms) Bpk. het by die Departement van Minerale en Petroleumbronne (DMPR) aansoek gedoen vir Prospekteregte en Omgewingsmagtiging om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Offshore Seekonsessiegebied 6C.

Die aansoek word onderneem ingevolge die Nasionale Omgewingsbestuurswet, 1998 (Wet Nr. 107 van 1998) (NEMA) en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne, 2002 (Wet Nr. 28 van 2002) (MPRDA). Die voorgestelde prospekteraktiwiteit veroorsaak die volgende gelyste aktiwiteite onder die NEMA OIB-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgraving, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n propekteerreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiële omgewings-, sosiale, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyns aangestel om die Basiese Assesseringsproses uit te voer.

GELEENTHEID OM VOORLOPIGE KOMMENTAAR TE LEWER

U is geïdentifiseer as 'n potensiële Belanghebbende en Geaffekteerde Party (I&AP). 'n Agtergrondinligtingsdokument (BID), wat voorlopige inligting oor die voorgestelde projek en ontvangsomgewing bevat, sal beskikbaar gestel word vir hersiening en kommentaar gedurende die Voor-Konsultasie Kommentaarperiode soos volg: per e-pos, elektronies op Anchor Environmental Consultants se webwerf by <https://www.anchorenvironmental.co.za/public-documents>.

I&APs word genooi om voorlopige kommentaar oor die voorgestelde aktiwiteite in te dien gedurende die Voor-Konsultasie Kommentaarperiode, van 20 Junie 2026 tot 29 Junie 2026.

Aankomende Basiese Assesering en Openbare Deelnameproses

Die bevindinge van die Basiese Assesseringsproses sal in 'n Basiese Assesseringsverslag (BAR) aangebied word, en maatreëls om geïdentifiseerde impakte te bestuur en te verminder, sal in 'n Omgewingsbestuursprogram (OMP) aangebied word. Sodra hierdie dokumente voltooi is, sal dit beskikbaar gestel word vir 'n verdere 30-dae openbare hersienings- en kommentaarperiode. B&GP's sal te gepaste tyd van hierdie proses in kennis gestel word.

Interested and Affected Parties (I&AP) Database

FINAL BASIC ASSESSMENT REPORT

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND
PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC
DIAMONDS (PTY) LTD**

EA Application Ref. No.: NC30/5/1/1/2/14851 PR

REGISTRATION STATUS	Initial Contact (Requested Email, Requested meeting, Referred, By Default)	Stakeholder Reference No.	NAME AND SURNAME	CATEGORY	AFFILIATION	POSITION	PHONE NO	Email
KAMIESBERG MUNICIPALITY								
	By default	Stakeholder 1	Rufus Beukes	Government	Kamiesberg Local Municipality	Municipal Manager	0276528000	rufusb@kamiesberg.gov.za
	By default	Stakeholder 2	Susarah Nero	Government	Kamiesberg Local Municipality		0635148101	susarah.nero@gmail.com
	By default	Stakeholder 3	Mr Barend Donkeman	Government	Kamiesberg Local Municipality			barendd@kamiesberg.gov.za
	By default	Stakeholder 4	Navra	Government	Kamiesberg Local Municipality			nayrae@kamiesberg.gov.za
	By default	Stakeholder 5	Mr Tumelo Diphokoje	Government	Kamiesberg Local Municipality		0780942133	tumelod@kamiesberg.gov.za
	By default	Stakeholder 6	Melishia	Government	Kamiesberg Local Municipality			melishian@kamiesberg.gov.za
NAMA KHOI LOCAL MUNICIPALITY								
	By default	Stakeholder 7	Johannes Adams	Government	Nama Khoi Local Municipality			johannes.adams@namakhoy.gov.za
	By default	Stakeholder 8	Candice Rabie	Government	Nama Khoi Local Municipality			candice.rabie@namakhoy.gov.za
	By default	Stakeholder 9	Jan Swartz	Government	Nama Khoi Local Municipality			jan.swartz@namakhoy.gov.za
	By default	Stakeholder 10	Amos Polori	Government	Nama Khoi Local Municipality			katholhoamospolori@gmail.com
Registered	Registered	Stakeholder 11	Jason Milfor	Government	Nama Khoi Local Municipality			Jason.Milford@namakhoy.gov.za
NAMAKWA DISTRICT MUNICIPALITY								
	By default	Stakeholder 12	Ms. G Bezuidenhout	Government	Namakwa District Municipality NC			info@namakwa-dm.gov.za
	By default	Stakeholder 13	Mr. C Fortuin	Government	Namakwa District Municipality NC			
	By default	Stakeholder 14	Jodine Cloete	Government	Namakwa District Municipality NC	Head of Communication		jodinec@namakwa-dm.gov.za
	By default	Stakeholder 15	Gerda Bezuidenhout	Government	Nama Khoi Local Municipality			gerdavidh@namakwa-dm.gov.za
	By default	Stakeholder 16	Chris Fortuin	Government	Nama Khoi Local Municipality			chrisf@namakwa-dm.gov.za
	By default	Stakeholder 17	Jannie Loubser	Government	Nama Khoi Local Municipality			janniel@namakwa-dm.gov.za
RICHTERSVELD LOCAL MUNICIPALITY								
	By default	Stakeholder 18	Caretas Sonamzi	Government	Richtersveld Local Municipality			caretassonamzi@gmail.com
	By default	Stakeholder 19	Marlene Fredericks	Government	Richtersveld Local Municipality			lientjiefredericks@gmail.com
	By default	Stakeholder 20	Maria Obies	Government	Richtersveld Local Municipality			mariaobies9@gmail.com
NORTHERN CAPE DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION								
	By default	Stakeholder 21	Esme Cloete	Provincial Government	Namakwa District	Administrative Officer		ecloete@ncpg.gov.za
	By default	Stakeholder 22	Hanneke Hanekom	Provincial Government	Namakwa District	Administrative Officer		hhanekom@ncpg.gov.za
	By default	Stakeholder 24	L. Hanser	Provincial Government	Namakwa District			lhanser@ncpg.gov.za
	By default	Stakeholder 25	Ms woppel	Provincial Government				woppel.dtec@gmail.com
	By default	Stakeholder 26	Director	Provincial Government	Integrated Environmental Authorisations	Director		EIAAdmin@environment.gov.za
	By default	Stakeholder 27	Fiona Grimett	Government	National Infrastructure Projects			fgrimett@environment.gov.za
	By default	Stakeholder 28	Ms Sindiswa Dlomo	Government	National Infrastructure Projects			sdlomo@environment.gov.za
	By default	Stakeholder 29	Ms Thulisile Nyalunga	Government				TNyalunga@environment.gov.za
	By default	Stakeholder 30	Ms Matlhodi Mogorosi	Government				MMogorosi@environment.gov.za
	By default	Stakeholder 31	Mr. X Myanga	Government				XMyanga@environment.gov.za
	By default	Stakeholder 32	Ms Michelle Pretorius	Government		Officer: Shellfish Aquaculture	647 2263	MPretorius@environment.gov.za
	By default	Stakeholder 33	Mr Belemane Semoli	Government			082 457 0477	bsemoli@environment.gov.za
	By default	Stakeholder 34	Bryan Fisher	Government				bfisher@ncpg.gov.za
	By default	Stakeholder 35	Tsholofelo Leburu	Government				tmakaudi@ncpg.gov.za
	By default	Stakeholder 36	Elsabe Swart	Government				elsabe.dtec@gmail.com
	By default	Stakeholder 37	Leon October	Government				nvanolmen@ncpg.gov.za
	By default	Stakeholder 39	Dineo Moleko	Government				loctober@ncpg.gov.za
	By default	Stakeholder 40	Mr. T Mukwevho	Government	Department of Minerals and Petroleum Resources			Tshifhiwa.Mukwevho@dmp.gov.za
	By default	Stakeholder 41	Thareen Wippenaar	Government	Department of Minerals and Petroleum Resources			Thareen.Wippenaar@dmp.gov.za
Case Officer	Case Officer	Stakeholder 42	Kgaudi Shapo	Government	Department of Minerals and Petroleum Resources			Kgaudi.Shapo@dmp.gov.za

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DALRRD	By default	Stakeholder 74	Carmen Abrahams	Government	Department of Public Works	Kimberley Office		Carmen.Abrahams@dpw.gov.za
	By Default	Stakeholder 75	Info	Government	Department of Agriculture Rural			info@DALRRD.gov.za
	By Default	Stakeholder 76	General	Government	Rural development			queries@dalrrd.gov.za
	By Default				Rural development	Deputy Director: Administration: Restitution: Western Cape	021 409 0300 [SWB] Ext 310 082 5749164	Fatima.Williams@dalrrd.gov.za
		Stakeholder 77	MS FATIMA WILLIAMS	Government				WAlexander@dalrrd.gov.za
	By Default	Stakeholder 78	Wayne Alexander	Government	Rural development			BMars@dalrrd.gov.za
	By Default	Stakeholder 79	Benjamin Mars	Government	Rural development			Clareen.Collins@dalrrd.gov.za
	By Default	Stakeholder 80	Clareen Collins	Government	Rural development			Lubabalo.Mbekeni@dalrrd.gov.za
	By Default	Stakeholder 81	Lubabalo Mbekeni	Government	Rural development			Andrey.Booyesen@dalrrd.gov.za
	By Default	Stakeholder 82	Andrey Booyesen	Government	Rural development			Ljoseph@dalrrd.gov.za
	By Default	Stakeholder 83	Lazarus Joseph	Government	Rural development			Jimmy.Freysen@dalrrd.gov.za
	By Default	Stakeholder 84	Jimmy Freysen	Government	Rural development			Emmanuel.Jeje@dalrrd.gov.za
	By Default	Stakeholder 85	Emmanuel Jeje	Government	Rural development			ncloete@ncpg.gov.za
	By Default	Stakeholder 86	Cloete	Government			027 712 1315/ 082 560 8379	lfarmer@ncpg.gov.za
		Stakeholder 87	Ms. Lilizian Farmer	Government				
	By default	Stakeholder 88	Ms Rosemary Nokuzola Capa	Government	Rural Development: Northern Cape: Deputy Minister			NonhlanhlaB@dalrrd.gov.za
	By default	Stakeholder 89	Mr Ramasodi Mooketsa	Government	Office of Director-General: Northern Cape: director: general			DGOffice@dalrrd.gov.za
	By Default	Stakeholder 90	Koleka Martins	Government	DALRRD		0214090304	Koleka.Martins@Dalrrd.gov.za
	By Default	Stakeholder 91	Ms Phumeza Tshevu	Government	DALRRD			Phumeza.Tshevu@dalrrd.gov.za
	By Default	Stakeholder 92	Mr. Siphamandla Mbebe	Government	DALRRD		021 409 0300/ 0713310880	Siphamandla.Mbebe@dalrrd.gov.za
DOT								
	By default	Stakeholder 93	Mr Mthunzi Madiya	Government	Marine Transport and Manufacturing work stream (MTM)		071 775 8203	madiyam@dot.gov.za
	By default	Stakeholder 94	Ms Tsepo Toana-Mashilo	Government	Transport		012 309 3112/ 082 677 6583	MashiloT@dot.gov.za
TRANSPORT								
	By default	Stakeholder 95	Marilyn Kleinhans	Government	SANRAL	Regional Management -	0413983200/	KleinhansM@nra.co.za ; Jonesm@nra.co.za
	By default	Stakeholder 97	Marbu Saayman	Government	Transnet	Southern Region Port Terminals	0413983222	marlon.saayman@transnet.net
	By default	Stakeholder 98	Ethel Coetzee	Government	Transnet	Port Authority (TNPA)		ethel.coetzee@transnet.net
TOURISM								
	By default	Stakeholder 99	Mr Xolani Dlamini	Government	Coastal and Marine Tourism work stream	(Acting DU)	012 444 6568/ 079 491 4197	xdlamini@tourism.gov.za
SAMSA & NAVY								
	By default	Stakeholder 100	SAMSA cape Town office	SAMSA	South African Maritime Safety Authority (SAMSA)			samsacpt@samsa.org.za
	By default	Stakeholder 101	Neville Noble	SAMSA	South African Maritime Safety Authority (SAMSA)			nnoble@samsa.org.za
	By default	Stakeholder 102	Pierre Schutz	SAMSA	South African Maritime Safety Authority (SAMSA)			pschutz@samsa.org.za
	By default	Stakeholder 103	Haneley Manuel	SAMSA	South African Maritime Safety Authority (SAMSA)			HEsterhuizen@samsa.org.za
	By default	Stakeholder 104	Abraham Van Der Horst	SAMSA	South African Maritime Safety Authority (SAMSA)			avanderhorst@samsa.org.za
	By default	Stakeholder 106	Captain T. Stokes/ Commander Theunissen	Navy	South African Navy Hydrographic Office			hydrosan@iafrica.com
WWF								
	By default	Stakeholder 107	Mr Craig Smith	Conservation	Marine Programme	Senior Manager	021 657 6600	csmith@wwf.org.za
EDUCATION	By default	Stakeholder 108	WWF info	Conservation	Admin	Admin		info@wwf.org.za

	By default	Stakeholder 109		Environmental Education	Environmental Evaluation Unit UCT			
	By default	Stakeholder 110		University	University of Stellenbosch			
	By default	Stakeholder 111	s	Student	University of the Western Cape			
	By default	Stakeholder 112		University	UCT (EEU)			
MINING/ GAS/ TRANSPORT								
	By default	Stakeholder 113		Mining/ gas/ transport	De Beers Marine (Pty) Ltd (Adjacent Concession Rights Owner)			
	By default	Stakeholder 114		Mining/ gas/ transport	De Beers Marine (Pty) Ltd (Adjacent Concession Rights Owner)	Geosciences Manager		
	By default	Stakeholder 115		Mining/ gas/ transport	De Beers Marine (Pty) Ltd (Adjacent Concession Rights Owner)			
		Stakeholder 116			De Beers Marine (Pty) Ltd (Adjacent Concession Rights Owner)			
	By default	Stakeholder 117	Info	Mining/ gas/ transport	Samara Mining (Adjacent Concession Area Rights Holder - 5c)			info@samarasmining.com
	By default	Stakeholder 118	Info	Mining/ gas/ transport	Solid Pump Co (Pty) Ltd (Adjacent Concession Area Rights Holder - 7b)			info@solidpump.com
	By default	Stakeholder 119	Info	Mining/ gas/ transport	Namibian Minerals Corp (Adjacent Concession Area Rights Holder - 7d)			info@NamibiaCMI.com
	By default	Stakeholder 121		Mining/ gas/ transport	PetroSA (SOC) Limited			
	By default	Stakeholder 122		Mining/ gas/ transport	PetroSA (SOC) Limited			
	By default	Stakeholder 123		Mining/ gas/ transport	PetroSA (SOC) Limited			
	By default	Stakeholder 124		Mining/ gas/ transport	PetroSA (SOC) Limited			
	By default	Stakeholder 125		Mining/ gas/ transport	PetroSA (SOC) Limited			
	By default	Stakeholder 126		Mining/ gas/ transport	Alexkor RMC JV	Manager		
	By default	Stakeholder 127		Mining/ gas/ transport	Petroleum Agency SA			
	By default	Stakeholder 128		Mining/ gas/ transport	GAC Shipping (SA) (Pty) Ltd			southafrica@gacworld.com
	By default	Stakeholder 129		Mining/ gas/ transport	SASOL			
	By default	Stakeholder 130		Mining/ gas/ transport	South African Oil & Gas Alliance			info@saoga.org.za
Registered	Registered	Stakeholder 131		Mining/ gas/ transport	Trans Hex	Director of SA operations		
Registered	Registered	Stakeholder 132		Mining/ gas/ transport	Trans Hex	Head of Legal		
Registered	Registered	Stakeholder 133		Mining/ gas/ transport	Trans Hex			
Registered	Registered	Stakeholder 134		Mining/ gas/ transport	Trans Hex			
	By default	Stakeholder 135		Mining/ gas/ transport	Moonstone Diamond Marketing			
	By default	Stakeholder 136		Mining/ gas/ transport	Tronox Namakwa sands - Brand se Baai			
						Radiation and Environmental		
	By default	Stakeholder 137		Mining/ gas/ transport	Tronox Mineral Sands Proprietary Limited	Specialist; Safety, Health & Environment		
	By default	Stakeholder 138	Namco SA	Mining/ gas/ transport	Namco SA			info@namco.sa
	By default	Stakeholder 139	BCon Mining	Mining/ gas/ transport	Adjacent Concession Area Rights Holder 5b			admin@bconmining.co.za
	By default	Stakeholder 140	Tronox	Mining/ gas/ transport	Tronox Namakwa sands - Brand se Baai	Attended meeting		ChemProdSteward@tronox.com
	By default	Stakeholder 141		Mining/ gas/ transport	Placer Resource Management	Director		
	By default	Stakeholder 142	N/A	Mining/ gas/ transport	North western cape mining forum	Forum		nwcmminingforum@gmail.com
	By default	Stakeholder 143	N/A	Mining/ gas/ transport	Namakwa Sands			
	By default	Stakeholder 144		Mining/ gas/ transport	Kleinzee Mariculture CC	Shareholder		orionpak@iafrica.com
	By default	Stakeholder 146		Mining/ gas/ transport	Africa Oil SA Corporation			

	By default	Stakeholder 147		Mining/ gas/ transport	Sunbird Energy Ltd			
	By default	Stakeholder 148		Mining/ gas/ transport	Sungu Sungu Petroleum (Pty) Ltd			
CONSULTING								
	By default	Stakeholder 149		Consulting	SLR Consulting	Senior Environmental Consultant		
Law								
	By default	Stakeholder 150	Centre for Environmental Rights	Law	Info			info@cer.org.za
	By default	Stakeholder 151	Lawyers for human rights	Law	Info			
SANBI								
	By default	Stakeholder 152	Dr Kerry Sink	Government	SANBI	Marine Scientist		K.Sink@sanbi.org.za
	By default	Stakeholder 153	Prideel Majiedt	Government	SANBI	Marine Biodiversity Research and Policy Practitioner		p.majiedt@sanbi.org.za
BirdLife								
	By default	Stakeholder 154	Melissa Lewis	Conservation	Birdlife South Africa			Advocacy@birdlife.org.za;
	By default	Stakeholder 155	Andrea Angel	Conservation	Birdlife South Africa			melissa.lewis@birdlife.org.za
	By default	Stakeholder 156	Tegan Carpenter-Kling	Conservation	Birdlife South Africa			andrea.angel@birdlife.org.za
	By default	Stakeholder 157	Christina Hagen	Conservation	Birdlife South Africa			tegan.carpenterkling@gmail.com
	By default	Stakeholder 158	Alistair McInnes	Conservation	Birdlife South Africa			christina.hagen@birdlife.org.za
CONSERVATION								
	By default	Stakeholder 159		Conservation	Marine Awareness Project			
	By default	Stakeholder 160		Conservation	Coast care coordinator, E bay area			
	By default	Stakeholder 161		Conservation	Bergriver Estuary Advisory Forum			
	By default	Stakeholder 162		Conservation	Sustainable Futures ZA			
Registered	Registered	Stakeholder 163		Conservation	Protect the West Coast			
Registered	Registered	Stakeholder 164		Conservation	Protect the West Coast			
Registered	Registered	Stakeholder 165		Conservation	Protect the West Coast			
Registered	Registered	Stakeholder 166		Conservation	Protect the West Coast			
Registered	Registered	Stakeholder 167		Conservation	Protect the West Coast			
Registered	Registered	Stakeholder 168	n/a	Conservation	Strandfontein Belastingbetalers			
	By default	Stakeholder 169	Mr. Abram Sithole	Government	South African Department of Cooperative Governance and Traditional Affairs	Chief Executive Officer:	012 336 5853	sitholeam@cocta.gov.za
	By default	Stakeholder 170		Conservation	West Coast Rock Lobster Industry Association			WCRL@environment.gov.za
WESSA								
	By default	Stakeholder 171		Conservation	Wildlife and Environment Society of South Africa (WESSA)	Chairman: WESSA WC Regional Committee		
	By default	Stakeholder 172		Conservation	Wildlife and Environment Society	WESSA Environmental		
	By default	Stakeholder 173		Conservation	Wildlife and Environment Society			
	By default	Stakeholder 174		Conservation	Wildlife and Environment Society	Chairperson		
FISH SA								
	By default	Stakeholder 175		Conservation	Fish SA			
	By default	Stakeholder 176		Conservation	Fish SA			
	By default	Stakeholder 177		Conservation	Fish SA			
TRUSTS/ COMMUNITY/ FISHERIES								
	By default	Stakeholder 178		Heritage	West Coast Aboriginal Council			wcacouncil@gmail.com
	By default	Stakeholder 179	R. Timothy	Heritage	Northern Cape Heritage Resource Authority (NCHRA)		079 036 9695	rtimothy@nbkb.org.za
	By default	Stakeholder 180	Abram Sithole	Heritage	National Khoi-San Council		012 334 4910	sitholeam@cocta.gov.za

By default	Stakeholder 181		Community/ Fisheries/ Trust/ Fund	Masifundise Development Trust		
	Stakeholder 182		Community/ Fisheries/ Trust/ Fund	Masifundise Development Trust		
By default	Stakeholder 183	Info	Community/ Fisheries/ Trust/ Fund	Masifundise Development Trust		info@masifundise.org.za
				Sandveld Bewaringskomitee & Weskus Hulpbron Komitee	Representative & Resident	
By default	Stakeholder 184		Community/ Fisheries/ Trust/ Fund			
By default	Stakeholder 185	Abalobi	Community/ Fisheries/ Trust/ Fund	Abalobi - Small scale fisheries		hello@abalobi.org
				South African Fisheries Development Fund	CEO	
By default	Stakeholder 186		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 187		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 188		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 189		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 190		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 193		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 195		Community/ Fisheries/ Trust/ Fund	Oceana Group Limited		
By default	Stakeholder 196		Community/ Fisheries/ Trust/ Fund	Irvin & Johnson Limited		corporate@ij.co.za
By default	Stakeholder 197		Community/ Fisheries/ Trust/ Fund	Irvin & Johnson Limited		
				South African Pelagic Fishing Industry Association		SAPFIA@inshore.co.za;
By default	Stakeholder 198		Community/ Fisheries/ Trust/ Fund	South African Pelagic Fishing Industry Association		
				Fisheries Sector		
By default	Stakeholder 199		Community/ Fisheries/ Trust/ Fund	Sea Harvest Corporation Ltd		
By default	Stakeholder 200		Community/ Fisheries/ Trust/ Fund	Sea Harvest Corporation Ltd		
By default	Stakeholder 201		Community/ Fisheries/ Trust/ Fund	South African Commercial Line Fishing Association		
By default	Stakeholder 202		Community/ Fisheries/ Trust/ Fund	South African Deep Sea Trawling Industry Ass.		
				South African Hake Longline Association		
By default	Stakeholder 203		Community/ Fisheries/ Trust/ Fund	South African Hake Longline Association		
By default	Stakeholder 205		Community/ Fisheries/ Trust/ Fund	Viking Fishing		
By default	Stakeholder 206		Community/ Fisheries/ Trust/ Fund	Aquaculture Association of SA		info@aasa-aqua.co.za
				Bivalve Shellfish Farmers Association of South Africa (BSAA)	Chair	
By default	Stakeholder 210		Community/ Fisheries/ Trust/ Fund		Community Representative fisheries	
By default	Stakeholder 211		Community/ Fisheries/ Trust/ Fund	Fisheries communitais		
By default	Stakeholder 212		Community/ Fisheries/ Trust/ Fund	Masibambasani Fisheries (Pty) Ltd	Director	
				Association of Small Hake Industries		
By default	Stakeholder 213		Community/ Fisheries/ Trust/ Fund	Fresh Tuna Exporters Association	Chairman	
By default	Stakeholder 214		Community/ Fisheries/ Trust/ Fund	South African Deep Sea Angling Association		info@sadsaa.co.za
By default	Stakeholder 215		Community/ Fisheries/ Trust/ Fund	Pioneer Fishing (Pty) Ltd		
By default	Stakeholder 216		Community/ Fisheries/ Trust/ Fund	Pioneer Fishing (Pty) Ltd	Quality Manager	
By default	Stakeholder 217		Community/ Fisheries/ Trust/ Fund	Saldanha fisheries		
By default	Stakeholder 219		Community/ Fisheries/ Trust/ Fund	Represents SH- Olifantsmond Beleggings which owns land on De Punt		
By default	Stakeholder 220		Community/ Fisheries/ Trust/ Fund			
By default	Stakeholder 221		Government	Natal Deep Sea Angling Association		office@ndsaa.co.za
By default	Stakeholder 222		Community/ Fisheries/ Trust/ Fund	Aukotowa Fisheries Pimary Co. Ltd		aukotowafisheries@gmail.com
By default	Stakeholder 223		Community/ Fisheries/ Trust/ Fund	Baggers (Pty) Ltd		
By default	Stakeholder 224		Community/ Fisheries/ Trust/ Fund	Belton Park Trading 127 (Pty) Ltd		

By default	Stakeholder 226		Community/ Fisheries/ Trust/ Fund	South African Commercial Fisherman Corp			
By default	Stakeholder 227		Community/ Fisheries/ Trust/ Fund	Mayenzeke Development Initiative			
By default	Stakeholder 228		Community/ Fisheries/ Trust/ Fund	South African United Fishing Front			
By default	Stakeholder 229		Community/ Fisheries/ Trust/ Fund	Sarah Baartman Fishing Benguela Current Marine Spatial Management and Governance Project			
By default	Stakeholder 232		Community/ Fisheries/ Trust/ Fund	The National Aboriginal Governance Council			sisonkecommunityinfo@gmail.com
By default	Stakeholder 233		Community/ Fisheries/ Trust/ Fund	West Coast Guriqua San Council			nec_guriqua@gmail.com
By default	Stakeholder 234		Community/ Fisheries/ Trust/ Fund	West Coast Guriqua San Council			wc.guriquacouncil@gmail.com
By default	Stakeholder 235		Community/ Fisheries/ Trust/ Fund	Richtersveld Nama-Xan Exploration Holdings (Pty) Ltd			
By default	Stakeholder 236		Community/ Fisheries/ Trust/ Fund	NMA			
By default	Stakeholder 237		Community/ Fisheries/ Trust/ Fund				
LOCAL TOWNS INFO CENTRES							
By default	Stakeholder 238	N/A	Tourism	Namaqua West Coast Coast Care	Manager		
By default	Stakeholder 239		Tourism	Women's Group of Hondeklipbay	Manager		
By default	Stakeholder 240		Community/ Fisheries/ Trust/ Fund	Weskus Vissers KO-OP Bpk			
By default	Stakeholder 241		Community/ Fisheries/ Trust/ Fund	Koinghaas Ratepayers Association (KBBV)			
By default	Stakeholder 242		Community/ Fisheries/ Trust/ Fund	Luvuyo C.D.C			
By default	Stakeholder 243		Community/ Fisheries/ Trust/ Fund				
By default	Stakeholder 244		Community/ Fisheries/ Trust/ Fund				

Public Participation Process (25 July 2026 – 25 August 2026)

FINAL BASIC ASSESSMENT REPORT

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND
PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC
DIAMONDS (PTY) LTD**

EA Application Ref. No.: NC30/5/1/1/2/14851 PR



APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RI...

 **Status message**

Heritage Reports *PALAEONTOLOGICAL IMPACT ASSESSMENT FOR PROSPECTING RIGHT APPLICATION: SEA CONCESSION 6C* has been created.



Add Additional Submission to Case

Add Heritage Report to Case

CaseDetails

Summary

Case ID: 29490

Case Status: SUBMITTED

Heritage Authority(s): SAHRA

Proposal Description

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA CONCESSION AREA 6C, NORTH-ERN CAPE, BY TRANS ATLANTIC DIAMONDS (PTY) LTD

Province(s): Offshore

Author: John.Gribble1

Post date: 25/07/2026 - 09:42

Last modified: 25/07/2026 - 09:42

Application Form Submissions

SAHRA S38 Development Application Form: Submission #3951

Reports

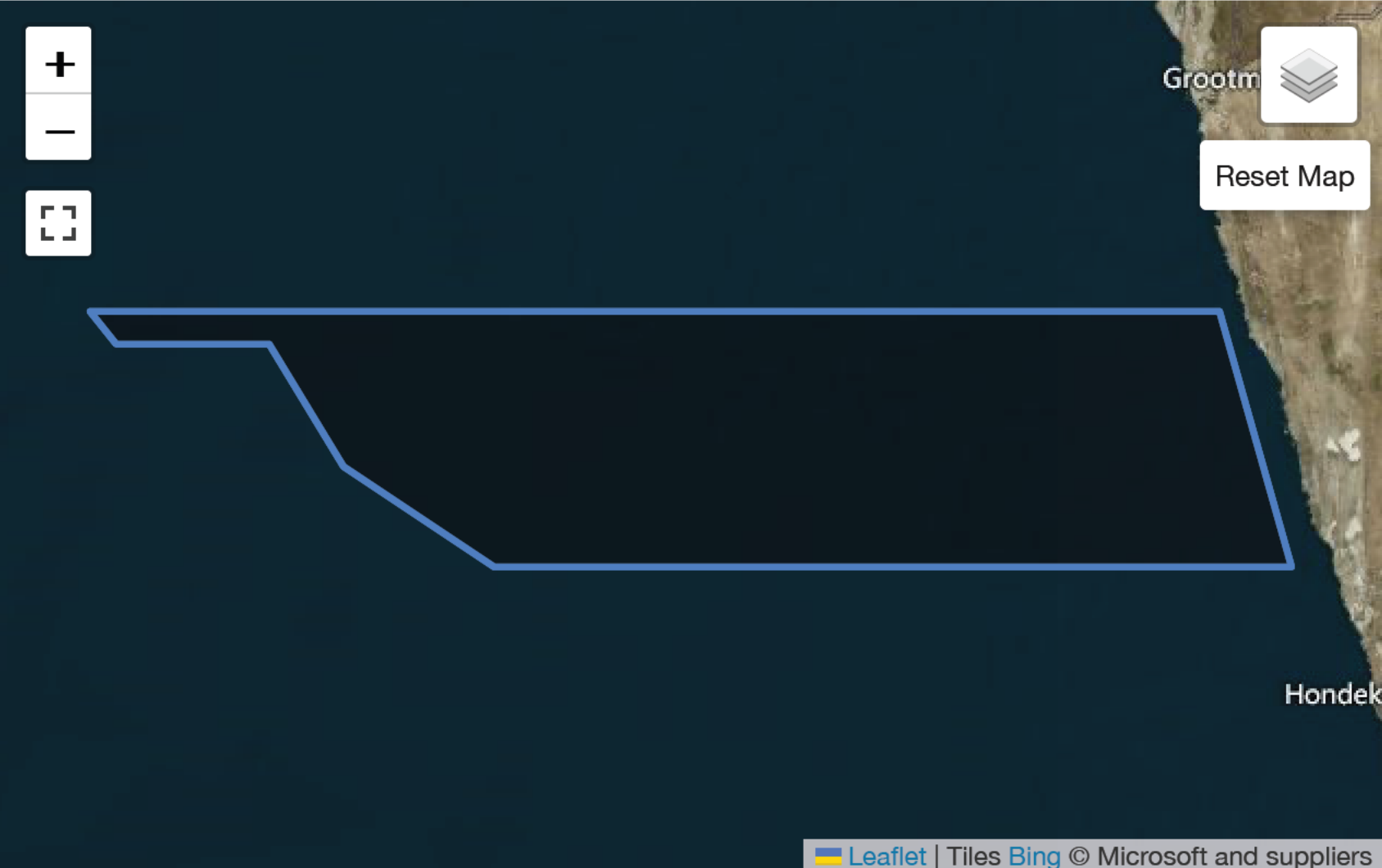
Add New Heritage Reports

Heritage Reports linked to this Case

HIA Phase 1	07/03/2026	MARITIME HIA: PROSPECTING RIGHT APPLICATION IN SEA CONCESSION 6C	John Gribble	download
PIA Desk-top	07/02/2026	PALAEONTOLOGICAL IMPACT ASSESSMENT FOR PROSPECT-ING RIGHT APPLICATION: SEA CONCESSION 6C	John Pether	down-load

Location

Location



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Messages



PART OF  SLR

ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SET
CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC DIAMONDS (PTY) LTD

[HOME](#) [OUR WORK](#) [OUR TEAM](#) [CONTACT US](#)

ANCHOR
PROJECT
REFERENCE
NUMBER:

2364

PROJECT STATUS: Open for public comment from 25 July until 23:59 on 25 August 2026

ANCHOR
PROJECT
MANAGER:

Cheruscha Swart/ Steve September

ANCHOR
PROJECT
MANAGER
CONTACT
DETAILS:

steve@anchorenvironmental.co.za

DOCUMENTS:

 [DRAFT BAR 6C.PDF](#)

 [DRAFT EMPR 6C.PDF](#)

 [INVITATION TO COMMENT.PDF](#)

APPENDICES:

 [APPENDIX 1 CVS_1.PDF](#) ,  [APPENDIX 2 COMMENTS & RESPONSES REPORT.PDF](#) ,

 [APPENDIX 3 SSVR.PDF](#) ,

 [APPENDIX 4 MARINE & ESTUARINE IMPACT ASSESSMENT.PDF](#) ,

 [APPENDIX 5 SOCIO-ECONOMIC IMPACT ASSESSMENT.PDF](#) ,

 [APPENDIX 6 HERITAGE IMPACT ASSESSMENT_1.PDF](#) ,

 [APPENDIX 7 PALAEOLOGY IMPACT ASSESSMENT.PDF](#) ,

 [APPENDIX 8 IMPACT ASSESSMENT METHODOLOGY.PDF](#) ,

 [APPENDIX 9 SITE MAPS.PDF](#) ,  [APPENDIX 10 FINANCIAL QUANTUM.PDF](#)

Please direct your enquiries to info@anchorenvironmental.co.za

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE COMMENT

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

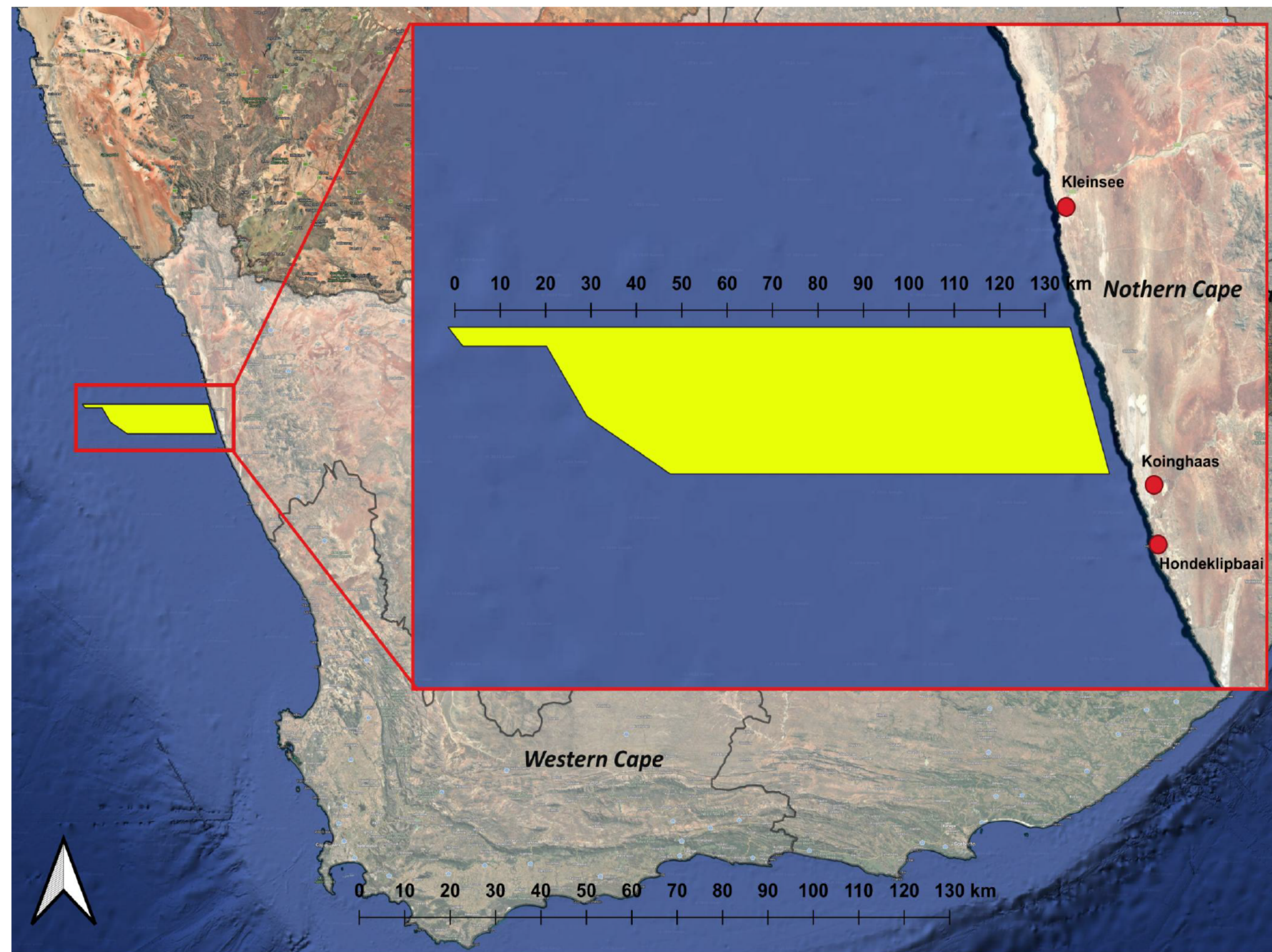
Project Details

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (NC 30/5/1/1/2/14851 PR).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.



KENNISGEWING VAN AANSOEK OM PROSPEKTEERREGTE EN OMGEWINGSMAGTIGING IN SEEKONSESSIEGEBIED 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM KOMMENTAAR TE LEWER

Kennisgewing ingevolge die Omgewingsimpakstudie-regulasies, 2014 (uitgevaardig ingevolge die Nasionale Wet op Omgewingsbestuur (NEMA), Wet 107 van 1998), en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne (MPRDA), Wet 28 van 2002.

Projekbesonderhede

Trans Atlantic Diamonds (Edms.) Bpk. het by die Departement van Minerale en Petroleumhulpbronne (DMPR) aansoek gedoen om Prospekterregte en Omgewingsmagtiging vir die prospektering van chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Seekonsessiegebied 6C (NC 30/5/1/1/2/14851 PR).

Die aansoek word onderneem ingevolge NEMA en MPRDA. Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite ingevolge die NEMA EIA-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgraving, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n propekteerreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiële omgewings-, sosiale-, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyn aangestel om die Basiese Assesseringsproses uit te voer en die bevindings in 'n Basiese Assesseringsverslag (BAR) aan die DMPR voor te lê vir oorweging.

Please review the Draft BAR and provide comments:

From 25 July 2026 to 23:59 on 25 August 2026.

Where to access the Draft BAR and EMPr:

- <https://anchorenvironmental.co.za/public-documents>
- Kleinsee Library
- Hondeklipbaai SAPS

To submit comments/questions, receive updates, or register as an I&AP, contact:

Om kommentaar/vrae in te dien, op hoogte van die projek gehou te word, of om as 'n I&AP te registreer, kontak:



Mr Steve September
Anchor Environmental Consultants
Tel: 021 701 3420
Email/ E-pos:
steve@anchorenvironmental.co.za

Hersien die konsep BAR en lewer kommentaar:

Vanaf 25 July 2026 tot 23:59 op 25 Augustus 2026

Waar om die BID te verkry:

- <https://anchorenvironmental.co.za/public-documents>
- Kleinsee Biblioteek
- Hondeklipbaai SAPD

UITNODIGING OM KOMMENTAAR TE LEWER OP DIE AANSOEK VIR OMGEWINGSMAGTIGING EN PROSPEKTEREGTE VIR SEEKONSESSIEGEBIED 6C, 11KM WES VAN KOINGHAAS, NOORD-KAAP

Kennisgewing ingevolge die Omgewingsimpakstudie-regulasies, 2014 (uitgevaardig ingevolge die Nasionale Wet op Omgewingsbestuur (NEMA), Wet 107 van 1998), en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne (MPRDA), Wet 28 van 2002 (NC 30/5/1/1/2/14851 PR).

Projek beskrywing: Trans Atlantic Diamonds (Edms) Bpk (Aansoeker) beoog om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Seekonsessiegebied 6C.

Lokasie: Seekonsessiegebied 6C is ongeveer 4 tot 5 km van die Noord-Kaapse kus af geleë, ongeveer 11 km wes van die naaste binnelandse dorp, Koingnaas, en 25 km suid van Kleinsee. Die seekonsessiegebied is ongeveer 350 000 hektaar groot.

Prospekteregte en Omgewingsmagtiging (EA) word van die Departement van Minerale en Petroleumhulpbronne (DMPR) vereis ingevolge die MPRDA- en NEMA-EIA-regulasies, onderskeidelik. EA word vereis vir die volgende gelyste aktiwiteite:

- **Noteringskennisgewing 1 (GNR983): Aktiwiteit 19A en Aktiwiteit 20**

Die Potensiële omgewings-, sosiale, ekonomiese en erfenisimpakte van die projek moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants (Edms) Bpk is aangestel om die Basiese Assesseringsproses uit te voer en die bevindinge in 'n Basiese Assesseringsverslag (BAR) aan die DMPR voor te lê vir oorweging.

Uitnodige om kommentaar te lewer: U word hiermee uitgenooi om u kommentaar oor die aansoek en aktiwiteit in te dien gedurende die 30-dae openbare kommentaarperiode: Vanaf 25 Julie 2026 tot 23:59 op 25 Augustus 2026.

Dokumente is soos volg beskikbaar:

- Aanlyn: <https://anchorenvironmental.co.za/public-documents>
- Harde kopieë: Kleinsee Biblioteek en Hondekliptbaai SAPD

METODE OM KOMMENTAAR TE LEWER: Dien kommentaar in by die kontakpersoon hieronder per e-pos, pos of telefonies. Maak seker dat u naam, kontakbesonderhede, belangstelling in hierdie aktiwiteit (bv. inwoner, visserman, ens.) en hoe u gekontak wil word (telefoon/e-pos) verskaf word.

Mnr Steve September: 021 701 3420

Posadres: Suite 8, Steenberg Huis, Steenberg
Kantoorpark, Silverwood Close, Tokai, 7945

E-pos: steve@anchorenvironmental.co.za



INVITE TO COMMENT ON THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHTS FOR OFFSHORE SEA CONCESSION AREA 6C, 11KM WEST OF KOINGHAAS, NORTHERN CAPE

Notice is hereby given in terms of the Environmental Impact Assessment (EIA) Regulations, 2014, National Environmental Management Act (107 of 1998) (NEMA) and Mineral and Petroleum Resources Development Act (28 of 2002) (MPRDA **Application ref no: NC 30/5/1/1/2/14851 PR**).

Project proposal: Trans Atlantic Diamonds (Pty) Ltd (Applicant) proposes to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

Location: Sea Concession Area 6C is located approximately 4 to 5km offshore of the Northern Cape coast, about 11km west of the nearest inland town, Koingnaas and 25km south of Kleinsee. The sea concession area is approximately 350 000 hectares.

Prospecting Rights and Environmental Authorisation (EA) is required from the Department of Mineral and Petroleum Resources (DMPR) in terms of the MPRDA and NEMA EIA Regulations, respectively. EA is required for the following listed activities:

- **Listing Notice 1 (GNR983): Activity 19A and Activity 20**

Potential environmental, social, economic, and heritage impacts of the project must be assessed through a Basic Assessment process. Anchor Environmental Consultants (Pty) Ltd has been appointed to conduct the Basic Assessment process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.

Invitation to comment: You are herewith invited to submit your comments on the application and activity during the 30-day public commenting period: From 25 July 2026 to 23:59 on 25 August 2026.

Documents are available as follows:

- Online: <https://anchorenvironmental.co.za/public-documents>
- Hard copy: Kleinsee Library and Hondeklipbaai SAPS

Method to comment: Submit comments to contact person below via email, post or telephonically. Ensure your name, contact details, interest in this activity (e.g. resident, fisherman, etc.) and how you wish to be contacted (phone/ email) is provided.

Mr Steve September: 021 701 3420

Postal address: Suite 8, Steenberg House,
Steenberg Office Park, Silverwood Close, Tokai, 7945

Email: steve@anchorenvironmental.co.za



Ad placed on 22 July 2026

1. Newspaper Advertisements

ADVERTISEMENT

The Karsten Group is a prominent and progressive fruit producer in the Lower Orange River region. The following position is vacant at the Klein Pella farm near Pofadder.

PACKHOUSE MANAGER

Main purpose of the position:

The successful candidate will be responsible for the day-to-day management, coordination and control of the Fruit Packhouse's operational functions, including receiving, cooling and freezer storage, sorting, packing, stock control, quality, hygiene, staff management, administration and product dispatch.

Minimum requirements:

- Grade 12 / Matric or an equivalent qualification.
- 3 to 5 years' relevant experience in packhouse, cold-storage, food-handling or agricultural production environment.
- Sound knowledge of warehouse and packhouse processes, product handling and packaging.
- A technologically adaptable mindset, with the ability and enthusiasm to apply new machine-learning and optical-sorting technologies in practice and to develop alongside the technology.

Key performance areas include, but are not limited to, the following:

- Manage and coordinate the daily workflow within the Fruit Packhouse.
- Ensure fruit is correctly received, identified, weighed, labelled, stored, sorted, packed and dispatched.
- Manage cooling, freezer storage, product rotation, lot control and stock identification.
- Monitor quality, sorting, packing, labelling and customer specifications.
- Plan and manage staff, packing lines, equipment, packing materials and production flow.
- Ensure staff understand their duties and work according to prescribed standards.
- Maintain discipline, productivity, cleanliness, order and effective teamwork within the packhouse.
- Ensure compliance with food safety, BRC, hygiene, PPECB and safety requirements.
- Complete and monitor packhouse administration, production reports, stock records and relevant documentation.
- Identify operational bottlenecks, risks and deviations, and take timely corrective action.
- Work closely with management, quality, logistics, administration, maintenance and other relevant departments.
- Experience in packhouse technology, breakdowns, fault-finding, analysing and repairs.

Preferred qualifications and experience:

- Post-school training in Agriculture, Food Technology, Warehouse Management, Production Management, Logistics, Quality or a related field.
- Previous experience in fruit handling, fruit packing, cold-chain control, BRC/food safety, staff management and dispatch processes.

For further information, contact Luandra Kotze on 054 972 9706. Applications may be submitted to Clement Naidoo at clementn@karsten.co.za.

CLOSING DATE FOR APPLICATIONS IS 31 JULY 2026.

If you do not receive feedback within three (3) weeks after the above closing date, you may consider your application unsuccessful.

Notice of Public Meeting

The Department of Water and Sanitation has commissioned a study to Determine the Water Resource Classes (RQOs) for all significant water resources (rivers, wetlands, groundwater, dams and estuaries) in the Lower Orange Catchment within the Vaal-Orange Water Management Area. Continued stakeholder engagement remains essential to this process. Stakeholders are therefore invited to attend the final round of public meetings, where information will be shared and the key findings of the study will be presented.

Public Meeting 1:

Springbok (Okiep Country Hotel)

Date: 04 August 2026

Time: 09:30 to 13:30

Public Meeting 2:

Upington (Protea Hotel Upington)

Date: 05 August 2026

Time: 09:30 to 13:30

To register to attend a meeting please contact the stakeholder engagement office at:



pp@wsp.com.
Phone: 011 361 1300

UITNODIGING OM KOMMENTAAR TE LEWER OP DIE AANSOEK VIR OMGEWINGSMAGTIGING EN PROSPEKTEREGTE VIR SEEKONSESSIEGEBIED 6C, 11KM WES VAN KOINGHAAS, NOORD-

Kennisgewing ingevolge die Omgewingsimpakstudie-regulasies, 2014 (uitgevaardig ingevolge die Nasionale Wet op Omgewingsbestuur (NEMA), Wet 107 van 1998), en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne (MPRDA), Wet 28 van 2002 (NC 30/5/1/1/2/14851 PR).

Projek beskrywing: Trans Atlantic Diamonds (Edms) Bpk (Aansoeker) beoog om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platynumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Seekonsessiegebied 6C.

Lokasie: Seekonsessiegebied 6C is ongeveer 4 tot 5 km van die Noord-Kaapse kus af geleë, ongeveer 11 km wes van die naaste binnelandse dorp, Koinghaas, en 25 km suid van Kleinsee. Die seekonsessiegebied is ongeveer 350 000 hektaar groot.

Prospekteerregte en Omgewingsmagtiging (EA) word van die Departement van Minerale en Petroleumhulpbronne (DMPR) vereis ingevolge die MPRDA- en NEMA-EIA-regulasies, onderskeidelik. EA word vereis vir die volgende gelyste aktiwiteite:

Noteringskennisgewing 1 (GNR983): Aktiwiteit 19A en Aktiwiteit 20
Die Potensiële omgewings-, sosiale, ekonomiese en erfenisimpakte van die projek moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants (Edms) Bpk is aangestel om die Basiese Assesseringsproses uit te voer en die bevindinge in 'n Basiese Assesseringsverslag (BAR) aan die DMPR voor te lê vir oorweging.

Uitnodig om kommentaar te lewer: U word hiermee uitgenooi om u kommentaar oor die aansoek en aktiwiteit in te dien gedurende die 30-dae openbare kommentaarperiode: Vanaf 25 Julie 2026 tot 23:59 op 25 Augustus 2026.

Dokumente is soos volg beskikbaar:

• Aanlyn: <https://anchorenvironmental.co.za/public-documents>

• Harde kopieë: Kleinsee Biblioteek en Hondeklopbaai SAPD

METODE OM KOMMENTAAR TE LEWER: Dien kommentaar in by die kontakpersoon hieronder per e-pos, pos of telefonies. Maak seker dat u naam, kontakbesonderhede, belangstelling in hierdie aktiwiteit (bv. inwoner, visserman, ens.) en hoe u gekontak wil word (telefoon/e-pos) verskaf word.

Mnr Steve September: 021 701 3420

Posadres: Suite 8, Steenberg Huis, Steenberg Kantoorpark, Siilverwood Close, Tokai, 7945

E-pos: steve@anchorenvironmental.co.za



Advertensie geplaas op 24 Julie 2026

SPRINGBOK-OPLEIDING VERSTERK NAMAKWA SE STRYD TEEN TB

Deur middel van digitale borskas-X-strale en kunsmatige intelligensie (KI) kan vroeë opsporing en vinnige verwysings nou baie vinniger geskied.

D. Obies

SPRINGBOK – Die Noord-Kaapse Departement van Gesondheid het 'n omvattende driedaagse opleidingsinisiatief in Springbok van stapel gestuur om die stryd teen tuberkulose (TB) in die Namakwa-distrik doelgerig te verskerp. Hierdie

program is spesifiek daarop gerig om plaaslike klinici met die nuutste vaardighede toe te rus sodat die voorkoming, diagnose en behandeling van die siekte doeltreffend verbeter kan word.

Tydens die intensiewe sessies val die klem sterk op infeksievoorkoming en die algehele optimalisering van pasiëntsorg. Die kurrikulum dek 'n wye spektrum van kliniese aspekte, wat wissel van die oordrag en verskynsels van pulmonale en ekstra-pulmonale TB tot gevorderde diagnostiese toetse en moontlike genees-middelinteraksies. Die deurslaggewende rol van Sosiale Gedragsveranderingskommunikasie (SBCC) en deurlopende pasiëntopvoeding word ook ingespan sodat behandelingsuitkomstes suksesvol verhoog kan word.

Volgens die provinsiale departement vorm hierdie kapasiteitsbou 'n kernkomponent van hul volgehoue verbintenis om gesondheidswerkers te ondersteun. Dié plaaslike poging belyk direk met die Nasionale Departement van Gesondheid se 'End TB'-veldtog, wat ten doel het om gedurende die 2026/27-boekjaar vyf miljoen Suid-Afrikaners landwyd te toets.

Terwyl die provinsie in sy geheel mik om 146 912 siftingstoetse uit te voer, is die spesifieke doelwit vir die Namakwa-distrik om 15 240 mense te toets en 794 pasiënte op behandeling te plaas. Ander distrikte, waaronder Frances Baard en ZF Mgcawu, het eweneens streng teikens gekry wat teen die einde van die boekjaar behaal moet word.

Hierdie nuwe dryfkrag word verder gerugsteun deur die strategiese TB-herstelplan 1.0, wat die integrasie van moderne tegnologieë insluit. Deur middel van digitale borskas-X-strale en kunsmatige intelligensie (KI) kan vroeë opsporing en vinnige verwysings nou baie vinniger geskied.

Tradisionele gesondheidspraktisyns word ook nou by die netwerk betrek sodat gemeenskaplike reg van die begin af ingelig kan wees. Openbare gesondheidsfasiliteite bied tans alle sifting, toetsing en voorkomende behandeling (TPT) heeltemal gratis aan sodat die oordrag van hierdie siekte doeltreffend gestuit kan word.

DIE PLATTELANDER
GESIG
VAN DIE MAAND

SLUK OP! DIE WATERSKILAS, 2026

Dis jou kans om te skitter!
Wys ons jou natriekglans!

Hoe dit werk:
Stuur jou meerkantige foto, naam en van, skool naam, kontakbesonderhede en 'n kort beskrywing van jouself en jou belangstelling.

Stuur jou epos na: plattelandergesig@gmail.com
Kontak: 027 712 2426

Inskrywings open vanaf 30 Julie 2026

R30
ENTRY FEE

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Artisan Recognition of Prior Learning (ARPL) Programme

Turn Your Experience into a Nationally Recognised Qualification

The Vedanta Community Skills Centre is putting potential into motion by creating pathways to brighter futures. In partnership with Africa Skills Pofadder, we invite experienced semi-skilled artisans from the Northern Cape to apply for the Artisan Recognition of Prior Learning (ARPL) Programme.

This programme provides qualifying candidates with the opportunity to have their workplace experience formally recognised and, upon successful completion of a trade test, qualify as a Red Seal Artisan.

Scope of the project:

Trades part of the project:

> Electrician > Mechanical Fitter > Welder

Minimum Requirements

Applicants must:

- Be 19 years or older
- Have a minimum of three years' relevant workplace experience in the trade for which recognition is sought
- **Provide proof of experience through:**
 - > Original certified service letter(s) from employer(s) on company letterheads; or
 - > An affidavit for informally employed workers
- Be able to read, write and perform trade-related calculations
- Be employed in either the formal or informal sector
- No formal qualification is required.

Funding

All costs associated with the ARPL process will be fully funded by CHIETA (Chemical Industries Education and Training Authority).

APPLY NOW >

Request registration documents and submit completed registration forms, together with all supporting documentation, to:

study-pofadder@africaskills.co.za Closing Date: **28 August 2026**

Take the next step in your career!

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PO/AFRICAS

APD Rolstoel Rugbytoernooi

GEMSBOK-UPINGTON: Die APD Benede Oranje hou Saterdag, 1 Augustus weer hul jaarlikse Rolstoel Rugbytoernooi by die Kalahari Mall.

Dit is nou die derde jaar wat die toernooi by die Kalahari Mall gehou gaan word en dit trek baie toeskouers. Die toernooi begin om 07:00 Saterdagoggend en sal omtrent 14:00 klaar wees.

Daar gaan stalletjies wees waar toeskouers 'n groot verskeidenheid tuisgemaakte produkte kan koop.

Indien daar persone is wat daar wil kom uitstal, skakel gerus 087 0862 907.

Die Mustangs Rolstoelrugbyspan van Bloemfontein kom weer na Upington waar hulle 'n demonstrasie-wedstryd teen mekaar gaan speel en die reëls van die spel aan almal verduidelik.

Daarna sal 20 verskillende spanne van Upington teen mekaar speel. Besighede en organisasies speel teen mekaar om die wisseltrofee te verower vir 2026.

Dis ook nou die laaste kans vir spanne (4 lede) om in te skryf. Skakel asseblief 087 0862 907 daarvoor.

APD hou hierdie toernooi vir fondsinsameling, asook grootskaalse bewusmaking vir die organisasie en sport vir persone met gestremdhede. Kom ondersteun die dag en leer meer oor persone met gestremdhede en hul onblusbare gees.



Jared McIntyre kom jaarliks met die Mustangs na Upington om die toernooi te help aanbied. Hy was in 2025 deel van die Protea-span wat na Noorweë getoer het en SA het die toernooi gewen. Die Protea-span het ook vanjaar in Spanje deelgeneem.

WMG-klub hou suksesvolle jaarlikse byeenkoms



Rozaane du Plessis en haar perd tydens die kompetisie.



Klein Jandre Vollgraaff sit ewe trots op sy perd na sy item.



Hierdie groep ruiters staan trots met hul sertifikate wat hul ontvang het.

GEMSBOK-UPINGTON: Die Upington Western Mounted Games (WMG)-klub het op 11 en 12 Julie hul jaarlikse byeenkoms by die Upington Expo-skougronde aangebied. Ruiters van regoor die Noord-Kaap het die geleentheid bygewoon en gedurende die naweek hul vaardighede, spoed en spanwerk ten toon gestel.

Deelnemers van alle ouderdomme het aan die kompetisie deelgeneem en in die verskillende ouderdomsgroepe, naamlik Children, Junior, Senior en Veterane, meegeding.

Die sport vereis uitstekende kommunikasie en vertroue tussen perd en ruiter, aangesien elke item met groot akkuraatheid en teen 'n hoë spoed voltooi moet word.

Die program het uit verskeie opwindende items bestaan, waaronder Barrel Race, Speedball, Key-hole, Poles, Figure 8 Stake, Figure 8 Flags, Hurry Scurry, Big T en Speed Barrels. Hierdie items het nie net die ruiters se vermoëns getoets nie,

gewildheid in die Noord-Kaap en bied jong en ouer ruiters die geleentheid om hul talente te ontwikkel, nuwe vriende te maak en op provinsiale en nasionale vlak mee te ding.

Die fokus verskuif nou na die Nasionale Western Mounted Games-kampioenskap wat van 28 September tot 2 Oktober in Parys in die Vrystaat plaasvind.

Verskeie ruiters van die Noord-Kaap sal daar in aksie wees en sien daarna uit om hul provinsie met trots te verteenwoordig. Die deelnemers oefen reeds hard om hul beste prestasies op die nasionale verhoog te lewer.

maar ook die atletiese vermoë van hul perde.

Volgens die organiseerders was die naweek 'n groot sukses. Die gees van sportmanskap, kameraadskap en liefde vir perde was duidelik sigbaar, terwyl deelnemers mekaar aangemoedig en ondersteun het. Toeskouers is op die punt van hul stoele gehou deur die vinnige en opwindende kompetisie wat deurentyd plaasgevind het.

Western Mounted Games groei steeds in



Nama Khoi Local Municipality

PO Box 17 / Private Bag X22
Springbok 8240 / Tel: 027 718 8100
Fax: 027 712 1635
Email: info@namakhoi.gov.za
Web: <https://www.namakhoi.gov.za/>

PUBLIC NOTICE 45/2026

2026/2027 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)

Notice is hereby given in terms of Section 53 (1) (c) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) that the municipality's Service Delivery Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget. The Mayor signed the 2026/2027 Service Delivery Budget Implementation Plan (SDBIP) on the 24 June 2026.

The abovementioned documents are available on the Municipal Website under the following link: www.namakhoi.gov.za

The documents will also be available at all Municipal Offices and Libraries.

Adv DM Malan / Acting Municipal Manager

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF MINERALS AND PETROLEUM RESOURCES HAS GRANTED THE ENVIRONMENTAL AUTHORISATION OF A PROSPECTING RIGHT APPLICATION IN TERMS OF SECTION 22 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO 28 OF 2002) AS AMENDED AND SECTION 24L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO 107 OF 1998): ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2017.

PROJECT REFERENCE: GP 30/5/1/2/14287 PR

NATURE OF ACTIVITY

Application for Environmental Authorisation of a Prospecting Right for Tantalum, Copper, Zinc, Feldspar, Nickel, Antimony, Gold, Uranium, Tungsten, Rare Earth, Spodumene and Mica.

LOCATION

The application will be on the farm Kleinhoumoed 205, situated in the magisterial district of Namaqualand, Northern Cape Province.

NAME OF APPLICANT

Keulen Testing & Inspection (Pty) Ltd

ENVIRONMENTAL AUTHORISATION LISTING ACTIVITIES

The following activities are approved with the granting:
- GNR 325 Activity 20

APPEALS

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Department of Forestry, Fisheries and Environment and a copy of such appeal to the Department of Mineral and Petroleum Resources (Northern Cape Region), within 20 days from the date of the notification. Such an appeal must be lodged as prescribed in Chapter 2 of the National Appeal Regulation 2014.

QUERIES AND WRITTEN COMMENTS SHOULD BE SUBMITTED TO:

Tinyiko Baloyi
NoRo WanGa (Pty) Ltd
Email: info@norowanga.co.za
Fax no: 086 483 1979

INVITE TO COMMENT ON THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND PROSPECTING RIGHTS FOR OFFSHORE SEA CONCESSION AREA 6C, 11KM WEST OF KOINGHAAS, NORTHERN CAPE

Notice is hereby given in terms of the Environmental Impact Assessment (EIA) Regulations, 2014, National Environmental Management Act (107 of 1998) (NEMA) and Mineral and Petroleum Resources Development Act (28 of 2002) (MPRDA) Application ref no: NC 30/5/1/1/2/14851 PR).

Project proposal: Trans Atlantic Diamonds (Pty) Ltd (Applicant) proposes to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

Location: Sea Concession Area 6C is located approximately 4 to 5km offshore of the Northern Cape coast, about 11km west of the nearest inland town, Koinghaas and 25km south of Kleinsee. The sea concession area is approximately 350 000 hectares.

Prospecting Rights and Environmental Authorisation (EA) is required from the Department of Mineral and Petroleum Resources (DMPR) in terms of the MPRDA and NEMA EIA Regulations, respectively. EA is required for the following listed activities:

• Listing Notice 1 (GNR983): Activity 19A and Activity 20

Potential environmental, social, economic, and heritage impacts of the project must be assessed through a Basic Assessment process. Anchor Environmental Consultants (Pty) Ltd has been appointed to conduct the Basic Assessment process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.

Invitation to comment: You are herewith invited to submit your comments on the application and activity during the 30-day public commenting period: From 25 July 2026 to 23:59 on 25 August 2026.

Documents are available as follows:

- Online: <https://anchorenvironmental.co.za/public-documents>
- Hard copy: Kleinsee Library and Hondeklipbaai SAPS

Method to comment: Submit comments to contact person below via email, post or telephonically. Ensure your name, contact details, interest in this activity (e.g. resident, fisherman, etc.) and how you wish to be contacted (phone/ email) is provided.

Mr Steve September: 021 701 3420

Postal address: Suite 8, Steenberg House, Steenberg Office Park, Silverwood Close, Tokai, 7945

Email: steve@anchorenvironmental.co.za



Ad placed on 22 July 2026

2. A2 Site Notices



Figure 2.1 Corner of R355 AND 3RD Avenue, Kleinsee



Figure 2.2 Koinghaas West Coast Information Centre

3. A4 Posters

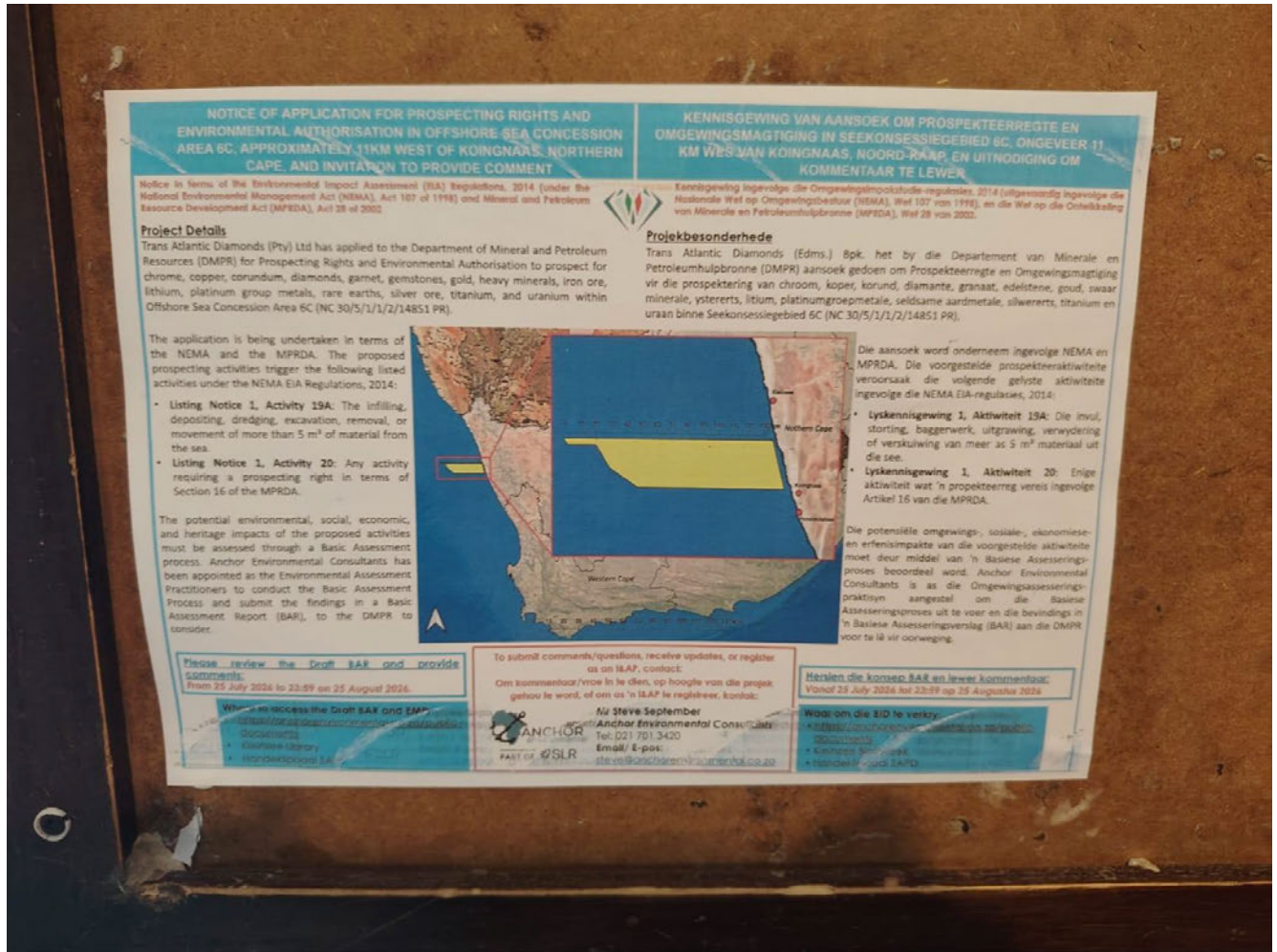


Figure 3.1 Hondeklibaai Liquor Store

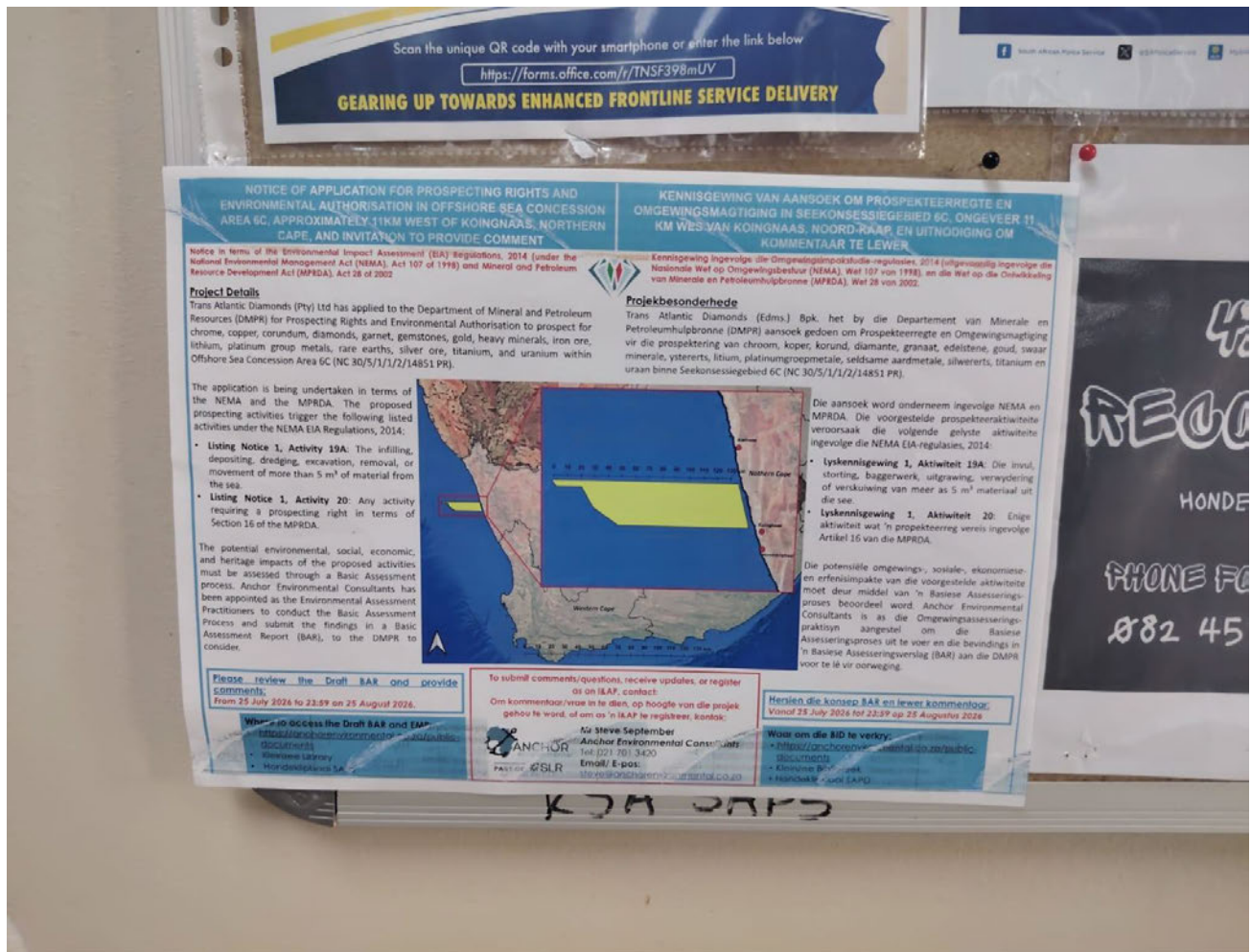


Figure 3.2 Hondeklipbaai SAPS

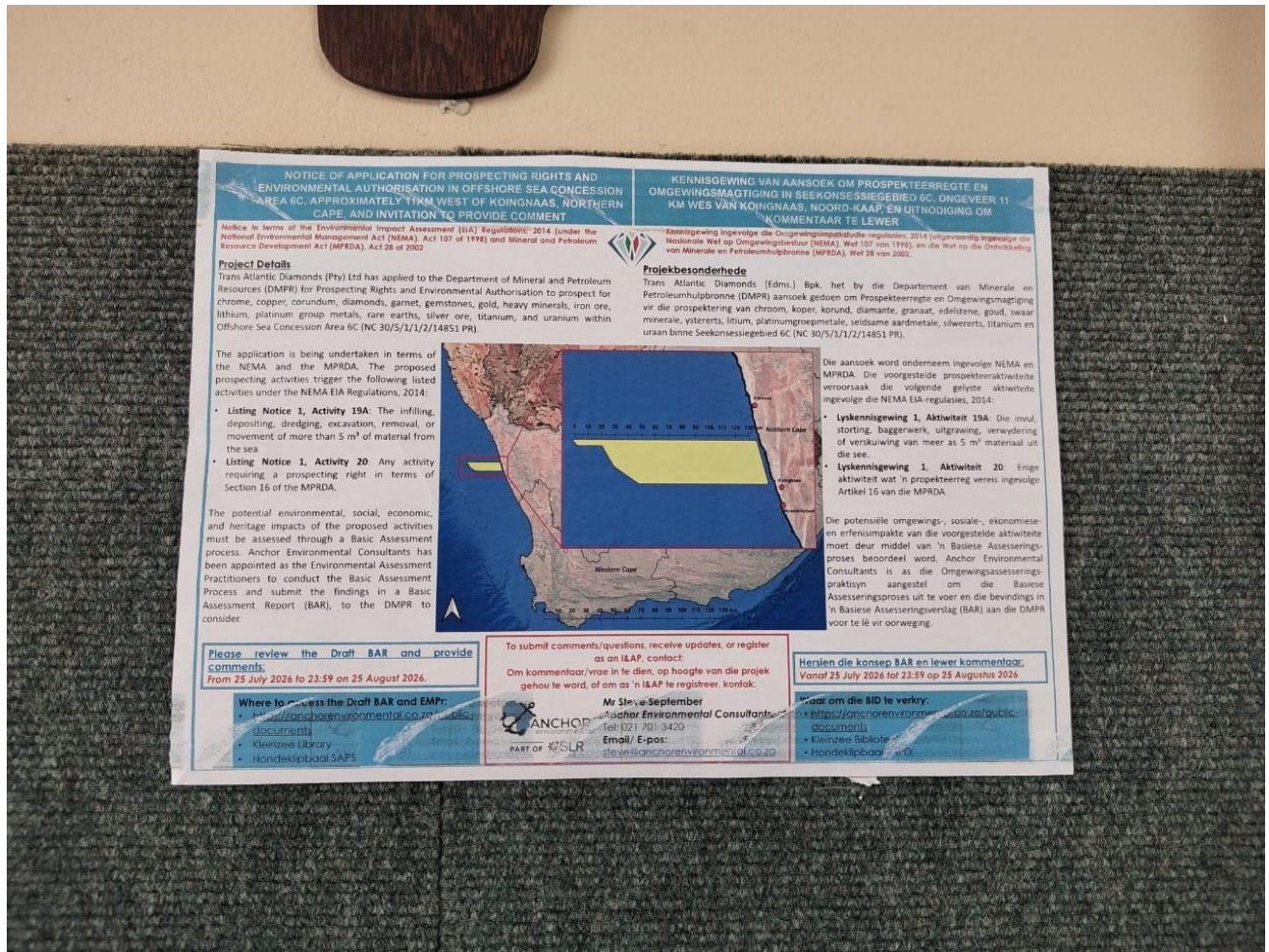


Figure 3.3 Koninghaas Library



Figure 3.4 Koinghaas Minimarket



Figure 3.5 Kleinzee OK Grocer

4. Hard Copy Draft Basic Assessment Report and Appendices



Figure 4.1 Hondeklipbaai SAPS

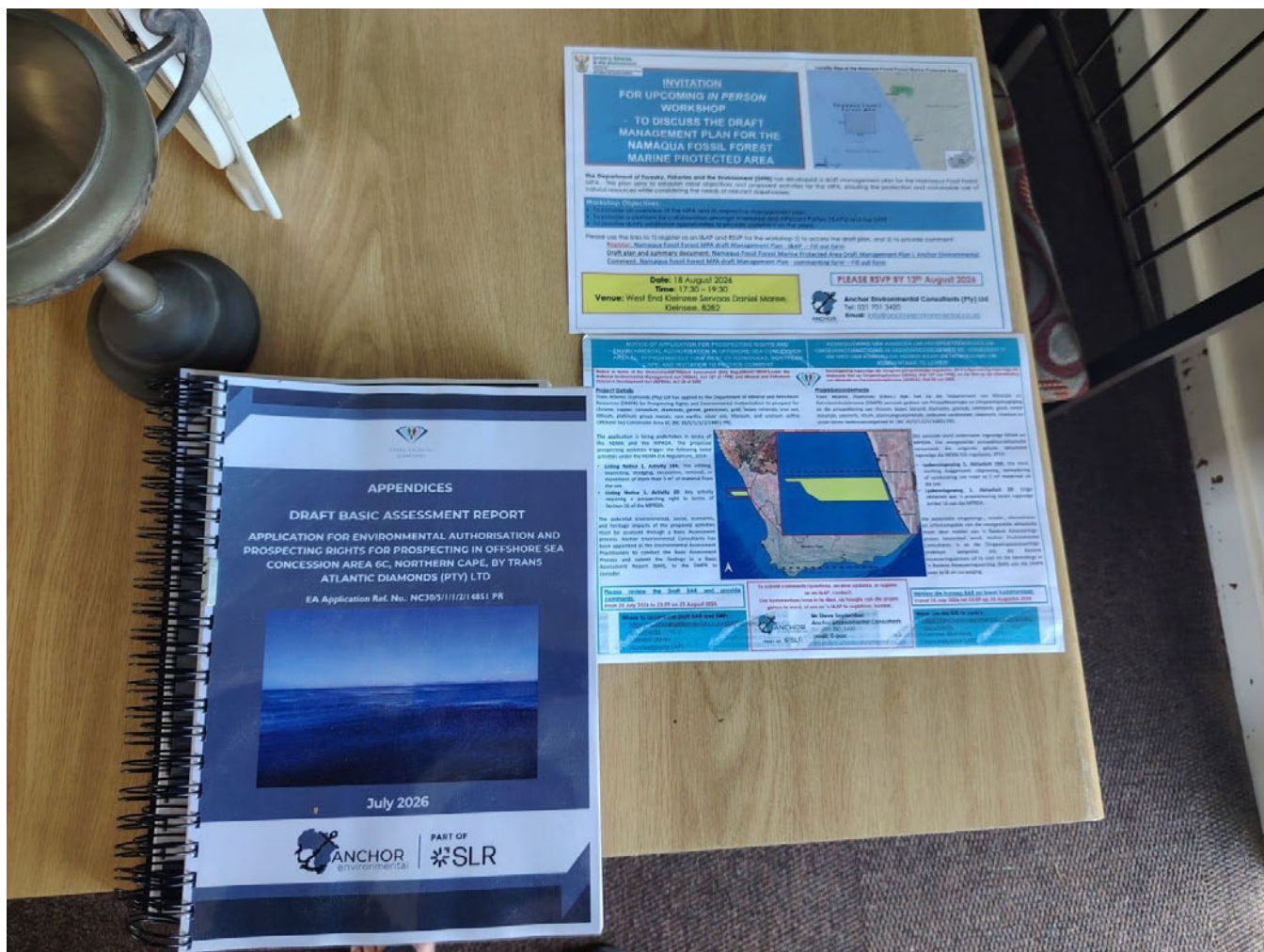


Figure 4.2 Koinghaas Information Centre

Read

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process and submit the findings in a Basic Assessment Report (BAR), to the DMPP to consider.

You are herewith invited to review the Draft BAR and supporting documents and provide your comments on the proposed prospecting activities during 30-day public participation:

From 25 July 2026 to 23:59 on 25 August 2026

Documents are available as follows:

- **Online:** <https://anchorenvironmental.co.za/public-documents>
- **Hardcopy:** Kleinsee Library and Hondeklopbaai SAPS

To submit comments or questions, or to register for project updates, contact the Environmental Assessment Practitioner below:

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a Comments and Responses Report, which will form part of the application submitted to the Competent Authority and will be publicly available. If you object to your name, email address, or the name of the organisation you represent being included in this report, please notify us when submitting comments. If no objection is received, it will be assumed that you consent to the inclusion of these details.

Kind Regards,
Steve September



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

Read: 2026/07/24 15:01

Dear Interested and Affected Party

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGHAAS, NORTHERN CAPE

APPLICANT: Trans Atlantic Diamonds (Pty) Ltd

PROJECT DETAILS: Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPP) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (**NC 30/5/1/1/2/14851 PR**).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

Steve September

From: Michael Yaman <michael.y@protectthewestcoast.org>
Sent: Friday, 03 July 2026 15:16
To: Steve September
Cc: Allen Lyons; Tiaan Engelbrecht; Mike Schleich; Patrick Forbes; Cheruscha Swart; Merle
Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Mr September,

Thank you for your response of 3 July 2026, and for taking the time to set out your position.

Having considered it carefully, we must respectfully disagree, for the following reasons.

Regulation 40(2) of the EIA Regulations, 2014 requires that the public participation process provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application, unless access to that information is protected by law. Regulation 41(6)(a) similarly requires that information containing all relevant facts in respect of the application be made available to potential I&APs. We do not read either provision as limiting disclosure to information bearing only on environmental impacts as distinct from the application as a whole, and we don't think a general reference to commercial sensitivity is sufficient, on its own, to establish that information is protected by law.

We would also respectfully differ on the point that the PWP's financial information falls outside the scope of the NEMA public participation process. Regulation 7(1)(k) of the MPRDA Regulations requires the PWP's cost estimate to be broken down to include costs pertaining to the rehabilitation and management of environmental impacts. Section 17(1)(c) of the MPRDA also makes the granting of a prospecting right conditional on the prospecting not resulting in unacceptable pollution or ecological degradation, and on an environmental authorisation being issued. Given this, we would submit that the financial information redacted from the PWP, including the rehabilitation and remediation cost breakdown, forms part of what is required for the environmental authorisation process, rather than being confined to an internal DMPR competence assessment under section 17(1)(a) and (b).

We would be grateful if you could furnish us with a copy of the guidance obtained from the DMPR referred to in your email, including the date it was obtained and the office or official who provided it, so that we may consider it properly.

We also note, respectfully, that our questions of 2 July 2026 regarding whether Anchor Environmental Consultants will have access to, and will take into account, the unredacted PWP when compiling the Draft EMP for Concession Area 6C, and the corresponding query for Concession Area 11C, have not yet been answered. We would appreciate a direct response to each.

We appreciate your engagement on this and look forward to hearing from you.



Kind Regards

Michael Yaman
Attorney (In-House)

Protect The West Coast

E: michael.y@protectthewestcoast.org
W: <https://www.protectthewestcoast.org/>



Watch the trailer for 'Out of Mined' [here](#)

On Fri, Jul 3, 2026 at 9:01 AM Steve September <steve@anchorenmvironmental.co.za> wrote:

Good morning Mr. Yaman

I hope this email finds you well.

Pertaining to your email and comment provided on Thursday, 2 July 2026, please see our response below:

1. Access to information and meaningful participation

We are of the opinion that your perception that *access to information is preventing meaningful participation* is incorrect. It has been reiterated that all information necessary and required to understand the proposed activity and to provide meaningful comments on the potential environmental impacts has been made available to you.

This includes the information contained in the Prospecting Work Programme (PWP), with limited redactions applied only to administrative, technical, financial and commercially sensitive information, submitted to the Department of Minerals and Petroleum Resources (DMPR) to assess the applicant's competence. Such information is not required to be disclosed as part of the Public Participation Process (PPP), which is concerned with environmental impact assessment rather than full disclosure of all application details.

To ensure compliance, guidance was sought from the DMPR. Based on this, it is confirmed that the PPP must provide access to information reasonably required to enable informed comment on environmental impacts, but does not extend to disclosure of all documents irrespective of

relevance. Disclosure obligations are therefore limited to information relevant to environmental assessment, and may exclude confidential or commercially sensitive information.

On this basis, the PWP were shared with redactions applied in line with this guidance.

2. Section 17(1) of the MPRDA

We would like to highlight that this section relates to the Minister's consideration of an applicant's technical and financial ability and forms part of the DMPP's internal decision-making process. It does not form part of the environmental assessment or NEMA PPP requirements. It is therefore important to reiterate that all relevant information has been and will be made available during the 30-day PPP to afford I&APs, government authorities, and members of the public to review and provide comments on the potential environmental impacts associated with the proposed application, which is the purpose of this NEMA PPP.

The assessment of an applicant's competence rests solely with the DMPP and is not the responsibility of Interested and Affected Parties (I&APs). Information relating to these aspects may also be protected in terms of applicable legislation. Where access to additional information is sought, the appropriate mechanism is a request in terms of the Promotion of Access to Information Act (PAIA).

I hope that this provides clarification regarding your query.

Kind Regards,

Steve September



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenmvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

From: Michael Yaman <michael.y@protectthewestcoast.org>
Sent: Thursday, 02 July 2026 14:52
To: Steve September <steve@anchorenmvironmental.co.za>

Cc: Allen Lyons <allen@protectthewestcoast.org>; Tiaan Engelbrecht <tiaan@protectthewestcoast.org>; Mike Schlebach <mike@protectthewestcoast.org>; Patrick Forbes <patrick@protectthewestcoast.org>; Cheruscha Swart <cheruscha@anchorenmvironmental.co.za>; Merle <merle.sowman@uct.ac.za>
Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Mr September,

Thank you again for providing the Prospecting Work Programme (PWP) for Concession Area 6C.

We note that Table 9.1 and Table 10.2, along with several other sections of the PWP, have had the financial amounts redacted in full. This includes the total prospecting budget and the total remediation and rehabilitation costs. Without this information, PTWC is unable to assess the scope, adequacy, or credibility of the proposed prospecting programme or the associated financial provision, which defeats the very purpose for which the PWP was requested and undermines PTWC's ability to participate meaningfully in this process as required under NEMA and the EIA Regulations, 2014.

Given that the Draft BAR and EMPr are still to follow, we would be grateful if you could also confirm the following.

1. When Anchor Environmental Consultants comes to compile the Draft EMPr for this application, will you have access to the full, unredacted PWP, including the financial information referred to above?
2. If so, why is PTWC, as a registered I&AP, being given a redacted version of the same documentation the EAP relies on to compile the EMPr?
3. Will the unredacted PWP be taken into account in compiling the Draft EMPr?

We raise the same query in respect of Concession Area 11C (WC 30/5/1/1/2/10522 PR), where PTWC has similarly received a redacted PWP.

We look forward to your response, and to receiving the Draft BAR and EMPr once available.



Kind Regards

Michael Yaman
Attorney (In-House)

Protect The West Coast

E: michael.y@protectthewestcoast.org
W: <https://www.protectthewestcoast.org/>



Watch the trailer for 'Out of Mined' [here](#)

On Mon, Jun 29, 2026 at 9:32 AM Michael Yaman <michael.y@protectthewestcoast.org> wrote:

Dear Mr September,

Thank you for your email and the redacted PWP.

We look forward to receiving the rest of the documents as they become available.



Kind Regards

Michael Yaman
Attorney (In-House)

Protect The West Coast

E: michael.y@protectthewestcoast.org

W: <https://www.protectthewestcoast.org/>



Watch the trailer for 'Out of Mined' [here](#)

On Mon, Jun 29, 2026 at 8:12 AM Steve September <steve@anchorenvironmental.co.za> wrote:

Good morning Mr. Yaman

I hope this email finds you well.

Please find attached the Prospecting Work Programme (PWP) for Concession Area 6C as requested.

Please note that the 30-day Public Participation Process (PPP) will only commence in the coming weeks, with the availability of the Draft BAR and all appendices. As you and PTWC have been registered and I&APs, you will receive an email regarding the availability of the Draft BAR and all appendices, and information regarding the PPP.

Please feel free to contact us if you have any questions.

Kind Regards



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Total 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

From: Michael Yaman <michael.y@protectthewestcoast.org>

Sent: Tuesday, 16 June 2026 14:52

To: Steve September <steve@anchorenvironmental.co.za>

Cc: Merle <merle.sowman@uct.ac.za>; Allen Lyons <allen@protectthewestcoast.org>; Tiaan Engelbrecht <tiaan@protectthewestcoast.org>; Mike Schleich <mike@protectthewestcoast.org>; Patrick Forbes <patrick@protectthewestcoast.org>

Subject: Re: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve,

I hope this email finds you well.

Kindly note that Protect the West Coast NPC hereby registers as an Interested and Affected Party in respect of the prospecting right application made by Trans Atlantic Diamonds (Pty) Ltd with reference number NC 30/5/1/1/2/14851 PR, in respect of Offshore Sea Concession Area 6C, approximately 11 km west of Koinaas, Northern Cape.

We note that the application is being assessed through a Basic Assessment process in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 (GN R982), and that Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioner.

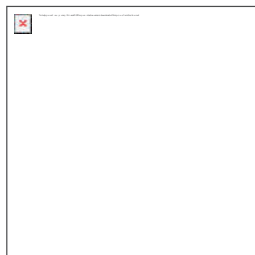
In the interests of procedural transparency and informed stakeholder engagement, we respectfully request that you furnish us with the following documents as they become available:

- Background Information Document (BID);
- Draft Basic Assessment Report (BAR);
- Draft Environmental Management Programme (EMPr);
- Relevant specialist studies, including any marine, ecological, and heritage impact assessments;
- Prospecting Work Programme;
- NEMA and GNR 1147-compliant rehabilitation plan/s and budget/s;
- Google Earth file clearly showing the application area in .kmz or .kml format;
- Name and full contact details of the applicant;
- Detailed CVs and professional registration certificates of all appointed consultants and specialists; and
- DMPR acceptance letter confirming receipt and processing of the application.

We would be grateful if you could please confirm our registration, provide us with the BID currently available for the Pre-Consultation Commenting Period, and keep us updated as the process continues.

We thank you in advance for your attention to this matter.

Kindly acknowledge receipt of this email.



Kind Regards

Michael Yaman
Attorney (In-House)

Protect The West Coast

E: michael.y@protectthewestcoast.org

W: <https://www.protectthewestcoast.org/>



Watch Ours, Not Mine [here](#)

On Mon, Jun 15, 2026 at 11:49 AM Steve September <steve@anchorenenvironmental.co.za> wrote:

DIE AFRIKAANSE VERTALING VAN HIERDIE E-POS VOLG NA DIE ENGELS

Dear Interested and Affected Party,

I hope this email finds you well.

NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

Application Reference No.: NC 30/5/1/1/2/14851 PR

Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C.

The application is being undertaken in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process.

OPPORTUNITY TO PROVIDE PRELIMINARY COMMENTS

You have been identified as a potential Interested and Affected Party (I&AP). A Background Information Document (BID), containing preliminary information on the proposed project and receiving environment, will be made available for review and comment during the Pre-Consultation Commenting Period as follows: via email, electronically on Anchor Environmental Consultants' website at <https://www.anchorenenvironmental.co.za/public-documents>.

I&APs are invited to submit preliminary comments on the proposed activities during the Pre-Consultation Commenting Period, **from 20 June 2026 to 29 June 2026**.

Upcoming Basic Assessment and Public Participation Process

The findings of the Basic Assessment process will be presented in a Basic Assessment Report (BAR), and measures to manage and mitigate identified impacts will be presented in an Environmental Management Programme (EMPr). Once completed, these documents will be

made available for a further 30-day public review and comment period. I&APs will be informed of this process in due course.

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a Comments and Responses Report, which will form part of the application submitted to the Competent Authority and will be publicly available. If you object to your name, email address, or the name of the organisation you represent being included in this report, please notify us when submitting comments. If no objection is received, it will be assumed that you consent to the inclusion of these details.

For further information, to submit comments, or to register as an I&AP, please contact the Environmental Assessment Practitioners below.

AFRIKAANS

Geagte Belangstellende en Geaffekteerde Party,

KENNISGEWING VAN AANSOEK OM PROSPEKTEREGTE EN OMGEWINGSMAGTIGING IN DIE AFLANDSE SEEKONSESSIE AREA 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER

Aansoek Verwysings No.: NC 30/5/1/2/14851 PR

Trans Atlantic Diamonds (Edms) Bpk. het by die Departement van Minerale en Petroleumbronne (DMPR) aansoek gedoen vir Prospekterregte en Omgewingsmagtiging om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Offshore Seekonsessiegebied 6C.

Die aansoek word onderneem ingevolge die Nasionale Omgewingsbestuurswet, 1998 (Wet Nr. 107 van 1998) (NEMA) en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne, 2002 (Wet Nr. 28 van 2002) (MPRDA). Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite onder die NEMA OIB-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgrawing, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n propekterreg vereis ingevolge Artikel 16 van die MPRDA.

Steve September

From: [REDACTED]
Sent: Friday, 24 July 2026 15:00
To: Steve September
Subject: RE: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

[OFFICIAL]

Good day Steve

Could you please share the draft BAR with me via email as I can only see the application document on the link provided and not the draft BAR.

Kind regards.

Chantelle du Plessis
Environmental Manager
Upstream Technology

T: +27 21 658 3194 / +27 82 808 0469
Head Office | Cape Town | DBM Gardens
Upstream Technology South Africa (Pty) Ltd
Golf Park 2, Raapenberg Road, Pinelands
www.debeersgroup.com



From: Steve September <steve@anchorenvironmental.co.za>
Sent: Friday, July 24, 2026 2:40 PM
To: Steve September <steve@anchorenvironmental.co.za>
Subject: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Warning - external emails can pose a risk to our organisation.
Verify that you know the sender before clicking on links or attachments. If it feels suspicious: DON'T CLICK - REPORT IT

Dear Interested and Affected Party

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGHAAS, NORTHERN CAPE

APPLICANT: *Trans Atlantic Diamonds (Pty) Ltd*

PROJECT DETAILS: Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (**NC 30/5/1/1/2/14851 PR**).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.

You are herewith invited to review the Draft BAR and supporting documents and provide your comments on the proposed prospecting activities during 30-day public participation:

From 25 July 2026 to 23:59 on 25 August 2026

Documents are available as follows:

- **Online:** <https://anchorenenvironmental.co.za/public-documents>
- **Hardcopy:** Kleinsee Library and Hondeklipbaai SAPS

To submit comments or questions, or to register for project updates, contact the Environmental Assessment Practitioner below:

Disclosure of Interest

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Kind Regards,

Steve September

From: [REDACTED]
Sent: Friday, 24 July 2026 15:18
To: Steve September
Subject: Re: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGHAAS, NORTHERN CAPE

Dear Steve

Thank you very much for forwarding this notice. Can you please advise what actions, if any, have been put in motion by yourselves to ensure awareness at a grassroots level and whether a community consultation process forms part of this campaign.

Your urgent response would be appreciated.

Kindest regards

[REDACTED]
Chairperson
South African United Fishing Front (Npo)
Mobile : [REDACTED]
Email : [REDACTED]



From: Steve September <steve@anchorenenvironmental.co.za>
Sent: Friday, July 24, 2026 2:40 PM
To: Steve September <steve@anchorenenvironmental.co.za>
Subject: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGHAAS, NORTHERN CAPE

Dear Interested and Affected Party

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGHAAS, NORTHERN CAPE

APPLICANT: *Trans Atlantic Diamonds (Pty) Ltd*

PROJECT DETAILS: Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for

chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (NC 30/5/1/1/2/14851 PR).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
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From 25 July 2026 to 23:59 on 25 August 2026

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Kind Regards,
Steve September



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Steve September

From: MSmit <MSmit@ncpg.gov.za>
Sent: Monday, 27 July 2026 09:12
To: Steve September
Subject: Re: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Good day

Incorrect email address, as I am at Nature Conservation : Permit Office

Kind Regards / Vriendelike groete

Marietjie Smit
Northern Cape Permit Section / Noord-Kaap Permitseksie
90 Long Street / Longstraat 90 (Courier services only / Slegs Courier dienste)
Tel: 053-8077430

PLEASE MAKE USE OF THE REGISTRATION EMAIL ADDRESS dencpermits@gmail.com FOR SUBMITTING APPLICATIONS.

Please take a minute and rate your level of satisfaction through our service delivery form:

<https://forms.office.com/r/MYgDnvKYQB>

>>> Steve September <steve@anchorenvironmental.co.za> 24/07/2026 14:40

>>>

Dear Interested and Affected Party

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGHAAS, NORTHERN CAPE

APPLICANT: Trans Atlantic Diamonds (Pty) Ltd

PROJECT DETAILS: Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (NC 30/5/1/1/2/14851 PR).

The application is being undertaken in terms of the NEMA and the MPRDA.
The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

* Listing Notice 1, Activity 19A: The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.

* Listing Notice 1, Activity 20: Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.

You are herewith invited to review the Draft BAR and supporting documents and provide your comments on the proposed prospecting activities during 30-day public participation:

From 25 July 2026 to 23:59 on 25 August 2026

Documents are available as follows:

- * Online: <https://anchorenvironmental.co.za/public-documents>
- * Hardcopy: Kleinsee Library and Hondeklipbaai SAPS

To submit comments or questions, or to register for project updates, contact the Environmental Assessment Practitioner below:

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

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Kind Regards,
Steve September

[cid:image001.png@01DD1B71.AD2B8DB0]

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)



TRANS HEX OPERATIONS (PTY) LTD
Registration No. 1968/012100/07

Leinster Hall, 7 Weltevreden Street, Gardens, 8001
PO Box 723, Parow 7499, Cape Town, South Africa
t.: +27 (0)21 510 1881 f.: +27 (0)21 510 5035

To:

Anchor Environmental Consultants (Pty) Ltd

Attention: The Environmental Assessment Practitioner, Ms Cheruscha Swart

And to:

Trans Atlantic Diamonds (Pty) Ltd

Attention: Mr Anthony Peter

And to:

Department of Mineral and Petroleum Resources

Northern Cape

Attention: The Regional Manager

28 July 2026

Dear Sirs/Madams

TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR

1. We write on behalf of Trans Hex Operations (Pty) Ltd ("THO"), a registered interested and affected party, in relation to the application by Trans Atlantic Diamonds (Pty) Ltd ("TAD") for a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") and for an environmental authorisation in terms of the National Environmental Management Act, 1998 ("NEMA") in respect of offshore Sea Concession Area 6C ("the Application").
2. THO raises two matters at the outset of the comment period, which opened on 25 July 2026, so that they may be addressed before the Final Basic Assessment Report is prepared and before the Application is determined.

First: the Application cannot lawfully proceed by way of Basic Assessment

3. TAD has applied to prospect for, among other minerals, "Diamonds (general)" and "Gemstones" (draft BAR, Executive Summary, p. 1, and section 4.3.2, p. 32).
4. Section 20 of the MPRDA provides:

"20. Permission to remove and dispose of minerals

(1) Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found by such holder in the course of prospecting operations conducted pursuant to such prospecting right in such quantities as may be required to conduct tests on it or to identify or analyse it.

(2) The holder of a prospecting right must obtain the Minister's written permission to remove and dispose for such holder's own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations."
5. On an ordinary grammatical reading, section 20(2) distinguishes between (i) diamonds and (ii) bulk samples of any other minerals. The words "bulk samples" qualify only "any other minerals"; they do not qualify "diamonds". To read them otherwise would ignore the legislature's inclusion of the word "and" between the two categories. The late Michael O. Dale et al., in the leading commentary on South African mining law, adopts the same reading, recording at para 174.3 that where samples are smaller than bulk samples no ministerial permission is required under section 20(1) "other than in the case of diamonds". Ministerial permission under section 20(2) is accordingly required in respect of diamonds regardless of the extent of the intended prospecting operation.
6. Listing Notice 2, activity 19 applies to:

"The removal and disposal of a mineral, which requires a permission ... in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission."
7. Listing Notice 2, activity 19 contains no scale or volumetric threshold. The only question it poses is whether section 20 permission is required. Where the mineral is diamond, it is. Listing Notice 2 requires that the impacts of the listed activity be investigated, assessed and communicated in accordance with regulations 21 to 24 of the EIA Regulations, 2014 — that is, through a Scoping and Environmental Impact Reporting ("S&EIR") process.

8. The draft BAR nevertheless identifies only Listing Notice 1, activities 19A and 20 (Executive Summary, p. 1; listed-activity table, section 4.3.1, pp. 31–32). Listing Notice 2, activity 19 is not identified at all. The stated basis for that appears at p. 38 of the draft BAR:

"Based on confirmation received via communication with the DMPR (pers. comms DMPR), this activity does not constitute bulk sampling in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002). This is because it is undertaken solely for prospecting purposes, does not involve commercial extraction, and does not entail large-scale removal or dredging of the seabed."
9. That does not answer section 20(2). The diamond limb of section 20(2) is triggered by the removal and disposal of diamonds; it does not depend on the sampling being characterised as "bulk sampling", or on the activity being described as investigative or non-commercial. In any event, an unrecorded oral communication ("pers. comms") from an official cannot determine the applicable listed activities, nor can acceptance of the Application by the DMPR, which is a formal gateway step with procedural consequences only. Public power is sourced in statute, and any departmental advice purporting to displace section 20(2) and the Listing Notices would be ultra vires.
10. Further and in any event, the intended operations appear to constitute bulk sampling. The draft BAR records the use of a drill tool that collects gravel and other seabed material, onboard processing of the recovered material, the discharge of tailings back into the sea, sample volumes of 9 to 15 m³ per sample, 300 drill samples and approximately 1 200 further resource-development samples (draft BAR, section 4.3.2, pp. 37–38). On TAD's own figures that is the removal, processing and disposal of some 13 500 m³ to 22 500 m³ of seabed material.
11. It follows that the pursuit of the Application by way of a Basic Assessment is unlawful. Any environmental authorisation granted on that basis will have been granted following a process not authorised by the EIA Regulations, and will be liable to be set aside on appeal or review. Such an authorisation would also remain vulnerable to challenge indefinitely, in line with the Oudekraal principle, and would afford TAD no reliable foundation on which to commence operations or to raise funding.
12. THO accordingly requests written confirmation that the present Basic Assessment process will be withdrawn or suspended and the Application processed through the S&EIR process. Failing that, please provide the full written basis on which it is contended that section 20(2) is not triggered, together with any written direction or confirmation from the DMPR relied

upon, including the identity of the official concerned and the date of the “pers. comms DMPR” recorded at p. 38 of the draft BAR.

Second: request for the section 16 application and supporting annexures

13. THO requests copies of the following, subject only to the redaction of genuinely financially sensitive information:
 - 13.1. TAD’s section 16 prospecting-right application lodged in respect of Sea Concession Area 6C, together with all annexures;
 - 13.2. the prospecting work programme (“PWP”);
 - 13.3. the proof of technical ability, and the indication whether that ability is to be provided by in-house expertise, contractors or consultants, together with the supporting annexures (including any letter of appointment of technical personnel);
 - 13.4. the list of existing rights and permits held by TAD; and
 - 13.5. the estimated annual expenditure for the proposed programme.
14. For clarity, this is not a request for the environmental authorisation application, the draft BAR, the specialist studies or the draft EMPr. THO has those documents. The prospecting-right application is a distinct application, lodged in the prescribed form and supported by prescribed information, and it does not cease to be so because it is captured on SAMRAD together with the environmental application.
15. The request is made in terms of, and for the purposes of, sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations. Section 10 applies expressly to applications lodged under section 16 and calls for comments and objections regarding the application for the right. Regulation 3A requires meaningful consultation, which the amended Regulations define as requiring the applicant, in good faith, to avail “all relevant information” pertaining to the proposed activities so that an interested and affected party can make an “informed decision”.
16. THO’s entitlement to the application papers is confirmed by *Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others* (Case

No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, judgment delivered on 11 September 2020), a copy of which is annexed hereto marked “A”. At para [117.1] the Court declared:

“It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 (‘the MPRDA’) are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources (‘the Department’), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application.”

17. Although that declarator was made in relation to an application for a mining right, the reasoning applies equally to an application for a prospecting right: section 10 applies in the same terms to applications lodged under sections 16, 22 and 27, and the consultation obligation in section 16(4)(b) mirrors that in section 22(4)(b). Dale’s commentary records the position to the same effect, and expressly notes that the same position applies in respect of other applications under the MPRDA.
18. The Court held that the manner in which an interested and affected party obtains a copy of the application “should not be restricted to the request processes in terms of PAIA ... because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application” (para [91]), and that such a party “would be entitled to a copy from the application as and when it is submitted to the Regional Manager, even before they ask for it” (para [92]). At para [93] the Court criticised the conduct of the applicant and the Department in that matter, recording that the documents were furnished only after “a long struggle, wherein the applicants had to be sent from pillar to post, with both the DMR and TEM refusing to take responsibility”, and only once litigation had been instituted.
19. It is for that reason that this request is submitted simultaneously to TAD, to Anchor as the appointed EAP, and to the Regional Manager, Northern Cape. THO asks that neither TAD nor the Department refer THO to the other. THO accepts that the applicant and/or the Department may redact genuinely financially sensitive aspects of the application, as the order in *Baleni* contemplates, and asks only that each redaction be identified and the basis for it stated.
20. THO requires the documents in order to comment meaningfully on the section 17 grant criteria, and in particular on TAD’s technical ability and whether it relies, directly or indirectly, on the expertise, personnel, contractors, vessels or equipment of Trans Hex or its related

entities, none of which has been agreed; on the actual vessel and operational model, the draft BAR identifying no vessel, owner, operator or contractor and offering only a stock photograph as "an example"; on whether the estimated expenditure is compatible with a five-year offshore survey, sampling, drilling and feasibility programme, the draft BAR recording a financial provision of R170 000 pooled with the provisions for Concession Areas 7C and 10B; and on TAD's existing rights and its performance under them, the draft BAR recording that prospecting rights and/or environmental authorisations have previously been secured for Concession Areas 7C, 10B, 11C, 14A and 14C. None of those matters can be tested from the draft BAR, and there is no later, separate process in which THO will be able to raise them.

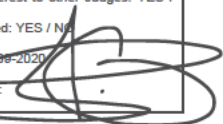
Conclusion

21. THO requests that TAD and/or Anchor and/or the DMPR respond to paragraph 12 and furnish the documents listed in paragraph 13 within 7 calendar days of the date of this letter. If it is contended that any annexure or portion thereof is financially sensitive, please identify it specifically, state the basis for that contention and provide the balance forthwith. THO further requests that the public review and comment period be extended by a period at least equivalent to the delay in producing the documents.
22. Please ensure that this letter is included, in full, in the Comments and Responses Report to be placed before the DMPR.
23. This letter is without prejudice to THO's further substantive and procedural objections to the Application, all of which are reserved, including the right to supplement its objections once the section 16 application material has been produced.

Yours faithfully


 AM Larkens
 Head of Legal
 Trans Hex Operations (Pty) Ltd



(1) Reportable: YES / NO
(2) Of interest to other Judges: YES / NO
(3) Revised: YES / NO
Date: 11-08-2020
Signature: 

IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

CASE NO: 96628/2015

In the matter between:

DUDUZILE BALENI

First Applicant

MAKATI NDOVELA

Second Applicant

MABHUDE DANCA

Third Applicant

GCINAMADLA MTHWA

Fourth Applicant

MDUMISENI DLAMINI

Fifth Applicant

MALIYEZA DENG

Sixth Applicant

84 OTHERS LISTED IN ANNEXURE A

Seventh Applicant to

TO NOTICE OF MOTION

90th Applicants

and

REGIONAL MANAGER: EASTERN CAPE

DEPARTMENT OF MINERAL RESOURCES

First Respondent

DEPUTY DIRECTOR GENERAL: MINERAL

REGULATION – DEPARTMENT OF

MINERAL RESOURCES

Second Respondent

DIRECTOR GENERAL –DEPARTMENT

OF MINERAL RESOURCES

Third Respondent

MINISTER-DEPARTMENT OF

MINERAL RESOURCES	Fourth Respondent
TRANSWORLD ENERGY AND MINERAL	
RESOURCES (SA) Pty Ltd	Fifth Respondent
and	
CENTRE FOR APPLIED LEGAL STUDIES	<i>Amicus Curiae</i>

JUDGMENT

MAKHUBELE J

Introduction and relief sought

[1] The first applicant is the iNkosana and head of the Umgungundlovu community Council, which was established in terms of customary law. She brings this application in her personal capacity and as a representative of the community as well as in the public interest. The other applicants are members of the community. The standing of the first applicant to launch these proceedings was put to question by the fifth respondent ('TEM') in its answering affidavit, however this was not pursued in oral submissions.

[2] The applicants live and work on the land upon which minerals (titanium) was discovered. TEM made an application for a mining right in respect of these minerals. The applicants are interested and affected persons as contemplated in the Mineral and Petroleum Resources Development Act, No.28 of 2002 ('the MPRDA'). TEM accept this fact and has not raised any issues with regard to their rights in this regard.

[3] The application concerns the rights of the applicants to access the mining right application of TEM made in terms of section 22 of the MPRDA over land which they reside and work in.

[4] It is accepted by all parties that the applicants are entitled to access the documents for the proper exercise of their right to comment on and to object if they wish to and to participate in the application processes contemplated in the MPRDA.

[5] The first to fourth respondents are cited in their capacities as functionaries of the Department of Mineral Resources ('DMR') with various roles in the processing, acceptance and approval of mining rights applications. The first two mentioned functions are performed by the first respondent ('Regional Manager') on authority delegated by the Director General in terms of section 8 of the MPRDA.

[6] The relief sought in the Notice of Motion reads as follows:

1. *Declaring that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 ("the MPRDA") are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources ("the Department"), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application.*

2. *The first respondent alternatively the second, third, and/or fourth respondent are ordered to:*

2.1 *Provide the applicants with a copy of the application for a mining right filed by the fifth respondent with the Department of Mineral Resources on 3 March 2015. The application may be redacted to obscure information that is commercially sensitive and is not required by the applicants for the exercise of their rights under sections 10 and 22(4) of the Mineral and Petroleum Resources Act ("MPRDA").*

2.2 *Furnish the application referred to in 2.1 to the applicants within 5 days of this order.*

3. *The first to fourth respondents are interdicted from:*

3.1 *Awarding a mining right to the fifth respondent in respect of the application for a mining right referred to in 2.1 until that application has been furnished to the applicants and the processes for consultation, comment and objection contemplated in sections 10 and 22(4) of the MPRDA have been completed.*

4. *The costs of this application are to be paid, jointly and severally, by any respondents opposing it.*

[7] The first, second, third and fourth respondents are not opposing the application. On 26 May 2016 they filed a 'Notice to Abide' by the decision of the court. They also undertook not to make a final determination on the application for the mining right until finalization of the consultation process.

[8] TEM provided the applicant with the copy of the mining right application, excluding confidential information. This was however done after this application was issued and served.

[9] As a result of these developments, the applicants are not persisting with the relief sought in prayers 2 and 3.

[10] TEM is opposing the relief sought in prayer 1 and has filed an answering affidavit. Its view is that the relief sought has become academic because it has already provided a copy of the mining right application and the applicants have not indicated their unhappiness with the documents provided.

[11] On the merits of the relief sought in prayer 1, TEM contends that;

(a) even though it has voluntarily provided the documents, the applicants were not entitled to them as of right because sections 10 and 22 of the MRPDA do not confer such rights to an objector or interested and affected persons,

(b) the right to access information is governed by the Promotion of Access to Information Act, No. 2 of 2000 'PAIA'; and

(c) the applicants must utilize the procedures in terms of PAIA, and if the complaint or problem is about the delays, section 15 makes provision for automatic access of documents.

[12] The Centre for Applied Legal Studies ('CALS') was admitted as an amicus curiae in terms of Rule 16A of the Uniform Rules of court on 08 February 2017 by order of Mali J.

[13] CALS, which needs no introduction, is a well-established and accredited law clinic. In its founding papers, it described itself as a member of the Access to Information Network whose primary objective is to advance the realization of the right of access to information for ordinary people in South Africa. It participates in programs related to upliftment of the lives of communities that are affected by the challenges related to lack of access to information, which in turn compromises their right to self-determination and sustainable development.

[14] It sought to be admitted in the proceedings to assist the court with factual and legal submissions which are relevant to the dispute in this matter. The factual submissions are intended to demonstrate the low success rate of obtaining information requested through PAIA processes. In this regard it has submitted

reports on surveys conducted by Centre for Environmental Rights (CER) and also referred to international and legal trends in information disclosure and consultation.

The legal submissions relate to the constitutional interpretation of various statutory provisions as well as the PAIA Manual of the DMR.

Factual background and chronology

[15] The following background facts leading to the launching of this application appear from the parties' *'Joint Chronology'*.

[15.1] TEM applied for a mining right on 03 March 2015.

[15.2] The applicants wrote to the Regional Manager on 17 March 2015 and sought to ascertain whether the application was filed. They also requested a copy thereof.

[15.3] An Environmental Assessment Practitioner (EAP) appointed by TEM convened a meeting at Komkhulu on 08 April 2015. He confirmed that indeed TEM had made an application for a mining right.

[15.4] The Regional Manager replied to the applicants' letter on 13 April 2015 and confirmed that TEM had made the application for a mining right, which had already been accepted in terms of MPRDA and NEMA. He also assured the applicants that they must be consulted. He directed them to request a copy of the application directly from representatives of TEM, Ms Ntombela or its EAP, Mr Badenhorst or by making a request to the department in terms of the provisions of the Promotion of Access to Information Act, No 2 of 2000 (PAIA).

[15.5] Ms Ntombela replied on 15 April 2015 and advised the applicants that she was still taking instructions from TEM. The EAP replied on 15 April 2015 and advised the applicants that their request did not form part of what he was responsible for. He advised them to direct their request to the Port Elizabeth office of the DMR.

[15.6] The applicants' attorneys wrote to Ms Ntombela again on 01 May 2015 and made the same request for the application in anticipation of the consultation process that was being conducted by the EAP. She replied on 11 May 2015 and advised the applicants to make a request to the DMR in terms

of PAIA because their application was done through an online system called 'Samrad'.

[15.7] The applicants' attorneys wrote to the Regional Manager on 08 June 2015 and raised their objection to the proposed mining activities on the basis that it would disrupt their way of life. They also indicated that they had not received the notice of the mining right application in terms of section 10 of MPRDA and requested to be furnished with a copy, which they accepted could be redacted to protect sensitive information. A letter with a similar request was also directed to TEM on the same day (08 June 2015).

[15.8] The Regional Manager replied to the applicants' attorneys' letter on 23 June 2015. He informed them that the section 10 notice had been posted on the notice board at the DMR office and other copies were placed at Bizana Magistrate office. He also reiterated his previous advice that they should approach TEM for a copy of the application.

[15.9] They again wrote to Ms Ntombela on 02 July 2015 and attached the letter from the Regional Manager.

[15.10] They filed a formal objection to the mining right application on 15 July 2015 and forwarded a copy to Ms Ntombela, again making a request for the mining right application. She replied on 22 July 2015 and refused to provide the requested document.

[15.11] On 04 August 2015 they wrote to the regional Manager and informed him about TEM's refusal to provide them with a copy of the mining right application. They demanded that they be provided with a copy by no later than 21 August 2015.

[15.12] The community convened a meeting which was held on 19 November 2015 to decide on the way forward.

[15.13] The Notice of Motion is dated 30 November 2015.

[15.14] TEM forwarded a copy of the mining right application to applicants' attorneys on 05 February 2016. It filed an answering affidavit on 19 February 2016 and contended that the relief sought had been rendered moot and also disputed the applicant's entitlement to interdictory relief in prayer 3.

[15.15] The applicants became aware during July 2016 that TEM's majority shareholder, Mineral Resources Limited (MRC) had announced that it had

entered into a Memorandum of Understanding (MOU) to divest its 56% share in TEM and transfer it to its BEE partner, Keysha. The view of the applicants' attorneys was that these developments would necessitate an amendment of TEM's mining right application. They wrote to TEM to seek an undertaking that it would furnish the applicants with a copy of the amendment. TEM declined to give the undertaking sought.

[15.16] The applicants have sought leave to file a supplementary affidavit in terms of rule 6(5) (e). The purpose is to deal with the developments regarding a possible amendment of the mining right application in view of the altered shareholding in TEM.

[15.7] TEM has not filed an answer to this supplementary affidavit.

The issues for determination

[16] The issues have been summarized as follows in the '*Joint Practice Note*'

(a) whether the applicants are entitled to a copy of the fifth respondent's mining right application as of right in terms of section 10 and 22(4) of the MPRDA, and;

(b) whether the facts giving rise to this application, including the applicants' unanswered supplementary affidavit, render the relief academic'

The legislative framework

The MRPDA

[17] The Preamble reads:

'RECOGNISING that minerals and petroleum are non-renewable natural resources;

ACKNOWLEDGING that South Africa's mineral and petroleum resources belong to the nation and that the State is the custodian thereof;

AFFIRMING the State's obligation to protect the environment for the benefit of present and future generations, to ensure ecologically sustainable development of mineral and petroleum resources and to promote economic and social development;

RECOGNISING the need to promote local and rural development and the social upliftment of communities affected by mining;

REAFFIRMING the State's commitment to reform to bring about equitable access to South Africa's mineral and petroleum resources;

BEING COMMITTED to eradicating all forms of discriminatory practices in the mineral and petroleum industries;

CONSIDERING the State's obligation under the Constitution to take legislative and other measures to redress the results of past racial discrimination;

REAFFIRMING the State's commitment to guaranteeing security of tenure in respect of prospecting and mining operations; and

EMPHASISING the need to create an internationally competitive and efficient administrative and regulatory regime,

[18] The following definitions are relevant.

'owner', in relation to the land owned by the State 'means the State together with the occupant thereof...'

'sustainable development' means the integration of social, economic and environmental factors into planning, implementation and decision making so as to ensure that mineral and petroleum resources development serves present and future generations; '

[19] The objects of the MPRDA appear from section 2 and amongst them is the following:

" 2(d) substantially and meaningfully expand opportunities for historically disadvantaged persons, including women and communities, to enter into and actively participate in the mineral and petroleum industries and to benefit from the exploitation of the nation's mineral and petroleum resources; '

2(f) promote employment and advance the social and economic welfare of all South Africans;

2(h) give effect to section 24 of the Constitution by ensuring that the nation's mineral and petroleum resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development; and

2(i) ensure that holders of mining and production rights contribute towards the socio-economic development of the areas in which they are operating.

[20] In terms of section 3 (1), minerals and petroleum resources are the common heritage of all the people of South Africa. The State is the custodian thereof for their benefit and 'may', through the Minister, *'grant, issue, refuse, control, administer and manage any'* mining right (section 3(2) (a)).

[21] Whilst exercising the discretionary powers on behalf of the State, the Minister is enjoined to act *'within a framework of national environmental policy, norms and standards'* to ensure that there is a balance between the sustainable development of the minerals and petroleum resources and promotion of economic and social development (section 3(3)).

[22] Section 4 is titled 'Interpretation of Act' and reads as follows:

(1) When interpreting a provision of this Act, any reasonable interpretation which is consistent with the objects of this Act must be preferred over any other interpretation which is inconsistent with such objects.

(2) In so far as the common law is inconsistent with this Act, this Act prevails.

[23] Section 6 deals with 'Principles of Administrative Justice' in terms of the Promotion of Administrative Justice Act, 2000 Act No.3 of 2000 (PAJA) and provides, amongst other things, that any process conducted or decisions taken must be done *'within a reasonable time and in accordance with the principles of lawfulness, reasonableness and procedural fairness'* and must be *'in writing and accompanied by written reasons ...'*

[24] Section 10 provides for *'consultation with interested and affected parties'* and reads as follows:

(1) Within 14 days after accepting an application lodged in terms of section 16, 22 or 27, the Regional Manager must in the prescribed manner-

(a) make known that an application for a prospecting right, mining right or mining permit has been accepted in respect of the land in question; and

(b) call upon interested and affected persons to submit their comments regarding the application within 30 days from the date of the notice.

(2) If a person objects to the granting of a prospecting right, mining right or mining permit, the Regional Manager must refer the objection to the Regional Mining Development and Environmental Committee to consider the objections and to advise the Minister thereon. (highlighted for

emphasis)

[25] The procedure for application of a mining right is prescribed in section 22. For present purposes, the relevant provision is subsection 4, which reads as follows:

(4) If the Regional Manager accepts the application, the Regional Manager must, within 14 days from the date of acceptance, notify the applicant in writing-

(a) to submit the relevant environmental reports, as required in terms of Chapter 5 of the National Environmental Management Act, 1998, within 180 days from the date of the notice; and

(b) to consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports.

[26] In terms of section 23 the Minister is obliged to grant the application if the applicant has satisfied the requirements listed in subsection 1(a) to (h), which are:

*(1) Subject to subsection (4), the Minister **must** grant a mining right if-*

(a) the mineral can be mined optimally in accordance with the mining work programme;

*(b) the applicant **has access to financial resources** and has the technical ability to conduct the proposed mining operation optimally;*

(c) the financing plan is compatible with the intended mining operation and the duration thereof;

*(d) **the mining will not result in unacceptable pollution, ecological degradation or damage to the environment and an environmental authorisation is issued;***

*(e) the applicant **has provided for the prescribed social and labour plan;***

(f) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);

(g) the applicant is not in contravention of any provision of this Act;

and

*(h) **the granting of such right will further the objects referred to in section 2(d) and (f) and in accordance with the charter contemplated in section 100 and the prescribed social and labour plan.*** (highlighted for emphasis)

[27] Section 23 (2A) reads

'If the application relates to the land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.'

MPRDA Regulations

[28] Regulation 3: 'Consultation with interested and affected persons' reads as follows:

(1) The Regional Manager or designated agency, as the case may be, must make known by way of a notice, that an application contemplated in regulation 2, has been accepted in respect of the land or offshore area, as the case may be.

(2) The notice referred to in sub regulation (1) must be placed on a notice board at the office of the Regional Manager or designated agency, as the case may be, that is accessible to the public.

(3) In addition to the notice referred to in sub regulation (1), the Regional Manager or designated agency, as the case may be, must also make known the application by at least one of the following methods -

(a) publication in the applicable Provincial Gazette;

(b) notice in the Magistrate's Court in the magisterial district applicable to the land in question; or

(c) advertisement in a local or national newspaper circulating in the area where the land or offshore area to which the application relates, is situated.

(4) A publication, notice or advertisement referred to in sub regulation (3) must include-

(a) *an invitation to members of the public to submit comments in writing on or before a date specified in the publication, notice or advertisement, which date may not be earlier than 30 days from the date of such publication, notice or advertisement;*

(b) *the name and official title of the person to whom any comments must be sent or delivered; and*

(c) *the -*

(i) *work, postal and street address and, if available, an electronic mail address;*

(ii) *work telephone number; and*

(iii) *facsimile number, if any, of the person contemplated in paragraph (b).*

[29] Regulation 10 prescribes the information that must be disclosed in a mining right application. 10(1) reads as follows:

(1) An application for a mining right in terms of section 22(1) of the Act must be completed in the form of Form D contained in Annexure I and must contain-

(a) the full particulars of the applicant;

(b) in the case of a company or closed corporation, documentary proof that the applicant has obtained the necessary authority to make the application in a representative capacity on behalf of the company or closed corporation, as the case may be;

(c) a plan contemplated in regulation 2(2) showing the land and mining area to which the application relates;

(d) the mineral or minerals for which the right is required;

(e) the period for which the right is required;

(f) a mining work programme contemplated in regulation 11;

(g) a social and labour plan contemplated in regulation 46;

(h) detailed documentary proof of the applicant's technical ability or access thereto to conduct the mining activities and to mitigate and rehabilitate relevant environmental impacts;

(i) documentary proof that the applicant has the ability to comply with relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);

(j) a description of how the applicant's technical ability will be provided by making use of in-house expertise, contractors and consultants on the proposed mining operation;

(k) budget and documentary proof of the applicant's financial ability or access thereto, which may include but is not limited to the following:

(i) Loan agreements entered into for the proposed mining operation;

(ii) a resolution by a company to provide for the finances required for the proposed mining operation; and

(iii) any other mechanism or scheme providing for the necessary finances for the proposed mining operation.

(l) a list of existing rights or a list of existing rights and permits, as the case may be held by the applicant, to be compiled in a table format that indicates the region and location with regard to the land name and the existing right or permit number for each mineral within the Republic; and

(m) a certified copy or copies of the title deed or deeds, where applicable, in respect of the land to which the application relates; and

(n) any other specific and additional information, data or documentation that the Minister may request in connection with the information submitted under paragraphs (a) to (m).

[30] Regulation 50 deals with the contents of an environmental impact assessment report.

'The contents of an environmental impact assessment report must include the following:

- (a) *An assessment of the environment likely to be affected by the proposed mining operation, including cumulative environmental impacts;*
- (b) *An assessment of the environment likely to be affected by the identified alternative land use or developments, including cumulative environmental impacts;*
- (c) ***An assessment of the nature, extent, duration, probability and significance of the identified potential environmental, social and cultural impacts of the proposed mining operation, including the cumulative environmental impacts;***
- (d) ***A comparative assessment of the identified land use and development alternatives and their potential environmental, social and cultural impacts;***
- (e) *Determine the appropriate mitigatory measures for each significant impact of the proposed mining operation;*
- (f) ***Details of the engagement process of interested and affected persons followed during the course of the assessment and an indication of how the issues raised by interested and affected persons have been addressed;***
- (g) *Identify knowledge gaps and report on the adequacy of predictive methods, underlying assumptions and uncertainties encountered in compiling the required information;*
- (h) *Description of the arrangements for monitoring and management of environmental impacts; and*
- (i) *Inclusion of technical and supporting information as appendices, if any.*

[31] Regulation 51: 'Environmental management programme'

'An environmental management programme contemplated in section 39(1) of the Act must include the following:

- (a) A description of the environmental objectives and specific goals for-

- (i) mine closure;
 - (ii) the management of identified environmental impacts emanating from the proposed mining operation;
 - (iii) the socio-economic conditions as identified in the social and labour plan; and
 - (iv) historical and cultural aspects, if applicable;
- (b) an outline of the implementation programme which must include -
- (i) a description of the appropriate technical and management options chosen for each environmental impact, socio-economic condition and historical and cultural aspects for each phase of the mining operation;
 - (ii) action plans to achieve the objectives and specific goals contemplated in paragraph (a) which must include a time schedule of actions to be undertaken to implement mitigatory measures for the prevention, management and remediation of each environmental impact, socio-economic condition and historical and cultural aspects for each phase of the mining operation;
 - (iii) procedures for environmental related emergencies and remediation;
 - (iv) planned monitoring and environmental management programme performance assessment;
 - (v) financial provision in relation to the execution of the environmental management programme which must include-
 - (aa) the determination of the quantum of the financial provision contemplated in regulation 54; and
 - (bb) details of the method providing for financial provision contemplated in regulation 53;
 - (vi) an environmental awareness plan contemplated in section 39(3)(c) of the Act;

(vii) all supporting information and specialist reports that must be attached as appendices to the environmental management programme; and

(viii) an undertaking by the applicant to comply with the provisions of the Act and regulations thereto.

Constitution of the Republic of South Africa, 1996

[32] In terms of section 24: "Everyone has the right-

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

[33] Section 32 provides that:

"(1) Everyone has the right of access to—

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state"

[34] Section 33 provides that:

(1) (Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

(3) National legislation must be enacted to give effect to these rights, and must—

(a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;

(b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and

(c) promote an efficient administration.

[35] Section 38 affords standing to any of the following persons to approach the High Court and seek appropriate relief, including a declaration of rights, when a right in the Bill of Rights has been infringed or threatened.

"(a) anyone acting on their own interest;

(b) anyone acting on behalf of another person who cannot act in their own name;

(c) anyone acting as a member of, or in the interest of, a group or class of persons;

(d) anyone acting in the public interest; and

(e) an association acting in the interest of its members"

National Environment Management Act, No.107 of 1998 ('NEMA')

[36] This is the legislative measure contemplated in s 24(b) of the Constitution. Its long title and preamble read:

ACT

To provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote cooperative governance and procedures for

coordinating environmental functions exercised by organs of state; to provide for certain aspects of the administration and enforcement of other environmental management laws; and to provide for matters connected therewith.

Preamble

WHEREAS many inhabitants of South Africa live in an environment that is harmful to their health and well-being; everyone has the right to an environment that is not harmful to his or her health or well-being;

the State must respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities;

inequality in the distribution of wealth and resources, and the resultant poverty, are among the important causes as well as the results of environmentally harmful practices; sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations; everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that- prevent pollution and ecological degradation; promote conservation; and

secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

the environment is a functional area of concurrent national and provincial legislative competence, and all spheres of government and all organs of state must co-operate with, consult and support one another;

AND WHEREAS it is desirable -

that the law develops a framework for integrating good environmental management into all development activities; that the law should promote certainty with regard to decision-making by organs of state on matters affecting the environment;

that the law should establish principles guiding the exercise of functions affecting the environment; that the law should ensure that organs of state maintain the principles guiding the exercise of functions affecting the environment;

that the law should establish procedures and institutions to facilitate and promote co-operative government and intergovernmental relations;

that the law should establish procedures and institutions to facilitate and promote public participation in environmental governance;

that the law should be enforced by the State and that the law should facilitate the enforcement of environmental laws by civil society; ..."

[37] Section 2 of NEMA sets out the principles that govern the affairs of the organs of state which may significantly affect the environment. They serve as guidelines by reference to which any organ of state must exercise any function when taking decisions in terms of NEMA in interpretation, administration and its implementation and any other law concerned with the protection or management of the environment.

[38] In terms of section 2(2) environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

[39] Section 2(3) provides that (3) "*development must be socially, environmentally and economically sustainable.*

[40] The following are some of the relevant factors that must be taken into consideration for sustainable development in terms of section 2(4).

(f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.

(g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.

(h) Community wellbeing and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.

(i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.

(j) The right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected.

(k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.

[41] It is common cause that any activity that requires a mining right as contemplated in section 22 of MPRDA has been identified a listed activity in terms of section 24(2) and 24D that would require an environmental authorisation prior to its commencement.

[42] “interested and affected party”, includes-

(a) any person, group of persons or organisation interested in or affected by such operation or activity...”

Promotion of Access to Information Act (PAIA)

[43] Section 9 lists the ‘Objects of Act’ as follows:

(a) to give effect to the constitutional right of access to-

(i) any information held by the State; and

(ii) any information that is held by another person and that is required for the exercise or protection of any rights;

(b) to give effect to that right-

(i) subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and

(ii) in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;

(c) to give effect to the constitutional obligations of the State of promoting a human rights culture and social justice, by including public bodies in the definition of ‘requester’, allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;

(d) to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and

(e) generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone-

(i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;

(ii) to understand the functions and operation of public bodies; and

(iii) to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.

[44] Paragraph (d) is indicative of the flexibility of the process of access to information. It depends on the purpose and urgency for which it is required.

Summary of submissions

Applicants

[45] On the proper interpretation of section 10 and 22(4) of MRPDA the applicants contend that these two sections mean that interested and affected parties or persons should obtain a copy of a mining right application automatically upon request from the Regional Manager to enable them to have meaningful consultations with TEM.

[46] She further submitted that when interpreting a statute, courts must give effect to the spirit, purpose and object of the Bill of Rights and obligations derived from that. Court must prefer an interpretation that is consistent with the Constitution, and also one that best gives effect to the rights in the Bill of Rights. Furthermore, courts must prefer an interpretation that is consistent with the objects of the MRPDA and this obligation includes ensuring the holders of mining rights contribute towards the serving of economic development of the areas that they operate in.

[47] When these principles are applied, it clearly favour the applicants’ interpretation and the reasons for this are firstly, that constitutional rights are implicated here, particularly the right to just administrative action relating to the notice

and consultation requirements. She referred to the Constitutional judgment in the matter of Bangwenyama Minerals Pty Ltd and Others v Genorah Resources (Pty Ltd and Others 2011 (4) SA 113 (CC), where the court, clarified the nature and obligation to consult. The purpose of consultation is to provide sufficient details to the landowners or occupiers to enable them to make informed decisions.

[48] On whether a request through PAIA is a requirement, Ms Webber submitted that the MRPDA sets out specific timelines for the exercise of the communities' rights which are incredibly truncated such that if the community was required to make an application to access the application they would simply not be able to exercise their rights to consultation.

[49] The application process, including internal appeal process itself is way beyond 30 days such that it is simply impossible to prepare and submit an objection all within 30 days.

[50] She submitted further that it may also be an issue of capacity in dealing with PAIA processes at the DMR. There might be a will to expedite the applications but they could simply lack the capacity with the number of applications they get.

[51] Therefore, it is also not an answer, as TEM contends in its supplementary heads of argument; to say that the DMR PAIA manual provides that the community will automatically get the mining rights application upon request.

[52] Furthermore, a PAIA manual is an internal document of the DMR and it can change at any time, and, in fact, DMR is required to publish a new document annually. It may be the case that right now the applicants are automatically entitled to the information under the DMR PAIA manual in question; however, there is no guarantee that it will be the same in a few months or a few years' time. Furthermore, internal documents cannot be used to interpret the Act.

[53] The list of new documents in the 2017 PAIA manual is not exhaustive and it does not include everything that the applicants would want from the mining right applicant. For example, documents relating to shareholding and ownership of the mining right are not included in the list of automatic access. The list does not include details of ownership and in particular, the ownership of historically disadvantaged South Africans this information would inform the community if they are included in the

shareholding structure or whether they will derive any benefit from the mining on their land.

[54] On the declaratory relief, she submitted that the applicants rely on two self-standing grounds. The first is section 38 of the Constitution, which provides that anyone may approach a court and allege that a right in the Bill of Rights has been infringed or threatened and the courts may then grant appropriate relief and that appropriate relief includes the declaration of rights.

The applicants have met the requirements.

[55] The second ground that the court can independently grant the declaratory order in this matter is section 21(c) of the Superior Court Act.

She referred to the matter of The SCA in the matter of Illovo Opportunities #11 v Illovo Junction Properties 2014 JDR 1889 SCA (at para 14) where it was held that the existence of dispute between the two parties is not a prerequisite for a declaratory order to be granted. The requirement is that there should simply be interested parties on whom the order will be binding. It is clear in this case that there are such parties.

[56] TEM carried out consultations with the applicants and their communities but this happened before the communities were given the mining rights application. TEM has refused to consult after giving the community the mining right application. It says that it has fulfilled its obligation to consult. It has also refused to give an undertaking that it will consult further.

[57] The impact of the declaratory order is that it will clarify the nature of the rights of the interested and affected parties and TEM's obligations.

[58] There will be an imminent amendment of the mining right application due to the changes in share allocation as indicate in the applicants' supplementary affidavit. It is highly likely that amendment will take place. There could be other amendments or a need to amend something or to seek an amendment right. For instance, DMR has indicated in one correspondence that the social labour plan that has been submitted is simply a draft plan and that TEM would still have to submit its final social and labour plan. There are other communities that will be impacted also even if an undertaking is given in relation to this amendment.

Amicus Curiae

[59] Counsel for the amicus, Ms Lekokotla, referred to the research reports of Centre for Environmental Rights. The research is based on tracked PAIA applications that were made to three departments, namely, the DMR, Water and sanitation and Environmental Affairs. In those three departments, there was a common problem, which was the low success rate of the PAIA applications. There was no timeous responses to the request and many other reasons, such as lack of staff capacity, their lack of understanding and inconsistency in applying the time periods and many other issues.

[60] What comes out from all of these reports is that as soon as there is no response within the stipulated time period, that is a deemed refusal. This confirms the applicants' contentions that it is impossible to comply with the 30 day period within which objections must be lodged given that most of the community members are uneducated and most of them do not have access to lawyers or anyone who can help them.

[61] The deemed refusal then automatically allows the parties to go for an internal appeal. All of these reports show that even on internal appeal stage, the biggest problem is that either the appeals are not properly or adequately attended to, secondly there are either no decisions or no timeous decisions or that there is lack of understanding of the issues. The result is that the communities would still be dissatisfied because they would still not have the relief that they need.

[62] Their next step then would be to approach the courts. This is a laborious process merely for exercising their rights to access the mining rights application. The reality is that most of the communities do not even have the resources to make these applications.

[63] On TEM's submission that these reports contain inadmissible hearsay evidence, the submission of the *amicus curiae's* is that if it (TEM) really wanted to dispute anything that is contained in these reports, it could have called its own experts to make their own contribution on exactly how the PAIA applications are dealt with in government departments, but they did not do so.

[64] Statistical evidence does not constitute hearsay and is admissible as evidence (*Children's Institute v Presiding Officer of the Children's Court, District of Krugersdorp* 2013 (1) BCLR 1 (CC))

[65] From the available statistics, out of the three departments DMR is the one that is consistently performing poorly in PAIA applications responses.

[66] The DMR PAIA Manual of 2014¹ that CALS had attached to its founding affidavit was amended or updated in 2017 as pointed out in TEM's supplementary heads of argument. CALS's submission was that the mining right application was indicated as part of the documents that should be disclosed in terms of section 15 of PAIA (automatic access).

[67] The applicants require adequate and meaningful consultation. In the absence of some of the documents, they then find themselves unable to meaningfully interact with the mining company that wants the mining right in the property and also with the government departments. The community is not a by-stander in this whole process. They are the people who live in the land. They are the people who knows what is in the land and what they need for themselves. The community should never come after the effect. The documents have to be provided way before consultation time so that when they are consulted they must know what is in the application. This would amount to adequate and meaningful consultation. Their participation is linked to their right to sustainable development, which is provided for in the Constitution, NEMA and MRPDA.

[68] In terms of International and regional law, which are the African charters and the UN Charter in the main, the right to access to information is broader than it is under the MRPDA and or PAIA. The right is not only the right to access to information but it is rights to participation, self-determination and sustainable development.

[69] Section 39 of the Constitution mandates courts to have regards to international law and it permits the court to have regard to regional law.

¹ It became clear during oral argument that the 'Completed application form' does not refer to all documents as suggested in CALS's affidavit. This is just a form, and then there are specific supporting documents. Even so, the list of documents that are subject to automatic access is not exhaustive and does not cover everything that the applicants would be entitled to taking into account their rights in terms of the relevant legislation. The fact of the matter is that the Manual is supposed to be reviewed and published annually.

[70] On costs, she submitted that there should be no cost against the Amicus Curiae because the submissions made were helpful and were different from what the other parties had submitted. Furthermore, the court has a discretion in terms of section 31 of NEMA not to award costs against unsuccessful litigants who have made efforts to obtain the relief sought and acting in the public interest or to protect the environment.

Fifth respondent (TEM)

[71] TEM does not dispute the fact that the applicants must be given access to the documents, but argues that the process by which they must get them is not provided for in the MRPDA.

[72] It is therefore contended on behalf of TEM that the legislation that gave effect to section 32 of the Constitution (right to access to information) is PAIA and the applicants should follow the procedures prescribed therein.

[73] TEM's contends further that the issues have become academic because it actually gave all the information that the applicants wanted in February 2016, even though there was no concession that they are entitled to it. The applicants did not request further information or indicate their unhappiness with what has already been provide.

[74] The 2014 DMR PAIA manual has been amended by the 2017 one. As matters stand now, everything indicated in Regulation 10, except for confidential information can be obtained by way of PAIA application.

[75] On the declaratory relief sought, Mr Lazarus submitted that there is no advantage to the applicants because what they wanted has already been provide. Furthermore, the matter has become academic because there are no longer live issues between the parties. He referred to the Supreme Court of appeal judgment in the matter of Minister of Justice and Others v Estate Stransham-Ford and Others 2017 (3) SA 152 where the lower court was criticised for entertaining the matter as a court of first instance because the action the right (to die in a manner of his own choosing) was a personal action, attached to him only and was extinguished when he died.

[76] TEM contends that if the legislature had intended to create an intention to create a specific principle of access to information other than what is provided for in PAIA this would have been expressly stated as it did in section 30 of the MPRDA which provides for disclosure of information or data submitted in terms of section 21, 28 and 29.

[77] According to TEM this matter requires the input of the government respondents and the court should have used its powers to compel them to make submissions because that is the route that the Constitutional Court takes if it wishes to have inputs of an organ of state. He referred to the matter of Merafong City v AngloGold Ashanti Ltd 2017 (2) SA 211 (CC).

[78] On costs, TEM conceded that the Biowatch principles on costs should apply on the Amicus Curiae. However, the applicants must pay the costs because they persisted with the application even though they were provided with the documents.

[77] In reply, Ms Webber persisted with the argument that there were still live disputes between the applicants and TEM, which arose after the latter raised issues about the possible amendment, which is necessitated by the change of shareholding. She also argued that the Stransham-Ford judgment is distinguishable because there was no public interest issues in that matter. On the PAIA manual, she also acknowledged that as an internal document it is subject to annual updates. However, the applicant cannot be expected to approach courts now and again to challenge it on the basis that certain documents have not been included in the list of voluntary access. The court must deal with the underlying issues now.

[78] The declaratory relief will have an advantage for the applicant because there are documents that the applicants are entitled to have but are not included in the list of automatic access in terms of the PAIA manual. For example, BEE arrangements, proof of consultations, ownership/shareholding, financial and technical competence.

[79] On costs; Ms Webber submitted that Biowatch principles apply and the applicants should not pay costs even if the application is not successful. However, TEM chose to oppose the relief sought even though there is no relief sought against it. The documents were provided after this application was filed. It must pay costs of the application. In this regard, the submission was that the Biowatch principle do not apply to it, and as such, it should bear the costs of the application.

Discussion and conclusion

[80] The right of interested parties to raise environmental objections as the basis for objecting to an application for a mining licence and their entitlement to be heard before a decision is made and the principle of sustainable development was affirmed in amongst others the matter of Director: Mineral Development, Gauteng Region, and another v Save the Vaal Environment and others 1999 (2) SA 709 (SCA) ('Save the Vaal judgment')

'[20] In the result, I am of the view that the audi-rule applies when application for a mining licence is made to the Director in terms of sec 9 of the Act. Such a hearing need not necessarily be a formal one, but interested parties should at least be notified of the application and be given an opportunity to raise their objections in writing. If necessary, a more formal procedure can then be initiated. Nothing in sec 9 or in the rest of the Act either expressly or by necessary implication excludes the application of the rule, and there are no considerations of public policy militating against its application. On the contrary, the application of the rule is indicated by virtue of the enormous damage mining can do to the environment and ecological systems. What has to be ensured when application is made for the issuing of a mining licence is that development which meets present needs will take place without compromising the ability of future generations to meet their own needs (the criterion proposed in the Brundtland Report : World Commission on Environment and Development, Our Common Future, Oxford University Press 1987). Our Constitution, by including environmental rights as fundamental, justiciable human rights, by necessary implication requires that environmental considerations be accorded appropriate recognition and respect in the administrative processes in our country. Together with the change in the ideological climate must also come a change in our legal and administrative approach to environmental concerns'.

[81] The right to be heard and other principles related to consultation with interested and affected parties have been legislated as it appears from the quoted parts of various legislation above.

[82] This principles and (obiter remarks) in the Save the Vaal judgment were reiterated in the Constitutional Court judgment in the matter of Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others² at para [102]

² (2007 (6) SA 4 (CC) (7 June 2007)

[102] The role of the courts is especially important in the context of the protection of the environment and giving effect to the principle of sustainable development. The importance of the protection of the environment cannot be gainsaid. Its protection is vital to the enjoyment of the other rights contained in the Bill of Rights; indeed, it is vital to life itself. It must therefore be protected for the benefit of the present and future generations. The present generation holds the earth in trust for the next generation. This trusteeship position carries with it the responsibility to look after the environment. It is the duty of the court to ensure that this responsibility is carried out. ...'

[83] In the matter of Earthlife Africa (Cape Town) v Director –General: Department of Environmental Affairs and Tourism³, the court reviewed and set aside issuance of environmental authorisations where there has been lack of or insufficient public participation. It was held that failure to afford them an opportunity to comment on the final Environmental Impact Assessment report was procedurally unfair, even though they had commented on the draft.

[84] It is clear from a reading of all the relevant statutory provisions that persons in the position of the applicants cannot be treated like ordinary members of the public. In terms of the MPRDA, every South African is a beneficial owner of all minerals and have a right to access information for many reasons. However, the information that is in the mining right application is required for a specific purpose, by persons or group of persons in the position of the applicants. This purpose, is what makes the request for the information during the application process different from for example when it is required to determine whether, post facto the process, certain requirements have been met or to collate statistics with a view to influence policy changes.

[85] In Holomisa v Argus Newspapers Ltd, 1996 (2) SA 588 WLD, Cameron J held:

"The Court must determine the meaning and content of the right sought to be asserted. It must then assess whether rules, of the common law or otherwise, which protect the one right, curtail or infringe upon the enjoyment of the other. If so, it must determine whether, in the light of the constitutional scheme overall, and the relative

³ 2002 (3) SA 156 (C).

place of each competing right in it, that infringement can be justified under the limitations provision. At both stages, there will necessarily be an assessment of competing values". As Chakalson P stated in S v Makwanyane and Another, above at 436C-D (para 104):

"The limitation of constitutional rights for a purpose that is reasonable and necessary in a democratic society involves the weighing up of competing values, and ultimately an assessment based on proportionality. This is implicit in the provisions of s 33(1). The fact that different rights have different implications for democracy and, in the case of our Constitution, for an open and democratic society based on freedom and equality', means that there is no absolute standard which can be established, but the application of those principles to particular circumstances can only be laid down for determining reasonableness and necessity. Principles can be established, but the application of those principles to particular circumstances can only be done on a case-by-case basis. This is inherent in the requirement of proportionality, which calls for the balancing of different interests. In the balancing process, the relevant considerations will include the nature of the right that is limited and its importance to an open and democratic society based on freedom and equality; the purpose for which the right is limited and the importance of that purpose to such a society; the extent of the limitation, its efficacy and, particularly where the limitation has to be necessary, whether the desired ends could reasonably be achieved through other means less damaging to the right in question".

[86] The applicants, unlike the general public, will be affected by the environmental impacts of the mining operations and other than this, the MRPDA gives them specific socioeconomic rights in relation to these applications.

[87] This matter is not about the deficiencies in the PAIA manual of the DMR except for the complaint that the process is lengthy and following it may result in a failure to comment or object timeously. It also transpired during oral argument that there are documents that applicants would be entitled to but which do not form part of the category under 'automatic access'.

[88] What should be noted though is the fact that the process contemplated in the PAIA manual is as though the DMR does not know the identity of the interested and affected persons, hence the mechanical notices referred to in Regulation 3, which are posted in its own offices and publication in newspapers.

[89] Meaningful consultation entails discussion of ideas on an equal footing, considering the advantages and disadvantages of each course and making concessions where necessary.

[90] In terms of the definition of 'owner', they are in an equal position with the state. In fact, their inputs to the mining application are intended to inform the Minister whether the application meets all the prescribed requirements in terms of the objects of the MPRDA and the necessary consultation processes.

[91] Therefore, in my view, the manner in which the applicants obtain a copy of the mining right should not be restricted to the request processes in terms of PAIA (DMR manual) because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application.

[92] I would have thought that taking into account the developments in the various legislation, the persons in the position of the applicants would be entitled to a copy from the application as and when it is submitted to the Regional Manager, even before they ask for it. That is not the relief sought though.

[93] TEM contends that the matter has become moot, and as such there is no need for the relief (declaratory order). The reason for this submission is that it has already provided the mining right application, less the confidential information. This submission downplays the fact that the documents were provided after a long struggle, wherein the applicants had to be sent from pillar to post, with both the DMR and TEM refusing to take responsibility. It is only after this application was issued that TEM decided to relent and provide the documents.

[94] The DMR is not participating in these proceedings. It simply filed a 'Notice to abide'. Not even a courtesy explanatory affidavit to address the issues arising from its PAIA Manual. At the time certain documents that the applicant was entitled to were not available in the category of 'automatic access but they were in the 2017 version of the manual, which still does not contain an exhaustive list.

[95] In any event, the case for the applicants is that the relevant sections (10 and 22(4)), properly interpreted, mean that they are entitled to a copy on request from the Regional Manager and they do not have to go through the PAIA process, which is very long. I have already agreed with their understanding of these sections. The whole consultation process is intended to advance the objects of the MPRDA. The

applicants, as occupiers have a direct interest because they have rights which they are legally entitled to enforce.

[96] I agree with the submissions of counsel for the applicants that the matter of *Minister of Justice v Estate Stransham-Ford* is distinguishable. The distinction appears from the judgment. That matter was about the rights of the deceased to choose his dying method. In the matter before me the applicants' standing is not only derived from their individual rights as occupiers, but also as part of a community and in the public interest. The issues raised in this matter do not only affect them, but also future generations.

[97] In *National Coalition for Gay and Lesbian Equality and Others v Minister of Home Affairs and Others* 2000 (1) BCLR 39 (CC), it was held that the matter is moot and therefore not justiciable if it no longer presents an existing or live controversy which should exist if the Court is to avoid giving advisory opinions on abstract propositions of law.⁴ The court further highlighted that if a matter is moot as between the parties it does not necessarily constitute an absolute bar to its adjudication. The court has a discretion to consider whether any order it may make will have any practical effect on the parties or on others.⁵

[98] In *Independent Electoral Commission v Langeberg Municipality* 2001 (9) BCLR 883 (CC), the court found that there was no live controversy between the parties because the elections were already over and there was no any suggestion that any order the court would make might have any impact on the parties. The disputes between the parties were moot and given the future cases may inevitably present a different factual matrixes, the court accordingly held that 'no purpose would be served in resolving the dispute, neither was there any practical value in deciding the matter.'⁶ Having made a comparative reference to s21A of the Supreme Courts Act 59 of 1959 and to a number of decisions made by the Constitution Court, in terms of which an appeal may be dismissed on the ground that the judgment or order sought will have no practical effect or result, the court reasoned that:

⁴ Par 21 fn 18.

⁵ *Independent Electoral Commission v Langeberg Municipality* 2001 (9) BCLR 883 (CC) par 9.

⁶ *Ibid*, par 12.

'[11] This Court has a discretion to decide issues on appeal even if they no longer present existing or live controversies. That discretion must be exercised according to what the interests of justice require. A prerequisite for the exercise of the discretion is that any order which this Court may make will have some practical effect either on the parties or on others. Other factors that may be relevant will include the nature and extent of the practical effect that any possible order might have, the importance of the issue, its complexity, and the fullness or otherwise of the argument advanced. This does not mean, however, that once this Court has determined one moot issue arising in an appeal it is obliged to determine all other moot issues.'

[99] In *Sebola and Another v Standard Bank of South Africa Ltd and Another* 2012 (8) BCLR 785 (CC), the Constitutional Court stated that "mootness is not an absolute bar to deciding an issue. That is axiomatic: the question is whether the interests of justice require that it be decided. One consideration is whether the Court's order will have any practical effect on either the parties or others."⁷

[100] In *Minister of Mineral Resources v Sishen Iron Ore Company (Pty) Ltd* 2014 (2) BCLR 212 (CC), the state applicants and Imperial Crown continued to seek leave to appeal against the review orders, which had become moot, even though the Supreme Court of Appeal had clearly dismissed the appeal against such orders on the basis that the matter has become moot and of no practical effect. The Constitutional Court summarised the position as follows: "This court has made it clear that, when it is in the interests of justice to do so, it may hear and determine a dispute that has become moot. It may be so, if the parties agree that a court must resolve the dispute although it may not have a practical effect; or when the resolution of the dispute is in the public interest; or when the failure to decide the matter may spawn further prolonged and costly litigation."⁸

[101] In *Ramuhovhi (born Netshituka) and another v President of the Republic of South Africa and others (Women's Legal Trust as amicus curiae)* 2017 JOL 37902 (LT), the court held that:

⁷ Par 32.

⁸ Par 104.

"[19] The general principle determining whether a court will entertain a matter is that "courts will only act if the right remedy is sought by the right person in the right proceedings and circumstances." This principle extends to constitutional matters although "the Constitutional Court has recognised that even in cases which are technically moot as between the parties, the interests of justice may tip the balance in favour of entertaining a particular dispute." These constitute the principles of standing, ripeness and mootness and it is prudent for this Court to deal with these issues and to determine if the court should indeed entertain this matter as a constitutional issue."
[Footnotes omitted].

[102] The Full Court in the matter of Minister of Finance v Oakbay Investments (Pty) Ltd and Others; Oakbay Investments (Pty) Ltd and Others v Director of the Financial Intelligence Centre 2018 (3) SA 515 (GP) reiterated the process and powers of a court to issue a declaratory order in terms of the provisions section 21(1) (c) of the Superior Courts Act 10 of 2013 which provides:

'(c) In its discretion, and at the instances of any interested person, to enquire into and determine any existing, future, or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination.'

[103] The exercise of the Court's jurisdiction in terms of section 21(1) (c) follows a two-legged enquiry. The first one is that the Court must first be satisfied that the applicant is a person interested in an existing, future or contingent right or obligation; and if so, then proceed to the second stage, whether the case is a proper one for the exercise of its discretion.

[104] An applicant will succeed in the first requirement if he can establish that he has an interest in an existing, future or contingent right or obligation. There is no doubt that the applicants in the matter before me have satisfied the requirements in terms of the first leg of the enquiry. They have an interest in an existing, future or contingent right or obligation in relation to the land that forms the subject matter of the mining right application.

[105] With regard to the second leg of the enquiry, the Full Court referred to the authoritative book of Herbststein and van Winsen which outlines the factors, extrapolated from decided cases that the court must consider. They include:

(a) the existence or absence of a dispute;

(b) the utility of the declaratory relief and whether if granted, it will settle the question in issue between the parties;

(c) whether a tangible and justifiable advantage in relation to the applicant's position appears to flow from the grant of the order sought;

(d) considerations of public policy, justice and convenience;

(e) the practical significance of the order; and

(f) the availability of other remedies.

[106] That there should be a live controversy or dispute between the parties is not a requirement that is cast in stone as it appears from the authorities that I have already referred to above. The court still has a discretion.

[107] I am satisfied that the applicants have met the requirements on the second leg of the enquiry.

[108] Accordingly, the applicants are entitled to the relief sought in prayer 1 of the Notice of Motion.

[109] Costs: In the Biowatch judgment⁹, Sachs J described constitutional litigation as follows;

"16. In my view, it is not correct to begin the enquiry by a characterisation of the parties. Rather, the starting point should be the nature of the issues. Equal protection under the law requires that costs awards not be dependent on whether the parties are acting in their own interests or in the public interest. Nor should they be determined by whether the parties are financially well endowed or indigent or, as in the case of many NGOs, reliant on external funding. The primary consideration in constitutional litigation must be the way in which a costs order would hinder or promote the advancement of constitutional justice

53. I conclude, then, that the general point of departure in a matter where the state is shown to have failed to fulfill its constitutional and statutory obligations, and where different private parties are affected, should be as follows: the state

⁹ Biowatch Trust v Registrar Genetic Resources and Others (CCT 80/08) [2009] ZACC 14; 2009 (6) SA 232 (CC); 2009 (10) BCLR 1014 (CC) (3 June 2009)

should bear the costs of litigants who have been successful against it, and ordinarily there should be no costs orders against any private litigants who have become involved. This approach locates the risk for costs at the correct door - at the end of the day, it was the state that had control over its conduct."

[110] the state in the matter before me filed a 'Notice to abide' right from the outset and also gave an assurance that the mining right application will only be considered after conclusion of all consultation processes. Besides, I cannot say that DMR failed to fulfil its constitutional mandate in the absence of evidence in that regard. It does not appear from the facts before me that the issues in prayer 1 were raised before.

[111] The fifth respondent acknowledged that the applicants have not raised issues with the documents provided. Furthermore, it did not answer to the supplementary affidavit of the applicants with regard to issues that would entitle the latter to the amended mining right application as and when it happened or at least provide an undertaking that it would be provided.

[113] There is no apparent reason for the continued opposition that was mounted by the fifth respondent. The controversies around the PAIA manual of the DMR are issues that were really not relevant for the declaratory relief because the applicants' case was premised on the interpretation of sections 10 and 22 (4) of the MPRDA. The applicants are clear about the limitations of the PAIA as an instrument to enforce their rights and were certain that it is not a viable option.

[114] The statistical evidence brought by the Amicus Curiae actually served to confirm the applicants' anxieties and to foster their stance that their rights cannot be realized by following the PAIA processes.

[115] I would have ordered the DMR to pay the costs of this application, however, I am constrained by their stance to abide the decision of the court. The suggestion by the fifth respondent that they should have been called to explain certain things in the manual would only have earned them a cost order because even in their absence it is clear that following the PAIA processes only serves to delay the entire application process to the detriment of all the parties because not all relevant information is subject to automatic access.

[116] The fifth respondent must bear the costs of this application, including the costs of the Amicus Curiae.

Order;

[117] I make the following order;

[117.1] It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 ("the MPRDA") are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources ("the Department"), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application.

[117.2] The fifth respondent is ordered to pay the costs of both the applicants and the Amicus Curiae.



TAN MAKROBELE J

Judge of the High court, Gauteng Division

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Hatfield

PRETORIA

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PRETORIA

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PRETORIA

No appearance for:**first, second, third and fourth respondents.****TRANS HEX OPERATIONS (PTY) LTD**

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To:**Anchor Environmental Consultants (Pty) Ltd**

Attention: Ms Cheruscha Swart and Mr Steve September

And to:**Trans Atlantic Diamonds (Pty) Ltd**

Attention: Mr Anthony Peter

And to:**Department of Mineral and Petroleum Resources**

Northern Cape

Attention: The Regional Manager, Mr N Zindela and Ms N Mayekiso

11 August 2026

Dear Sirs/Madams

TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR — FOLLOW-UP

- 1 We refer to our letter dated 27 July 2026, which was transmitted by email at 10h42 on 28 July 2026 to Anchor Environmental Consultants (Pty) Ltd ("Anchor"), to Trans Atlantic Diamonds (Pty) Ltd ("TAD") and to the Department of Mineral and Petroleum Resources ("DMPR").
- 2 In that letter Trans Hex Operations (Pty) Ltd ("THO") recorded two matters:
 - 2.1 an objection that the application cannot lawfully proceed by way of a Basic Assessment, because the application is one to prospect for diamonds, section 20(2) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") accordingly requires the Minister's written permission, and Listing Notice 2, activity 19 is thereby triggered, requiring a Scoping and Environmental Impact Reporting process; and

2.2 a request for a copy of TAD's section 16 prospecting-right application, the prospecting work programme and the non-financial supporting annexures, made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations, and in accordance with the declarator in *Baleni*.

3 A substantive response was requested within 5 calendar days. That period expired on 2 August 2026. To date THO has received no response, and no acknowledgement of receipt, from TAD, from Anchor or from the DMPR.

4 THO records that the position in which it now finds itself is precisely that criticised in *Baleni*, where the Court noted that the applicants had been "sent from pillar to post, with both the DMR and TEM refusing to take responsibility", and that the application documents were produced only once litigation had been instituted.

5 The delay is material. The public review and comment period closes at 23h59 on 25 August 2026. THO is therefore being required to formulate and lodge its comments and objection without sight of the very application material on which the section 17 grant criteria will be assessed, and without any answer on the listed-activity and process point.

6 Accordingly, unless THO receives a substantive response to the letter referred to in paragraph 1 above by 16h00 on Friday, 14 August 2026, THO will proceed on the basis that TAD, Anchor and the DMPR do not intend to respond, and will:

6.1 lodge its comments and objection on the record as it stands, and place this letter, the letter of 27 July 2026 and the covering email transmissions before the DMPR;

6.2 record that the section 16 application, the prospecting work programme and the non-financial annexures were requested and were neither produced nor refused with reasons, and that the public participation and consultation process was accordingly not meaningful as contemplated by regulation 3A of the MPRDA Regulations;

6.3 request the Regional Manager, Northern Cape, to refer THO's objection to the Regional Mining Development and Environmental Committee in terms of section 10(2) of the MPRDA, and not to determine the Application until proper

disclosure has occurred and a lawful opportunity to comment has been afforded; and

6.4 reserve, and if necessary exercise, its rights to appeal against any environmental authorisation granted and to review any decision taken, including on the grounds set out in the letter of 27 July 2026.

7 The steps recorded in paragraph 6 are without prejudice to THO's rights, all of which remain reserved. Should a response be received after that date, THO will consider it, but it will do so without prejudice to any step already taken.

8 We look forward to hearing from you.

Yours faithfully



AM Lankens
Head of Legal
Trans Hex Operations (Pty) Ltd

Steve September

From: Khuliso KKP. Khomari <KKhomari@dffe.gov.za>
Sent: Tuesday, August 18, 2026 9:10 AM
To: Steve September
Cc: Portia Makitla; Mthokozese Nsizwane; BC Admin
Subject: RE: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Dear Sir/Madam

RE: Department of Forestry Fisheries and the Environment Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation on the 24th of July 2026 for review and comment on the project mentioned in the subject line.

Kindly note that the project has been allocated to Ms P Makitla and Mr Mthokozese Nsizwane (Copied in this email).

Note, all Public Participation Process documents related to Biodiversity EIA review and Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation by email: BCAdmin@dffe.gov.za for attention of Mr Seoka Lekota.

Regards,
Ms Khuliso Khomari

Directorate: Biodiversity Conservation
Sub-Directorate: Policy Development Mainstreaming EIA
Email: KKhomari@dffe.gov.za
Cell: 076 741 6937
Website: www.environment.gov.za
National Department of Forestry, Fisheries and the Environment
Environment House, 473 Steve Biko, Arcadia, Pretoria, 0083



From: Steve September <steve@anchorenvironmental.co.za>
Sent: Friday, July 24, 2026 2:40 PM
To: Steve September <steve@anchorenvironmental.co.za>
Subject: INVITATION TO PARTICIPATE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Dear Interested and Affected Party

Notice in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (under the National Environmental Management Act (NEMA), Act 107 of 1998) and Mineral and Petroleum Resource Development Act (MPRDA), Act 28 of 2002

APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGHAAS, NORTHERN CAPE

APPLICANT: *Trans Atlantic Diamonds (Pty) Ltd*

PROJECT DETAILS: Trans Atlantic Diamonds (Pty) Ltd has applied to the Department of Mineral and Petroleum Resources (DMPR) for Prospecting Rights and Environmental Authorisation to prospect for chrome, copper, corundum, diamonds, garnet, gemstones, gold, heavy minerals, iron ore, lithium, platinum group metals, rare earths, silver ore, titanium, and uranium within Offshore Sea Concession Area 6C (**NC 30/5/1/1/2/14851 PR**).

The application is being undertaken in terms of the NEMA and the MPRDA. The proposed prospecting activities trigger the following listed activities under the NEMA EIA Regulations, 2014:

- **Listing Notice 1, Activity 19A:** The infilling, depositing, dredging, excavation, removal, or movement of more than 5 m³ of material from the sea.
- **Listing Notice 1, Activity 20:** Any activity requiring a prospecting right in terms of Section 16 of the MPRDA.

The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process and submit the findings in a Basic Assessment Report (BAR), to the DMPR to consider.

You are herewith invited to review the Draft BAR and supporting documents and provide your comments on the proposed prospecting activities during 30-day public participation:

From 25 July 2026 to 23:59 on 25 August 2026

Documents are available as follows:

- **Online:** <https://anchorenvironmental.co.za/public-documents>
- **Hardcopy:** Kleinsee Library and Hondeklipbaai SAPS

To submit comments or questions, or to register for project updates, contact the Environmental Assessment Practitioner below:

Disclosure of interest

When registering as an I&AP or submitting comments, please provide your name, contact details, and details of any business, financial, personal, or other interest you may have in the application.

Protection of Personal Information

Anchor Environmental Consultants complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a Comments and Responses Report, which will form part of the application submitted to the Competent Authority and will be publicly available. If you object to your name, email address, or the name of the organisation you represent



TRANS HEX OPERATIONS (PTY) LTD
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Page 2 of 9

To:
Anchor Environmental Consultants (Pty) Ltd
Attention: Ms Cheruscha Swart and Mr Steve September

And to:
Department of Mineral and Petroleum Resources
Northern Cape
Attention: The Regional Manager, Mr N Zindela and Ms N Mayekiso

And to:
Trans Atlantic Diamonds (Pty) Ltd
Attention: Mr Anthony Peter

18 August 2026

Dear Sirs/Madams

**TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION
IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO.
NC30/5/1/1/2/14851 PR — COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT**

Introduction

- 1 This is the comment of Trans Hex Operations (Pty) Ltd ("THO") on the draft Basic Assessment Report ("draft BAR") and supporting documents prepared by Anchor Environmental Consultants (Pty) Ltd ("Anchor" or the "EAP") in support of the application by Trans Atlantic Diamonds (Pty) Ltd ("TAD") for an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998 ("NEMA") read with the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations"), in respect of offshore Sea Concession Area 6C ("the EA Application").
- 2 It is submitted, in the public participation process prescribed by Chapter 6 of the EIA Regulations, within the 30-day public review and comment period which closes on 25 August 2026. It is directed to the EAP, to the Regional Manager, Northern Cape, of the Department of Mineral and Petroleum Resources ("DMPR") as competent authority, and to TAD as applicant.
- 3 THO is a registered interested and affected party ("I&AP"). It is the holder of, and applicant for, prospecting and mining rights in respect of offshore sea concessions on the South African west coast, and has direct operational and commercial knowledge of offshore diamond prospecting and mining in the region.
- 4 By letter dated 27 July 2026, transmitted by email at 10h42 on 28 July 2026 to Anchor, TAD and the DMPR, THO objected to the EA Application being pursued by way of a Basic Assessment and requested a copy of TAD's section 16 prospecting-right application and its supporting annexures. A substantive response was requested within 5 calendar days. By further letter dated 11 August 2026 THO recorded that nothing had been received and gave notice that, absent a response by 16h00 on Friday, 14 August 2026, it would proceed on the basis that no response was intended.
- 5 On 13 August 2026 the EAP acknowledged receipt of both letters and apologised for not having acknowledged them earlier. The acknowledgement records that the public participation process concludes on 25 August 2026; that all comments received will be captured and addressed in the Comments and Responses Report ("CRR") as required by NEMA; and that NEMA "does not require

the EAP or the Applicant to provide an individual response to each comment immediately upon receipt".

- 6 That acknowledgement does not answer either of the matters raised. It does not produce the documents requested; it does not address the section 20(2) and listed-activity point; and it does not state whether the documents will be produced at all, or on what basis they are said to be withheld. Neither TAD nor the DMPR has responded at all.
- 7 THO confines this comment to two points:
 - 7.1 the EA Application is made in support of an application to prospect for diamonds, section 20(2) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") is thereby engaged, Listing Notice 2, activity 19 is triggered, and the EA Application must accordingly be assessed through a Scoping and Environmental Impact Reporting ("S&EIR") process and not by way of a Basic Assessment; and
 - 7.2 THO cannot be required to submit substantive comment on the EA Application until the section 16 prospecting-right application material it has requested is furnished to it.
- 8 THO deals in passing, and without detail, with the suggestion that the DMPR has confirmed that a Basic Assessment is appropriate.

The status of this comment

- 9 This document is a comment on the EA Application only. It is submitted in the public participation process prescribed under the EIA Regulations, and it is to be recorded as such in the Comments and Responses Report ("CRR").
- 10 It is not, and is not to be treated as, THO's objection to the granting of the prospecting right in terms of section 10 of the MPRDA. THO expressly reserves its right to lodge such an objection, and its right to make representations on the criteria for the grant of the right under section 17 of the MPRDA, in a separate submission. That reservation is dealt with more fully below.

Part A: section 20(2) of the MPRDA requires an S&EIR process

- 11 TAD has applied to prospect for, among other minerals, "Diamonds (general)" and "Gemstones" (draft BAR, Executive Summary, p. 1, and section 4.3.2, p. 32).
- 12 Section 20 of the MPRDA provides:

"20. Permission to remove and dispose of minerals

(1) Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found by such holder in the course of prospecting operations conducted pursuant to such prospecting right in such quantities as may be required to conduct tests on it or to identify or analyse it.

(2) The holder of a prospecting right must obtain the Minister's written permission to remove and dispose for such holder's own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations."

- 13 On an ordinary grammatical reading, section 20(2) identifies two categories in respect of which the Minister's written permission is required: first, diamonds; and second, bulk samples of any other

minerals. The qualifier “bulk samples” attaches only to the second category. It does not attach to diamonds.

14 Three textual indicators put that beyond doubt.

14.1 The word “and” separates the two categories. Had the legislature intended a single composite category, it would have written “bulk samples of diamonds and any other minerals”. It did not.

14.2 The word “other”, in the phrase “any other minerals”, presupposes that a mineral has already been identified in the same sentence. That mineral is diamonds. The word “other” has no work to do unless diamonds stand as a category in their own right.

14.3 Most tellingly, on the contrary reading the express identification of diamonds would be wholly superfluous. If the qualifier “bulk samples” attached to diamonds as well, the legislature would simply have written that the holder must obtain permission to remove and dispose of “bulk samples of minerals”. There would have been no reason whatever to single diamonds out by name. A construction that renders express statutory language meaningless is to be avoided.

15 The point is sharpened by the practical reality that applications are regularly made for prospecting rights in respect of diamonds alone, without any other mineral. On the contrary reading, section 20(2) could never apply to such an application at all, because there would be no “other minerals” of which bulk samples might be taken. The consequence would be that the one mineral the legislature singled out by name is the one mineral to which the subsection never applies. That cannot be a permissible construction of the provision.

16 Nor is the singling out of diamonds surprising. Diamonds are subject to a distinct and more stringent regulatory regime in South African law, and it is entirely intelligible that the legislature should have required the Minister’s written permission for their removal and disposal irrespective of the quantity removed.

17 The late Michael O. Dale et al., in the leading commentary on South African mining law, adopts the same reading. Commenting on section 20(2), the commentary records that where samples are smaller than bulk samples, no ministerial permission is required under section 20(1) “other than in the case of diamonds”. In the case of diamonds, therefore, permission is required even where the samples are factually not bulk samples.

18 The consequence for the listed activities is direct. Listing Notice 2, activity 19 applies to:

“The removal and disposal of a mineral, which requires a permission ... in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission.”

19 That activity contains no volumetric, scale or tonnage threshold of any kind. The only question it poses is whether permission in terms of section 20 is required. Where the mineral is diamond, on the reading set out above, it is. Listing Notice 2 requires the impacts of the listed activity to be investigated, assessed and communicated in accordance with regulations 21 to 24 of the EIA Regulations — that is, through an S&EIR process. Listing Notice 1, activities 19A and 20 apply cumulatively; they do not displace Listing Notice 2 where it is separately triggered.

20 Section 20(1) does not assist TAD. It applies expressly “[s]ubject to subsection (2)”, and so cannot be invoked to answer a case falling within subsection (2). In any event, the draft BAR records that the purpose of the programme extends to determining whether mining within Concession Area 6C is economically viable, to informing the design of the future mining vessel and to identifying potential

mining areas, the Phase 4 feasibility study being intended to produce “results and recommendations for future mining operations, and recommendations on mining vessel design and construction” (draft BAR, pp. 37–38). That is not removal “in such quantities as may be required to conduct tests on it or to identify or analyse it”.

21 The draft BAR nevertheless identifies only Listing Notice 1, activities 19A and 20 (Executive Summary, p. 1; listed-activity table, section 4.3.1, pp. 31–32). Listing Notice 2, activity 19 is not identified at all. The stated basis for that omission appears at p. 38 of the draft BAR:

“Based on confirmation received via communication with the DMPR (pers. comms DMPR), this activity does not constitute bulk sampling in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002). This is because it is undertaken solely for prospecting purposes, does not involve commercial extraction, and does not entail large-scale removal or dredging of the seabed.”

22 That statement engages only with the question whether the programme constitutes bulk sampling. It does not engage with the diamond limb of section 20(2) at all.

23 In any event, and even if the question were one of scale, the proposed programme constitutes bulk sampling. The draft BAR records a drilling tool that collects “gravel and other seabed materials”; material “processed onboard a vessel using a processing plant”; tailings “discharged back into the sea”; sample volumes of 9 to 15 m³ per sample; 300 drill samples; and approximately 1 200 further resource-development samples (draft BAR, section 4.3.2, pp. 37–38). On TAD’s own figures that is the removal, onboard processing and overboard disposal of between approximately 13 500 m³ and 22 500 m³ of seabed material. A single sample of 9 to 15 m³ of seabed gravel is, at ordinary bulk densities, a tonnage-sized sample.

24 It follows that the EA Application cannot lawfully be assessed by way of a Basic Assessment. It triggers Listing Notice 2, activity 19 and requires an S&EIR process. Any EA granted following a Basic Assessment will have been granted through a process not authorised by the EIA Regulations, will be liable to be set aside on appeal or review, and would remain vulnerable to challenge indefinitely in line with the Oudekraal principle.

The DMPR’s confirmation cannot displace the legislation

25 THO deals with this point briefly, and only because it anticipates that it will be raised.

26 In the Appeal Response Report dated 14 August 2026 in respect of Sea Concession Area 11C (DMPR Ref. WC30/5/1/1/2(10522)PR), which was circulated to registered I&APs, TAD and the EAP record that the DMPR instructed the applicant to submit a Basic Assessment Report by correspondence dated 5 December 2025 and confirmed that position on 4 February 2026; that the DMPR confirmed in writing that “Prospecting without Bulk sampling triggers a Basic Assessment process”; that “[t]he main difference between the two (drilling and bulk sampling) is the sample quantity”; and that the DMPR interpreted the phrase “diamonds and bulk samples of any other minerals” as applying to “the prospecting of diamonds in conjunction with the bulk sampling of other minerals”.

27 That position is unlawful, for three short reasons.

27.1 An email or internal view of an official is not a source of law. The meaning of section 20(2) and of Listing Notice 2, activity 19 is a question of statutory interpretation for the courts. Neither the DMPR nor an applicant may amend the MPRDA or the Listing Notices, and a departmental practice inconsistent with the empowering provision is ultra vires. That the DMPR may have applied its view consistently is no answer: consistency is not legality.

- 27.2 The DMPR's reading is the very reading addressed above. It reads "and" as "in conjunction with", deprives the word "other" of meaning, renders the naming of diamonds superfluous, and would mean that section 20(2) never applies to an application to prospect for diamonds alone.
- 27.3 The DMPR's test — "sample quantity" — answers a different question. Scale is relevant to the second limb of section 20(2), which concerns minerals other than diamonds. Listing Notice 2, activity 19 contains no threshold at all.
- 28 THO requests that any correspondence or written guidance from the DMPR relied upon in respect of Concession Area 6C, including the communication recorded as "pers. comms DMPR" at p. 38 of the draft BAR, be produced and recorded in full in the Comments and Responses Report ("CRR").

Part B: THO cannot be required to comment until the information is furnished

- 29 THO requested copies of TAD's section 16 prospecting-right application together with all annexures; the prospecting work programme ("PWP"); the proof of technical ability and the indication whether that ability is to be provided by in-house expertise, contractors or consultants, together with any letter of appointment of technical personnel; the list of existing rights and permits held by TAD; and the estimated annual expenditure for the proposed programme. The request was expressly made subject to the redaction of genuinely financially sensitive information, and offered that any redaction be identified and justified. Nothing has been produced.
- 30 The request was made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations. Section 10 applies expressly to applications lodged under section 16 and calls for comments and objections regarding the application for the right, with any objection to be referred to the Regional Mining Development and Environmental Committee ("RMDEC"). Regulation 3A requires meaningful consultation, which the amended Regulations define as requiring the applicant, in good faith, to avail "all relevant information" pertaining to the proposed activities so that an I&AP can make an "informed decision".

Baleni judgment

- 31 In *Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others* (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, 11 September 2020), the Court declared at para [117.1]:
- "It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 ('the MPRDA') are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources ('the Department'), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application."*
- 32 Although that declarator was made in relation to a mining right, the reasoning applies equally to a prospecting right: section 10 applies in the same terms to applications lodged under sections 16, 22 and 27, and the consultation obligation in section 16(4)(b) mirrors that in section 22(4)(b).
- 33 The Court held that access should not be restricted to the processes prescribed by the Promotion of Access to Information Act, 2000, "because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application" (para [91]), and that an I&AP would be entitled to a copy "as and when it is submitted to the Regional Manager, even before they ask for it" (para [92]). At para [93] the Court criticised the fact that the applicants there had been "sent from pillar to post, with both the DMR and TEM refusing to take responsibility", and had obtained the documents only once litigation had been instituted. It was for that reason that THO directed its request simultaneously to TAD, to the EAP and to the Regional Manager. All three have been silent.

Sustaining the Wild Coast judgment

- 34 The standard of consultation has since been restated by the Constitutional Court in *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others* [2026] ZACC 33 (14 August 2026), a copy of which is annexed hereto marked "A". There, the High Court had set aside an exploration right and its renewals for want of meaningful consultation; the Supreme Court of Appeal substituted an order suspending that setting aside to permit a curative public participation process; and the Constitutional Court upheld the appeals against that order, with the result that the right and its renewals stand set aside in full, without suspension and without remittal.
- 35 The content of the duty is not in doubt. The Constitutional Court recorded the finding, which it did not disturb, that:

"Meaningful consultation entails providing communities with the necessary information on the proposed activities and affording them an opportunity to make informed representations."

It was further held that meaningful consultation consists in "engaging in a genuine, bona fide substantive two-way process aimed at achieving, as far as possible, consensus", and that the fact that a party "might have had little or nothing to say" is "not germane to the enquiry whether the communities were entitled to meaningful consultation".

- 36 Two propositions bear directly on the present matter. At para [94], the Court declined to sanction an order which would set a precedent that a flawed consultation "can later be 'cured'" at a subsequent stage of the statutory process. At para [98], it held that the extent and seriousness of the breach is a relevant factor, and that to tell affected parties after the fact that they may now be consulted "is not curative", since it says to them "that the violation of their rights was not a matter of substance but rather a matter of process".

The combined effect

- 37 Read together, *Baleni* and *Sustaining the Wild Coast* establish the following. An I&AP is entitled, on request, to the application papers and annexures, subject only to the redaction of genuinely financially sensitive material. Meaningful consultation requires that the necessary information be provided *before* representations are called for, so that the representations may be informed ones. And a failure to provide that information is not cured by an opportunity to comment given after the fact, or by the recording of an objection in a comments table.
- 38 It follows that THO cannot be required to submit its substantive comment on the EA Application while the section 16 application material remains withheld. A comment period cannot lawfully run against an I&AP who has asked, in writing and in good time, for the information necessary to comment, and has been given neither the information nor any answer as to whether it will be provided.
- 39 The information withheld is not peripheral. Without it THO cannot address, among other things:
- 39.1 TAD's technical ability to conduct the proposed operation optimally in accordance with the PWP, no technical personnel, geologist, geophysicist, sampling contractor or drilling contractor being identified anywhere in the draft BAR;
- 39.2 the actual vessel and operational model, the draft BAR offering only a stock photograph as "an example" of a "dedicated survey vessel" and identifying no vessel, owner or operator (draft BAR, section 4.3.2, pp. 32–33);

- 39.3 whether the estimated expenditure and the financial provision of R170 000, stated to be pooled with the provision for Concession Areas 7C and 10B, are compatible with a five-year offshore programme across a concession of approximately 350 000 hectares (draft BAR, p. 167);
- 39.4 TAD's existing rights and its performance under them, the draft BAR recording that prospecting rights and/or environmental authorisations have previously been secured for Concession Areas 7C, 10B, 11C, 14A and 14C (draft BAR, section 7.3, p. 52), which bears on section 19 of the MPRDA; and
- 39.5 whether the mitigation regime in the draft EMPr is capable of implementation, the persons and contractors on whom it depends being unidentified.

The answer that the CRR will address the request

- 40 The EAP's acknowledgement of 13 August 2026 says that comments will be captured and addressed in the CRR, and that NEMA does not require an individual response to each comment on receipt. That does not meet the position, for three reasons.
- 40.1 First, THO's request was not a request for a response to a comment on the draft BAR. It was a request for the section 16 prospecting-right application and its annexures, made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations, and in accordance with the declarator in *Baleni*. Whether NEMA obliges an EAP to reply individually to each comment is beside the point.
- 40.2 Second, regulation 3A ties the meaningful consultation required by the MPRDA to the public participation process prescribed under the EIA Regulations. The applicant cannot rely on that link to bring the request within the NEMA process, and then rely on the NEMA process as a reason to defer answering it.
- 40.3 Third, and decisively, the CRR is compiled and published with the Final Basic Assessment Report, after the comment period has closed. An answer given in the CRR therefore necessarily comes too late to be of any use to THO in formulating the comment it is presently being required to make. That is the precise vice identified in *Baleni* and in *Sustaining the Wild Coast*: recording an objection is not answering it, and an opportunity afforded after the fact is not curative.
- 41 THO accordingly records that this document is not, and cannot be, its substantive comment on the merits of the EA Application. THO reserves the right to submit that comment once the section 16 application material has been furnished, and requests that the public participation process be reopened and the comment period extended accordingly.

Reservation of THO's rights under the MPRDA

- 42 THO records, for the avoidance of doubt, that the environmental authorisation process under NEMA and the prospecting-right process under the MPRDA are distinct. Although the two applications may have been lodged simultaneously and through the same electronic platform, they serve different statutory purposes and are governed by different criteria. This comment addresses the first only.
- 43 THO accordingly reserves, and does not by this comment exercise, its rights:
- 43.1 to lodge an objection to the granting of the prospecting right in terms of section 10 of the MPRDA;

- 43.2 to make representations on the criteria for the grant of a prospecting right under section 17 of the MPRDA, including TAD's technical ability, its access to financial resources, the compatibility of its estimated expenditure with the proposed programme, its existing rights and permits, and whether it is in contravention of any provision of the MPRDA; and
- 43.3 to require that any such objection be referred to the Regional Mining Development and Environmental Committee in terms of section 10(2) of the MPRDA.
- 44 THO has not been furnished with, and has not seen, the notice contemplated by section 10 of the MPRDA read with regulation 3 of the MPRDA Regulations, nor proof of its publication, nor the date on which the prospecting-right application was accepted. THO requires those documents to be produced, so that it may determine the period within which its objection falls to be lodged.
- 45 To the extent that the DMPr considers any objection by THO under section 10 of the MPRDA to be, or to have become, out of time, THO requests condonation and records the grounds on which it will be sought: the section 16 application and its annexures have been withheld notwithstanding two written requests; the date and manner of any section 10 notice have not been disclosed; and THO has acted promptly, having raised these issues on the second day of the comment period.

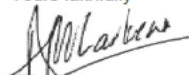
Relief sought

- 46 THO requests that the Regional Manager and/or the DMPr refuse the EA Application, for the reason set out in paragraph 24.
- 47 Alternatively, and before any further step is taken, THO requests that the DMPr:
- 47.1 direct that the EA Application be processed through an S&EIR process, Listing Notice 2, activity 19 being triggered;
- 47.2 require TAD and/or the EAP to furnish THO and other registered I&APs with the complete section 16 application, the PWP and the supporting annexures, subject only to the redaction of genuinely financially sensitive information, and to identify each redaction and the basis for it;
- 47.3 require TAD and/or the EAP to produce the correspondence and written guidance from the DMPr relied upon in determining the applicable assessment process, including the communication recorded as "pers. comms DMPr" at p. 38 of the draft BAR;
- 47.4 suspend determination of the EA Application, and re-open the public participation process and extend the comment period, until proper disclosure has been made and a lawful opportunity to comment has been afforded.
- 48 THO requests that this comment be recorded in full in the CRR, together with THO's letters of 27 July 2026 and 11 August 2026 and the covering email transmissions, and that the CRR record accurately that neither letter was answered on its merits, and that the section 16 application material was neither produced nor refused with reasons.
- 49 THO reserves all of its rights. In particular, and without limitation, THO reserves its comments on the cumulative impact assessment and the precautionary principle, on the socio-economic case advanced in the draft BAR, and on the adequacy of the specialist studies and the draft EMPr, none of which can be addressed until the section 16 application material is furnished. Nothing in the relief requested in paragraph 47 is to be construed as an abandonment of the position recorded in paragraph 24; nothing in this document derogates from the position recorded in paragraph 38; and nothing in this document limits the rights reserved in paragraph 42.

50 THO further reserves its rights to appeal against any EA granted and to review any decision taken.

51 We look forward to hearing from you.

Yours faithfully



AM Larkens
Head of Legal
Trans Hex Operations (Pty) Ltd



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, Tel: +27 12 399 9000, Fax: +27 86 625 1042

Reference: NC30/5/1/1/2/14851 PR

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Attn: Steve September
Anchor Environmental

Telephone Number: +27 21 701 3420

Email Address: steve@anchorenvironmental.co.za

**COMMENTS ON DRAFT BASIC ASSESSMENT REPORT AND ENVIRONMENTAL
MANAGEMENT PROGRAMME FOR THE FOR PROSPECTING IN OFFSHORE SEA
CONCESSION AREA 6C, NORTHERN CAPE PROVINCE**

The Directorate: Biodiversity Conservation has reviewed and evaluated the reports.

According to the information provided on the report and the site sensitivity map, the prospecting area occurs within the highly productive Benguela ecosystem and contains significant marine biodiversity, including benthic fauna, marine mammals, seabirds and commercially important fish species. A portion of the concession overlaps with a Critically Biodiverse Area (CBA Natural).

From a biodiversity perspective, the concession area is considered to be in a largely natural condition however classified as "Least Concern" under the 2025 National Biodiversity Assessment (NBA). It does not overlap with any declared Marine Protected Areas (MPAs) or Ecologically and Biologically Significant Areas (EBSAs). However, a small portion (approximately 9%) falls within a Critical Biodiversity Area (CBA) Natural, where the primary management objective is to maintain ecosystems in a natural or near-natural condition. To avoid impacts on this sensitive biodiversity area, the development footprint/layout must be reconfigured to exclude the CBA Natural area entirely. The area must be retained in its natural or near-natural state and clearly demarcated as a no-go area prior to construction. This avoidance measure will prevent direct loss, fragmentation, and degradation of habitat within the CBA and will support the conservation objectives applicable to the area.

However, to minimise further loss to biodiversity the Directorate recommends the following measures to be adhered to:

- Conduct a pre-survey verification of sensitive marine habitats before intrusive sampling.
- Implement exclusion buffers around sensitive benthic habitats identified during geophysical surveys.
- The prospecting activities must avoid the Critical Biodiversity Areas and Ecologically and Biologically Significant Areas within the concession area, this area must be treated as a no-go area.



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COMMENTS ON DRAFT BASIC ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE PROSPECTING RIGHTS APPLICATION OF CHROME ORE (LG AND MG REEF ONLY). PROSPECTING WILL BE CARRIED ON PORTION 86 OF THE FARM ZILKAATSNEK 439 JQ, SITUATED WITHIN DISTRICT OF BRITS IN THE NORTHWEST PROVINCE OF SOUTH AFRICA

- Incorporate an adaptive management framework allowing suspension or relocation of prospecting activities if sensitive species concentrations are detected.
- An annual biodiversity monitoring must be conducted to determine whether cumulative ecological impacts are increasing.
- Appropriate mitigations measures must be implemented to avoid the faunal risks to the important populations of marine mammals, fish and seabirds occurring within the project footprint.
- Marine Mammal Observers (MMOs) must be appointed during intrusive sampling activities and implement mandatory shutdown procedures when marine mammals enter pre-defined exclusion zones.
- Schedule surveys outside peak migration periods for sea mammals and seabirds where operationally possible.

The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dfre.gov.za for the attention of Mr. Seoka Lekota.

Yours faithfully



Mr. Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Forestry, Fisheries & the Environment
Date: 24/08/2026



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Protect the West Coast NPC
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Website: www.protectthewestcoast.org

DMPR Ref: NC30/5/1/1/2/14851 PR
Our Ref: Trans Atlantic 14851 PR

Date: 25 August 2026

Trans Atlantic Diamonds (Pty) Ltd.
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And

Cheruscha Swart & Steve September
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And

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Email: ndlelenhle.zindela@dmp.gov.za

Dear Cheruscha,

RE: COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT AND ASSOCIATED SPECIALIST STUDIES FOR THE PROSPECTING RIGHT APPLICATION BY TRANS ATLANTIC DIAMONDS (PTY) LTD, SEA CONCESSION AREA 6C, DMPR REF. NO. NC30/5/1/1/2/14851 PR

1. Introduction and background

- 1.1. Protect the West Coast NPC (PTWC) is registered as an interested and affected party in respect of the above application and thanks Anchor Environmental Consultants for the opportunity to comment on the draft basic assessment report (Draft BAR) and its associated specialist studies.
- 1.2. The comments below are submitted within the current comment period and represent PTWC's initial round of comments. PTWC reserves the right to raise further comments as its review of the specialist studies continues.
- 1.3. PTWC's comments are grouped under the following headings:
 - 1.3.1. the minerals proposed for prospecting;
 - 1.3.2. the exclusion of bulk sampling from the assessment of economic viability;
 - 1.3.3. the adequacy of the baseline benthic sampling programme;
 - 1.3.4. the geology of the mudbelt;
 - 1.3.5. the assessment of sediment plume impacts;
 - 1.3.6. cumulative impacts and the need for a strategic assessment;
 - 1.3.7. the prospecting work programme and the programme assessed in the Draft BAR; and
 - 1.3.8. financial provision and outstanding documentation.
- 1.4. PTWC understands that it is not privy to all the information informing this application and can only raise queries on what it has seen and been able to analyse. It may be that the applicant holds information not presently available to PTWC that would assist in clarifying the matters raised, and PTWC raises these concerns in that spirit.

2. Minerals proposed for prospecting

- 2.1. The Draft BAR records that Trans Atlantic Diamonds (Pty) Ltd (TAD) proposes to prospect for chrome, copper, corundum, diamonds (general), garnet (abrasive), gemstones, gold ore, heavy minerals (general), iron ore, lithium ore, platinum group metals, rare earths, silver ore, titanium and uranium ore within Concession Area 6C (Draft BAR, PDF page 46).
- 2.2. Neither the description of the activity (Draft BAR, PDF page 46) nor the need and desirability assessment (Draft BAR, PDF page 59) sets out any concession-specific geological or mineralogical basis for prospecting for this wider suite of minerals. The need and desirability section addresses only the general societal importance of these mineral classes, not whether any of them is realistically expected to occur within Concession Area 6C.
- 2.3. PTWC understands the documented exploration potential of this and comparable west coast marine concessions to lie in alluvial diamonds and heavy mineral sands. PTWC requests that the applicant clarify, with reference to the available geological data for Concession Area 6C, the basis on which each of the remaining minerals listed is considered a realistic prospecting target, or confirm that the application will be narrowed accordingly.
- 2.4. Regulation 7(1)(e) of the MPRDA Regulations, 2004 requires a prospecting work programme to contain a geological description of the land substantiated by a geological map. The prospecting work programme (PWP) furnished to PTWC records, under the heading dealing with that requirement, that no geological map is available for Sea Concession 6C until such time as a geophysical survey is undertaken (PWP, page 7). PTWC requests confirmation of whether a geological map has since been furnished to the DMPR, and, if not, how the geological description of the wider suite of minerals referred to above is substantiated for the purposes of regulation 7(1)(e).

3. Exclusion of bulk sampling from the assessment of economic viability

- 3.1. The Draft BAR records that "bulk sampling is not considered necessary to achieve the objectives of the current prospecting programme" (Draft BAR, PDF page 63).
- 3.2. The economic viability of an alluvial diamond deposit depends on grade and diamond value, both of which are distributed unevenly within alluvial deposits and are difficult to estimate reliably from core and drill samples alone. PTWC queries how the applicant intends to establish grade and diamond value with sufficient confidence to support a future mining right application in the absence of bulk sampling, and requests that the applicant clarify whether bulk sampling is

intended to form part of a later application, or explain the basis on which it considers drill and core sampling alone to be adequate for this purpose.

- 3.3. Section 20(2) of the MPRDA requires the holder of a prospecting right to obtain the Minister's written permission before removing and disposing, for the holder's own account, of diamonds and bulk samples of any other minerals found in the course of prospecting operations, over and above the quantities permitted under section 20(1) for testing, identification or analysis. Diamonds (general) are listed among the minerals applied for in this application. PTWC queries whether TAD has obtained, or intends to apply for, the permission required under section 20(2) in respect of the diamonds anticipated to be recovered through the proposed core and drill sampling programme, and requests that this be clarified.
- 3.4. The PWP furnished to PTWC is expressly titled as having been submitted for a prospecting right application without bulk sampling (PWP, cover page). PTWC understands from this that bulk sampling forms no part of the programme applied for, which returns to the query raised in paragraph 3.2 above.
- 3.5. Appendix 10 to the Draft BAR records that prospecting for diamonds in the Northern Cape off the West Coast occurred in June 2021, comprising a geophysical survey, and in January 2022, comprising bulk sampling (Appendix 10, PDF page 4). PTWC requests clarification of what those activities were, where they were undertaken, under what authorisation, and how they relate to Concession Area 6C and to the present application.

4. Adequacy of the baseline benthic sampling programme

- 4.1. The proposed Van Veen grab sampling programme will collect sediment and benthic macrofauna samples from between 20 and 50 sites across the 350 000 ha concession area (Draft BAR, PDF page 42 and 49; Marine and Estuarine Impact Assessment, PDF page 17). This equates to no more than one sample per approximately 7 000 to 17 500 hectares.
- 4.2. The Draft BAR records that benthic sampling undertaken by Anchor in Concession Areas 1B, 1C and 2C yielded a benthic macrofaunal community of 45 species, with an average biomass of 85.9 g/m² (1B), 31.8 g/m² (1C) and 38.9 g/m² (2C), and that this is markedly lower than the diversity and biomass recorded in the sheltered West Coast bays used for comparison (over 150 species; up to approximately 970 g/m² in Saldanha Bay) (Draft BAR, PDF page 75).
- 4.3. The same passage records that "available evidence suggests that the macrofaunal communities of Concession Area 6C are more similar to those found in the offshore, open coast areas such as 1C and 2C than the sheltered, productive West Coast bays, but this should be confirmed during proposed future

baseline sampling" (Draft BAR, PDF page 75). The applicant's own characterisation of the baseline benthic community for Concession Area 6C is accordingly an assumption, expressly unconfirmed pending the sampling programme now being assessed.

- 4.4. Concession Area 6C is mapped across three ecosystem types, the Namaqua Muddy Mid Shelf Mosaic, Namaqua Muddy Sands and Southern Benguela Sandy Outer Shelf, and is described as heterogeneous (Marine and Estuarine Impact Assessment, PDF page 24). Against this heterogeneity and the scale of the concession, PTWC queries whether a sampling density of one station per 7 000 to 17 500 hectares is sufficient to provide a statistically sound characterisation of benthic community structure, and requests that the applicant provide the sampling design rationale, including the statistical basis for the proposed number and spatial distribution of Van Veen stations.
- 4.5. PTWC notes that the Van Veen grab, while a widely used sampling tool, produces a disturbed sediment sample and does not preserve sediment structure, vertical stratification or the natural positioning of benthic organisms, which may result in the underrepresentation of deeper-dwelling species and provides limited insight into vertical habitat structure. PTWC requests that the applicant consider, as an alternative or supplement, a multicorer capable of collecting undisturbed sediment cores that preserve the sediment-water interface, and confirm the basis on which Van Veen grab sampling alone was considered adequate for this application.

5. Geology of the mudbelt

- 5.1. Much of the deeper-water diamond prospecting potential along the West Coast is associated with an extensive mud deposit, the Mudbelt, that has accumulated along the shelf from sediment carried down by the Orange River.

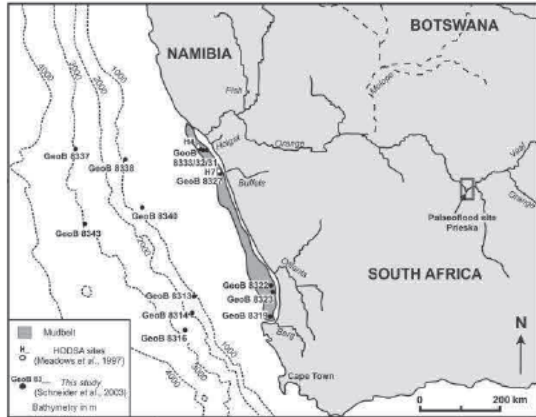


Figure 1. Map showing the extent of the West Coast mudbelt

- 5.2. The Draft BAR records that exploration targets within Concession Area 6C are overlain by the regional Mudbelt, which reaches its greatest thickness, exceeding 18 metres, in the northeastern portion of the concession area (Draft BAR, PDF page 92).

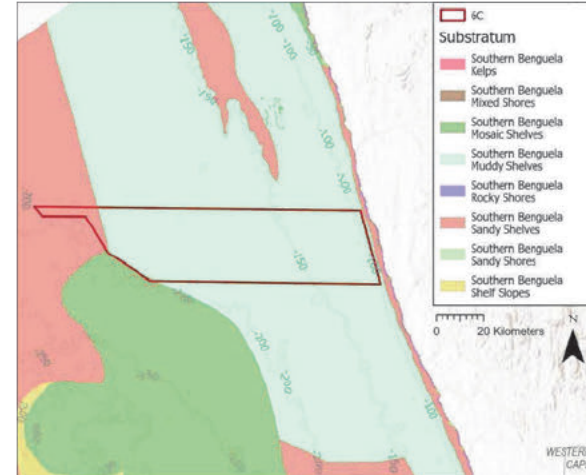


Figure 2. Most of Concession 6C is covered by mud

- 5.3. Should TAD delineate an economically viable deposit, future mining is likely to require removal of this overlying mud to access the underlying ore-bearing gravels, at a scale materially different from the sampling assessed in this Draft BAR. PTWC queries whether a geotechnical drilling programme sufficient to characterise the clay and mud content and thickness of the overburden across the concession forms part of the current prospecting programme, given that this information appears necessary to inform sediment management planning for any future mining phase.

6. Assessment of sediment plume impacts

- 6.1. The Marine and Estuarine Impact Assessment (MEIA) records that the extent, concentration and duration of sediment plumes generated during drill sampling and tailings disposal depend largely on the proportions of silts, muds and clays in the discharged sediment, together with prevailing sea surface conditions (MEIA, PDF page 58).
- 6.2. Concession Area 6C is described as mostly classified as "Muddy sand", with almost the entire concession mapped as Southern Benguela Muddy Shelf (MEIA, PDF page 23), and the nearshore portion is expected to comprise predominantly muddy sediments interspersed with patches of consolidated substrate (MEIA, PDF page 24).

- 6.3. The proposed Van Veen grab sampling includes analysis of sediment composition and grain size (MEIA, PDF page 17), but the MEIA does not appear to require that the results of this analysis be used to model sediment plume behaviour before the more invasive Phase 3 drill sampling and tailings disposal commence. The Phase 3 programme is not insignificant in scale: an initial and follow-up drilling programme of up to 300 samples, followed by a detailed resource evaluation phase of approximately 1 200 further samples across some 20 resource development areas over approximately 40 days (MEIA, PDF page 19).
- 6.4. Much of the evidence relied on to conclude that sediment plumes will be localised and short-lived is drawn from studies and observations undertaken elsewhere, including plume data from marine diamond mining operations off southern Namibia (MEIA, PDF page 58 and Figure 3.2, PDF page 59). The MEIA separately presents current speed and direction data for Concession Area 6C, and records a northward-flowing littoral current associated with the prevailing south-westerly swell (MEIA, PDF page 20 and Figure 2.2, PDF page 21), but this current information does not appear to have been combined with the proposed site-specific grain-size results to model the likely dispersion, concentration or duration of plumes within Concession Area 6C specifically.
- 6.5. In assessing direct benthic impacts, the MEIA acknowledges that no site-specific benthic survey data are currently available for Concession Area 6C, and rates confidence in that assessment as Medium (MEIA, PDF page 56). By contrast, the impact of tailings discharge and fine sediment plumes is rated High confidence (MEIA, PDF page 60), notwithstanding the absence of the site-specific sediment particle size data that the MEIA itself identifies as an important determinant of plume extent and duration.
- 6.6. Approximately 9% of Concession Area 6C, some 320 km², is classified as a CBA Natural area, which the MEIA identifies as being of the highest biodiversity priority and recommends should be avoided as far as possible (MEIA, PDF page 33). Without an understanding of how far fine sediment plumes may travel from the point of discharge, it cannot be demonstrated that CBA Natural areas outside the immediate sampling footprint would not be indirectly affected by sediment deposition.
- 6.7. PTWC requests that the grain size data obtained through the proposed Van Veen sampling be combined with the current data already available for Concession Area 6C to produce a site-specific plume dispersion assessment prior to the commencement of drill sampling and tailings disposal, and that the confidence rating attached to this impact be revisited once that assessment is available.
- 6.8. PTWC records that the assignment of impact significance and confidence ratings in the absence of the site-specific data identified above is difficult to reconcile

with the risk averse and cautious approach required by section 2(4)(a)(vii) of NEMA, which requires that the limits of current knowledge about the consequences of decisions and actions be taken into account.

7. The prospecting work programme and the programme assessed in the Draft BAR

- 7.1. PTWC has been furnished with a copy of the PWP for Concession Area 6C in which the financial information is redacted, as recorded in paragraph 9.1 below. The balance of the document is legible and PTWC has been able to review it. The concerns below arise from a comparison between the PWP and the programme assessed in the Draft BAR and the Marine and Estuarine Impact Assessment (MEIA).
- 7.2. The PWP records that Sea Concession 6(c) covers an area of 745,647 hectares in extent (PWP, page 5), and states the extent of the area required for prospecting as 7 456 km² (PWP, Table 4.1, page 5). The Draft BAR and Appendix 10 record the concession as covering approximately 350 000 hectares, or approximately 3 500 km² (Draft BAR page 2, pdf page 16). The two figures differ by a factor of more than two. PTWC requests that the correct extent be confirmed. The point is not academic: the sampling density discussed in paragraph 4.1 above, and the calculation in Appendix 10 that the disturbance footprint represents approximately 0.0002% of the concession, are both derived from the smaller of the two figures.
- 7.3. The PWP describes the invasive component of the prospecting programme as a single phase comprising vibrocoring or gravity coring at between 100 and 200 sites, with a core diameter of approximately 11 cm, penetration to depths of up to 6 m, a total volume of 11 m³ and a total surface area of 1.9 m², over an area spanning 33 000 hectares (PWP, page 10). The subsequent phase described in the PWP is a feasibility study, being an office-based exercise (PWP, page 10). The MEIA, by contrast, describes an initial and follow-up drilling programme of up to 300 samples, followed by a detailed resource evaluation phase of approximately 1 200 further samples across some 20 resource development areas over approximately 40 days (MEIA, PDF page 19). Appendix 10 describes the third phase as consisting of drill sampling to obtain deeper geological information, and estimates the cumulative seabed area physically disturbed across the second and third phases at approximately 7 507 m² (Appendix 10, PDF page 6).
- 7.4. Regulation 7(1)(g), (h) and (i) of the MPRDA Regulations, 2004 require the prospecting work programme to describe the prospecting methods to be implemented, including any drilling to be carried out, to set out all planned prospecting activities in phases and within specific timeframes, and to provide technical data detailing those methods and the time required for each phase. Regulation 7(2) provides that the prospecting work programme forms part of the

prospecting right when the right is granted. Item 3(1)(d)(ii) of Appendix 1 to the EIA Regulations, 2014 requires a basic assessment report to contain a description of the activities to be undertaken. PTWC has been unable to reconcile the invasive programme described in the PWP with the drill sampling programme assessed in the Draft BAR and the MEIA, and requests that the applicant identify which of the two constitutes the programme applied for.

- 7.5. The PWP records, in the passage following the budget table, that "the impacts from grab and core sampling are expected to be virtually negligible although the impacts from drill sampling are expected to be more extensive but it is considered essential mitigation to not use the 3-5m² drill tool in this concession due to its status as a CBA and location within the Namaqua Coastal EBSA" (PWP, page 13). The MEIA records that approximately 9% of Concession Area 6C, some 320 km², is classified as a CBA Natural area of the highest biodiversity priority which should be avoided as far as possible (MEIA, PDF page 33).
- 7.6. The Draft BAR nonetheless proceeds to assess a programme in which drill sampling is a central component (MEIA, PDF page 19; Appendix 10, PDF page 6). That is consistent with the figures in Appendix 10: deducting the 1.9 m² coring footprint stated in the PWP from the cumulative figure of approximately 7 507 m², and dividing across the approximately 1 500 drill samples described in the MEIA, yields an implied average footprint of approximately 5 m² per sample. PTWC advances that calculation as its own and invites correction.
- 7.7. PTWC accordingly requests that the applicant confirm whether the drill tool proposed for use in Concession Area 6C is the 3 to 5 m² tool that the PWP identifies as essential to avoid, and, if it is, explain the basis on which the applicant's own recorded mitigation position has been departed from, and identify where in the Draft BAR or the MEIA that departure is assessed. In PTWC's respectful view, a mitigation measure that the applicant itself has characterised as essential by reason of the CBA and EBSA status of the concession cannot be set aside without the assessment addressing it expressly.

8. Cumulative impacts and the need for a strategic assessment

- 8.1. The Draft BAR records that, given the nature of cumulative impacts and the many factors acting across the broader region, it cannot be assumed that mitigation measures will be implemented consistently by all parties, and that no additional project-specific mitigation has accordingly been prescribed for cumulative impacts. The Draft BAR further records that a strategic Environmental Impact Assessment, informed by marine spatial planning principles, should be undertaken by the relevant government authority to assess and manage cumulative impacts holistically (Draft BAR, PDF page 38).

- 8.2. Concession Area 6C forms part of a wider series of offshore sea concessions along the West Coast that are the subject of concurrent prospecting applications, several of which PTWC is separately engaged with as a registered I&AP. The Draft BAR's own acknowledgement that cumulative impacts across the region cannot be adequately assessed or mitigated at the level of an individual concession, and its own recommendation that a government-led strategic assessment is required, applies with equal force here.
- 8.3. PTWC notes that a national marine spatial planning process is underway under the Marine Spatial Planning Act 16 of 2018, intended to produce marine area plans guiding where and when ocean uses, including prospecting, should occur. Consistent with the Draft BAR's own recommendation that a strategic assessment be undertaken to manage cumulative impacts holistically, PTWC requests that this application be held in abeyance pending the outcome of the applicable marine area plan for the West Coast marine planning area, rather than being decided on an individual concession basis in circumstances where the Draft BAR itself records that cumulative impacts cannot presently be assessed.

9. Financial provision and outstanding documentation

- 9.1. PTWC requested TAD's prospecting work programme (PWP) as part of its registration as an interested and affected party. The PWP furnished to PTWC had its financial information redacted in full, including the total prospecting budget and the total remediation and rehabilitation costs. PTWC raised this with Anchor Environmental Consultants in July 2026, together with queries as to whether Anchor would have access to, and would rely on, the unredacted PWP in compiling the Draft BAR and EMPR.
- 9.2. Anchor took the position that this information falls outside the scope of the NEMA public participation process, relying on guidance obtained from the DMPR. PTWC does not agree with that position and maintains the basis for its disagreement, namely that regulation 40(2) and regulation 41(6)(a) of the EIA Regulations, 2014 are not confined to information bearing only on environmental impacts as distinct from the application as a whole, that regulation 7(1)(k) of the MPRDA Regulations, 2004 requires the PWP's cost estimate to expressly address costs pertaining to the rehabilitation and management of environmental impacts, and that section 17(1)(c) of the MPRDA makes the granting of a prospecting right conditional on the prospecting not resulting in unacceptable pollution or ecological degradation.
- 9.3. Anchor has since confirmed that it had access to, and took into account, the unredacted PWP in compiling the Draft BAR and EMPR, and that the rehabilitation and cost information redacted from the PWP has been included in Section 15 and Appendix 10 of the Draft BAR, in Anchor's words, "updated and in a different format." The Draft BAR records that an amount of R170 000.00 has been set

aside as financial provision for environmental incidents, emergency response and pollution remediation, and that application of the DMPR Guideline for the Evaluation of the Quantum of Closure Related Financial Provision found that none of the prescribed closure components apply to the proposed activities, such that no rehabilitation liability is generated (Draft BAR, PDF pages 181 to 182).

- 9.4. Section 15 of the Draft BAR records that the Applicant also holds prospecting rights for Concession Areas 7C and 10B, that separate financial provision has been made for those concessions, and that because the prospecting activities are intended to be undertaken as part of the same offshore campaign, the financial provision allocated to those concession areas will also be available, where necessary, to respond to environmental incidents or undertake remediation in Concession Area 6C (Draft BAR, PDF pages 181 to 182). Regulation 4 of GNR 1147 requires an applicant to determine and make financial provision sufficient to guarantee the availability of funds to undertake rehabilitation and remediation of the adverse environmental impacts of the operations concerned. In PTWC's respectful view, financial provision made for one concession cannot simultaneously be relied upon as security for the liabilities of another without reducing the provision available to each. PTWC requests confirmation of whether the financial provision for Concession Areas 7C and 10B is in turn stated to be supported by the provision made for Concession Area 6C, and if so, how the total provision available is calculated.
- 9.5. Section 15 further records that the Applicant has made separate operational budget provision for the implementation of the approved EMPr, including environmental monitoring and the appointment of the ECO, MMSOs, PAM Operators and the FLO (Draft BAR, PDF page 181). That budget is not quantified in the Draft BAR. Given that the adequacy of the proposed benthic baseline sampling and subsequent monitoring is among the concerns raised above, PTWC requests that the amount budgeted for EMPr implementation, and in particular for benthic sampling, laboratory analysis and ongoing monitoring, be disclosed.
- 9.6. Appendix 4 to GNR 1147 prescribes the minimum content of a final rehabilitation, decommissioning and mine closure plan, including details of the persons who prepared the plan and their professional registrations and experience, the environmental and social context informing it, the closure design principles, the risk assessment approach and its link to closure actions, a commitment to a schedule and budget, the identification of knowledge gaps, and the monitoring, auditing and reporting requirements. Item 1 of Appendix 4 records that the plan forms a component of the environmental management programme submitted in terms of section 24N of NEMA. Item 1 of Appendix 3 records the same in respect of the annual rehabilitation plan. Neither plan appears in the Draft EMPr, and PTWC has been unable to locate either in Section 15 of the Draft BAR or in Appendix 10. PTWC requests that both be furnished.
- 9.7. Regulation 3(1) of GNR 1147 provides that those Regulations apply to an applicant, and regulation 6 requires an applicant to determine financial provision through a detailed itemisation of all activities and costs, calculated on the actual costs of implementing the measures required for annual rehabilitation, for final rehabilitation, decommissioning and closure, and for the remediation of latent or residual impacts, as reflected respectively in an annual rehabilitation plan, a final rehabilitation, decommissioning and mine closure plan, and an environmental risk assessment report. PTWC has not been furnished with any of these three documents and has been unable to locate them in the documentation made available for comment. PTWC requests that they be furnished.
- 9.8. Regulation 19(3) of the EIA Regulations, 2014 provides that where an application for environmental authorisation is for prospecting, the basic assessment report must address the requirements determined in the regulations pertaining to financial provision. Regulation 19(4) imposes the same requirement on the EMPr. Those requirements are set out in GNR 1147, and the matters raised in paragraphs 9.6 and 9.7 above accordingly go to the content of the Draft BAR and the Draft EMPr themselves, and not only to the availability of separate documents.
- 9.9. Appendix 10 sets out the requirements of regulation 6 of GNR 1147, including the requirement for a detailed itemisation of all activities and costs based on the actual costs of implementation (Appendix 10, PDF page 3). It then determines the quantum by applying the Department's January 2005 Guideline Document for the Evaluation of the Quantum of Closure Related Financial Provision Provided by a Mine, working through a checklist of fourteen closure components comprising the dismantling of processing plant, the demolition of steel and reinforced concrete buildings, the rehabilitation of access roads, the demolition of railway lines and housing, opencast rehabilitation and final voids, the sealing of shafts, adits and inclines, the rehabilitation of overburden, spoils and processing waste deposits, the rehabilitation of subsided areas, general surface rehabilitation, river diversions, fencing, water management and aftercare (Appendix 10, PDF pages 5 to 6). Every one of the fourteen is marked not applicable, and Appendix 10 concludes on that basis that no closure liability is required (Appendix 10, PDF page 6). PTWC requests that the applicant explain how the application of a checklist of land-based mine closure components, none of which, in PTWC's respectful view, is capable of arising in an offshore prospecting operation, satisfies the requirement in regulation 6 of GNR 1147 for a detailed itemisation of the actual costs of the measures required in this concession.
- 9.10. Appendix 10 classifies the proposed prospecting site as having a medium environmental sensitivity (Appendix 10, PDF page 4). The classification criteria reproduced in Appendix 10 identify, as a high biophysical sensitivity criterion, an area largely in a natural state which forms part of an overall ecological regime of

conservation value (Appendix 10, PDF pages 4 to 5). The sensitivity classification is used to determine the multiplication factors applied to the master rate. Given that the MEIA identifies approximately 9% of Concession Area 6C, some 320 km², as a CBA Natural area of the highest biodiversity priority (MEIA, PDF page 33), and that the PWP records the concession as located within the Namaqua Coastal EBSA (PWP, page 13), PTWC requests that the basis for the medium classification be explained.

- 9.11. Appendix 10 further records that no further specialist studies or costs will be required, on the footing that all risks have been assessed in the specialist studies which are supplementary to the approved environmental authorisation and EMPr (Appendix 10, PDF page 6). No environmental authorisation has been granted in respect of this application and the EMPr remains in draft. PTWC requests that this passage be corrected or clarified.
- 9.12. Regulation 12(4) of GNR 1147 requires an applicant to include the sum of the financial provision, and an indication of how that sum was determined, in the environmental management programme submitted in terms of section 24N of the Act. PTWC has been unable to locate any financial provision section, sum or derivation in the Draft EMPr as furnished. PTWC requests that the Draft EMPr be amended to include this information, or that PTWC be directed to it if it has been overlooked.

10. Conclusion

- 10.1. PTWC raises the above in the spirit of transparency and to afford TAD and Anchor Environmental Consultants a proper opportunity to address the concerns raised.
- 10.2. Regulation 44(1) of the EIA Regulations, 2014 requires the applicant to ensure that the comments of interested and affected parties are recorded in reports and plans, and that those written comments, together with the responses to them, are attached to the reports and plans submitted to the competent authority. PTWC requests that these comments be recorded in the comments and responses report in full, and that a substantive response be given to each of the queries raised above, identified by the paragraph number under which it is raised. Where a query is not answered, PTWC requests that the report record that expressly, together with the reason.
- 10.3. Regulation 19(1)(a) of the EIA Regulations, 2014 requires the basic assessment report submitted to the competent authority to reflect the incorporation of comments received. Several of the matters raised above concern discrepancies within and between the application documents rather than differences of view. PTWC requests that the applicant and Anchor Environmental Consultants revisit the application documentation in light of the above, and that the errors and

inconsistencies identified be corrected in the final basic assessment report, the Draft EMPr and their appendices before those documents are submitted for decision.

Kindly acknowledge receipt of this correspondence.

Yours faithfully,



Michael Yarnan
Attorney (In-House)
Protect the West Coast

Steve September

From: a_e_lyons@yahoo.co.uk
Sent: Wednesday, August 26, 2026 2:29 PM
To: Steve September
Subject: RE: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

Dear Steve

Please leave my name on the report.

Best regards
Allen

On 26 Aug 2026 13:33, Steve September <steve@anchorenvironmental.co.za> wrote:

Good afternoon Allen

I hope this email finds you well.

I would just like to confirm if you are fine with us including you name in the CRR report, or would you like us to redact it?

Thank you in advance.

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Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

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NOTICE OF APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11 KM WEST OF KOINGNAAS, NORTHERN CAPE, AND INVITATION TO PROVIDE PRELIMINARY COMMENTS

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From: Steve September
Sent: Wednesday, 17 June 2026 13:53
Subject: INVITATION TO PARTICIPATION: PRE-CONSULTATION PUBLIC PARTICIPATION PROCESS FOR CONCESSION AREA 6C - NC 30/5/1/1/2/14851 PR

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The potential environmental, social, economic, and heritage impacts of the proposed activities must be assessed through a Basic Assessment process. Anchor Environmental Consultants has been appointed as the Environmental Assessment Practitioners to conduct the Basic Assessment Process.

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For further information, to submit comments, or to register as an I&AP, please contact the Environmental Assessment Practitioners below.

AFRIKAANS

Geagte Belangstellende en Geaffekteerde Party,
KENNISGEWING VAN AANSOEK OM PROSPEKTEREGTE EN OMGEWINGSMAGTIGING IN DIE AFLANDSE SEEKONSESSIE AREA 6C, ONGEVEER 11 KM WES VAN KOINGNAAS, NOORD-KAAP, EN UITNODIGING OM VOORLOPIGE KOMMENTAAR TE LEWER
Aansoek Verwysings No.: NC 30/5/1/1/2/14851 PR
Trans Atlantic Diamonds (Edms) Bpk. het by die Departement van Minerale en Petroleumbronne (DMPR) aansoek gedoen vir Prospekteregte en Omgewingsmagtiging om te prospekter vir chroom, koper, korund, diamante, granaat, edelstene, goud, swaar minerale, ystererts, litium, platinumgroepmetale, seldsame aardmetale, silwererts, titanium en uraan binne Offshore Seekonsessiegebied 6C.
Die aansoek word onderneem ingevolge die Nasionale Omgewingsbestuurswet, 1998 (Wet Nr. 107 van 1998) (NEMA) en die Wet op die Ontwikkeling van Minerale en Petroleumhulpbronne, 2002 (Wet Nr. 28 van 2002) (MPRDA). Die voorgestelde prospekteraktiwiteite veroorsaak die volgende gelyste aktiwiteite onder die NEMA OIB-regulasies, 2014:

- **Lyskennisgewing 1, Aktiwiteit 19A:** Die invul, storting, baggerwerk, uitgrawing, verwydering of verskuiwing van meer as 5 m³ materiaal uit die see.
- **Lyskennisgewing 1, Aktiwiteit 20:** Enige aktiwiteit wat 'n propekterreg vereis ingevolge Artikel 16 van die MPRDA.

Die potensiële omgewings-, sosiale, ekonomiese en erfenisimpakte van die voorgestelde aktiwiteite moet deur middel van 'n Basiese Assesseringsproses beoordeel word. Anchor Environmental Consultants is as die Omgewingsassesseringspraktisyns aangestel om die Basiese Assesseringsproses uit te voer.

GELEENTHEID OM VOORLOPIGE KOMMENTAAR TE LEWER

U is geïdentifiseer as 'n potensiële Belanghebbende en Geaffekteerde Party (I&AP). 'n Agtergrondinligtingsdokument (BID), wat voorlopige inligting oor die voorgestelde projék en ontvangsomgewing bevat, sal beskikbaar gestel word vir hersiening en kommentaar gedurende die Voor-Konsultasie Kommentaarperiode soos volg: per e-pos, elektronies op Anchor Environmental Consultants se webwerf by <https://www.anchorenvironmental.co.za/public-documents>.
I&APs word genooi om voorlopige kommentaar oor die voorgestelde aktiwiteite in te dien gedurende die Voor-Konsultasie Kommentaarperiode, van 20 Junie 2026 tot 29 Junie 2026.

Aankomende Basiese Assesering en Openbare Deelnameproses

Die bevindinge van die Basiese Assesseringsproses sal in 'n Basiese Assesseringsverslag (BAR) aangebied word, en maatreëls om geïdentifiseerde impakte te bestuur en te verminder, sal in 'n Omgewingsbestuursprogram (OMP) aangebied word. Sodra hierdie dokumente voltooi is, sal dit beskikbaar gestel word vir 'n verdere 30-dae openbare hersienings- en kommentaarperiode. B&GP's sal te gepaste tyd van hierdie proses in kennis gestel word.

Steve September

From: Aaron Larkens <aaronl@transhex.co.za>
Sent: Wednesday, August 26, 2026 11:49 AM
To: Steve September
Cc: Marco Wentzel; Jaco du Plooy; Anthony Peter; Cheruscha Swart; Ndlelenhle.zindela@dmp.gov.za; ntombi.mayekiso@dmp.gov.za
Subject: RE: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Hi Steve

I have no objection to utilising my name in the comments and responses report, provided it clearly indicates that the comments are submitted on Trans Hex Operations (Pty) Ltd's behalf.

Thanks.

Aaron Larkens
Head of Legal

Tel: +27 21 510 1881
E-mail: Aaronl@transhex.co.za
19 Chain Avenue, Montague Gardens,
7441
South Africa



www.transhex.co.za

To view Trans Hex's E-mail Disclaimer please visit www.transhex.co.za/email-disclaimer/

From: Steve September <steve@anchoreenvironmental.co.za>
Sent: Wednesday, 26 August 2026 10:03
To: Aaron Larkens <aaronl@transhex.co.za>; Ndlelenhle.zindela@dmp.gov.za; ntombi.mayekiso@dmp.gov.za
Cc: Marco Wentzel <marco@transhex.co.za>; Jaco du Plooy <jacodp@transhex.co.za>; Anthony Peter <anthony@transatlanticgemsales.com>; Cheruscha Swart <cheruscha@anchoreenvironmental.co.za>
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CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Trans Hex IT Department

Good morning Mr. Larkens.

I hope this email finds you well.

Please accept this email as confirmation of receipt that Anchor Environmental Consultants and Trans Atlantic Diamonds have received Trans Hex Operations (Pty) Ltd's objection I respect to the PR and EA application.

Can you also please indicate if we can include your name in the Comments and Response Report (CRR), or should the comments only refer to Trans Hex Operations (Pty) Ltd?

Thank you in advance.

Kind Regards,
Steve September



STEVE SEPTEMBER
CONSULTANT
ENVIRONMENTAL MANAGEMENT

steve@anchorenvironmental.co.za
Tel: +27 21 701 3420
8 Steenberg House, Silverwood Close
Tokai 7945, South Africa

Candidate Environment Assessment Practitioner (EAPASA: 2023/7868)

From: Aaron Larkens <aaronl@transhex.co.za>
Sent: Wednesday, August 26, 2026 8:42 AM
To: Ndlelenhle.zindela@dmp.gov.za; ntombi.mayekiso@dmp.gov.za
Cc: Marco Wentzel <marco@transhex.co.za>; Jaco du Plooy <jacodp@transhex.co.za>; Steve September <steve@anchorenvironmental.co.za>; Anthony Peter <anthony@transatlanticgemsales.com>; Cheruscha Swart <cheruscha@anchorenvironmental.co.za>
Subject: APPLICATION FOR PROSPECTING RIGHTS AND ENVIRONMENTAL AUTHORISATION IN OFFSHORE SEA CONCESSION AREA 6C, APPROXIMATELY 11KM WEST OF KOINGNAAS, NORTHERN CAPE

Dear Sirs/Madams.

Please see attached THO's objection in terms of section 10 of the MPRDA in relation to Trans Atlantic Diamonds (Pty) Ltd's application for a prospecting right in respect of sea concession 6C.

Kind regards

Aaron Larkens
Head of Legal

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To:

The Regional Manager, Northern Cape
Department of Mineral and Petroleum Resources
Attention: Mr N Zindela and Ms N Mayekiso

And to:

Trans Atlantic Diamonds (Pty) Ltd
Attention: Mr Anthony Peter

And to:

Anchor Environmental Consultants (Pty) Ltd
Attention: Ms Cheruscha Swart and Mr Steve September

26 August 2026

Dear Sirs/Madams

TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR A PROSPECTING RIGHT IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO. NC30/5/1/1/2/14851 PR — OBJECTION IN TERMS OF SECTION 10(1)(b) OF THE MPRDA

Introduction

- 1 This is the objection of Trans Hex Operations (Pty) Ltd ("THO"), lodged in terms of section 10(1)(b) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA"), to the granting of the prospecting right applied for by Trans Atlantic Diamonds (Pty) Ltd ("TAD") in terms of section 16 of the MPRDA in respect of offshore Sea Concession Area 6C ("the PR Application").
- 2 It is directed to the Regional Manager, Northern Cape, of the Department of Mineral and Petroleum Resources ("DMPR"), and is copied to TAD as applicant and to Anchor Environmental Consultants (Pty) Ltd ("Anchor" or the "EAP"), the environmental assessment practitioner appointed by TAD.

3 This objection is distinct from, and is lodged in addition to, THO's comment on TAD's application for an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998 ("NEMA"), which was transmitted by email on 18 August 2026 to the EAP, the DMPR and TAD ("the EA Comment"). A copy of the EA Comment is annexed hereto marked "A". The two processes are distinct: the environmental process is concerned with whether the environmental impacts of the proposed activity are acceptable; the prospecting-right process is concerned with whether the applicant satisfies the statutory criteria for the grant of the right. This objection addresses the latter.

4 In terms of section 10(2) of the MPRDA, the Regional Manager must refer this objection to the Regional Mining Development and Environmental Committee ("RMDEC") to consider it and to advise the Minister thereon. THO requests that this be done.

THO's standing

5 THO is a registered interested and affected party ("I&AP") in relation to TAD's applications. It is the holder of, and applicant for, prospecting and mining rights in respect of offshore sea concessions on the South African west coast, and has direct operational and commercial knowledge of offshore diamond prospecting and mining in the region. It has a direct legal and commercial interest in ensuring that the MPRDA is properly applied, that offshore concession areas are not sterilised by applications that are not implemented, and that TAD does not purport to rely, directly or indirectly, on the expertise, personnel, contractors, vessels or equipment of Trans Hex or its related entities, none of which has been agreed.

The section 10 notice and condonation

6 Section 10(1) of the MPRDA requires the Regional Manager, within 14 days after accepting an application lodged in terms of section 16, to make known in the prescribed manner that the application has been accepted, and to call upon interested and affected persons to submit their comments regarding the application within 30 days from the date of the notice.

7 THO has not been furnished with, and has not seen, the notice contemplated by section 10 read with regulation 3 of the MPRDA Regulations, nor proof of its publication, nor the date on which the PR Application was accepted. The only notification received by THO is the EAP's "Invitation to Participate" distributed on 24 July 2026, which is the public participation notice under the EIA Regulations in respect of the EA application, is framed exclusively by reference to the NEMA listed activities, and does not purport to be a notice under section

10 of the MPRDA. THO requires the section 10 notice, proof of its publication and the date of acceptance to be produced.

8 To the extent that the DMPR nevertheless considers it to fall outside any period prescribed under the MPRDA, THO requests condonation: the date and manner of any section 10 notice have not been disclosed; the section 16 application and its annexures have been withheld notwithstanding repeated written requests; and THO has acted promptly, having raised its objections in writing on the second day of the comment period and pursued them since.

Background: THO's requests and the responses received

9 By letter dated 27 July 2026, to Anchor, TAD and the DMPR, THO requested a copy of the section 16 prospecting-right application and its supporting annexures, including the prospecting work programme ("PWP"), the proof of technical ability, the list of existing rights and permits and the estimated annual expenditure, subject only to the redaction of genuinely financially sensitive information. THO simultaneously objected to the EA application being pursued by way of a Basic Assessment.

10 By further letter dated 11 August 2026 THO recorded that nothing had been received, and gave notice that absent a response by 16h00 on 14 August 2026 it would proceed on the basis that no response was intended.

11 On 13 August 2026 the EAP acknowledged receipt of both letters, recorded that comments would be addressed in the Comments and Responses Report ("CRR"), and stated that NEMA does not require an individual response to each comment on receipt. Neither TAD nor the DMPR has responded at all. The documents have neither been produced nor refused with reasons.

Ground 1: THO has been denied the information required for meaningful consultation

12 Section 10(1)(b) of the MPRDA calls for comments and objections regarding the application for the right. Section 16(4)(b) requires the applicant to consult with the landowner, lawful occupier and any interested and affected party. Regulation 3A of the MPRDA Regulations requires that consultation to be meaningful, and the amended Regulations define "meaningful consultation" as a process in which the applicant has, in good faith, facilitated participation by giving a reasonable opportunity to comment and by availing "all relevant

information” pertaining to the proposed activities, so that the affected party can make an “informed decision”.

- 13 In *Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others* (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, 11 September 2020) the Court declared that interested and affected parties are entitled, by sections 10(1) and 22(4) of the MPRDA and on request to the Regional Manager, to be furnished with a copy of the application, subject only to the redaction of financially sensitive aspects. The Court held that such parties should not be relegated to the processes of the Promotion of Access to Information Act, 2000, “because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application” (para [91]), and criticised the applicants in that matter having been “sent from pillar to post, with both the DMR and TEM refusing to take responsibility” (para [93]). The commentary of the late Michael O. Dale et al. records that the same position applies to applications for prospecting rights.
- 14 The Constitutional Court has since restated the standard in *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others* [2026] ZACC 33 (14 August 2026): meaningful consultation entails providing affected parties with the necessary information on the proposed activities and an opportunity to make informed representations; it is a genuine, bona fide, substantive two-way process; a flawed consultation cannot be “cured” at a later stage of the statutory process (para [94]); and an opportunity afforded after the fact “is not curative” (para [98]).
- 15 THO requested the section 16 application material in writing, in good time and from all three of the applicant, the EAP and the Regional Manager, precisely so that it could formulate an informed objection under section 10. The material has been neither produced nor refused with reasons. THO has accordingly been required to lodge this objection without sight of the very documents on which the grant of the right will be assessed. The consultation required by sections 10 and 16(4)(b), regulation 3A and the authorities has not taken place, and the PR Application cannot lawfully be determined until it has.

Ground 2: compliance with the section 17 grant criteria cannot be established

- 16 Section 17(1) of the MPRDA permits the Minister to grant a prospecting right only if, among other things, the applicant has access to financial resources and has the technical ability to

conduct the proposed prospecting operation optimally in accordance with the PWP; the estimated expenditure is compatible with the proposed operation and the duration of the PWP; the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment; and the applicant is not in contravention of any relevant provision of the MPRDA.

- 17 On the material available to THO and to the public, none of those matters can be established, and THO objects that they are not satisfied:
 - 17.1 Technical ability. No technical personnel, geologist, geophysicist, sampling contractor or drilling contractor is identified anywhere in the disclosed record. THO has a direct interest in whether TAD purports to rely, directly or indirectly, on the expertise, personnel, contractors, vessels, equipment or historical data of Trans Hex or its related entities. In the corresponding 11C matter, the redacted PWP eventually produced by TAD referred to vessels “such as the DP STAR and EXPLORER” and to equipment sourced from Underwater Mining Solutions, and reproduced material referable to Trans Hex group work programmes. Neither THO nor its related entities have agreed to any such reliance in respect of Concession Area 6C.
 - 17.2 The vessel and operational model. The draft Basic Assessment Report (“draft BAR”) states only that prospecting “will be conducted using a dedicated survey vessel, with an example shown in Figure 4.3”, that figure being a stock photograph credited to Ship-Technology.com (draft BAR, section 4.3.2, pp. 32–33). No vessel, owner or operator is identified, and it is not stated whether the vessel exists, is to be chartered or is to be constructed.
 - 17.3 Financial resources and estimated expenditure. The draft BAR records a financial provision of R170 000, pooled with the provision made for Concession Areas 7C and 10B, which are to be prospected “as part of the same offshore campaign” (draft BAR, p. 167). A five-year programme of geophysical survey, grab, core and drill sampling, onboard processing, tailings disposal, resource development and feasibility work, across a concession of approximately 350 000 hectares — and concurrently with at least two other concessions — is capital intensive. THO has direct experience of the cost of such operations and is well placed to comment on whether the estimated expenditure is compatible with the programme, as section 17(1)(b) requires. It cannot do so, and the

DMPR cannot rationally satisfy itself of that compatibility, on the disclosed record.

17.4 The PWP. If the right is granted the PWP becomes part of it and performance is assessed against it. The PWP has been withheld. Whether the programme is genuine, implementable and compliant with regulation 7 cannot be assessed.

18 It follows that the jurisdictional facts on which the grant of the right depends have not been established, and that THO has been prevented from making informed representations on them. The right cannot lawfully be granted on this record.

Ground 3: TAD's existing rights and prior performance

19 The draft BAR records that TAD "has previously secured Prospecting Rights and/or Environmental Authorisations for Concession Areas 7C, 10B, 11C, 14A and 14C" (draft BAR, section 7.3, p. 52), and that it presently holds prospecting rights for Concession Areas 7C and 10B (draft BAR, p. 167).

20 Section 19(2) of the MPRDA requires the holder of a prospecting right to commence prospecting within 120 days of the right becoming effective, and thereafter to conduct prospecting operations actively and continuously in accordance with the approved PWP. Section 17(1) requires that the applicant not be in contravention of any relevant provision of the MPRDA. In the 11C matter, the record disclosed that TAD previously obtained an environmental authorisation and prospecting right in 2022 and allowed the right to lapse without renewal, with no explanation of what work, if any, was undertaken under it.

21 Nothing in the disclosed record explains what has been done under any of TAD's existing or previous rights: whether prospecting commenced within 120 days, whether operations have been conducted actively and continuously, whether the approved work programmes have been implemented, or what data or reports have been produced. That history is directly material to TAD's credibility, technical and financial capacity, and compliance with the MPRDA, and to the risk that strategic offshore concessions are being sterilised by serial applications unaccompanied by implementation — contrary to the objects of the MPRDA in section 2, including the sustainable development of the nation's mineral resources. THO objects that the right should not be granted, and cannot rationally be granted, without that history being disclosed and interrogated.

Ground 4: the environmental prerequisite cannot be satisfied

22 Section 17(1)(c) of the MPRDA precludes the grant of a prospecting right where the prospecting will result in unacceptable pollution, ecological degradation or damage to the environment. That enquiry depends on a lawful environmental authorisation process.

23 For the reasons set out in Part A of the EA Comment (Annexure "A"), which are incorporated herein by reference, the EA application is being assessed through the wrong process: the PR Application is one to prospect for, among other minerals, diamonds; section 20(2) of the MPRDA requires the Minister's written permission for the removal and disposal of diamonds, without any bulk-sampling qualifier; Listing Notice 2, activity 19 of the EIA Regulations is thereby triggered; and the application must accordingly be assessed through a Scoping and Environmental Impact Reporting process, not a Basic Assessment. Written guidance or confirmation from the DMPR to the contrary cannot amend the MPRDA or the Listing Notices, and any such guidance would be ultra vires.

24 While the environmental assessment proceeds through an unlawful process, no valid environmental authorisation can result, and the environmental prerequisite for the grant of the prospecting right cannot be satisfied.

Summary of grounds

25 THO accordingly objects to the granting of the prospecting right on the grounds that:

25.1 the section 16 application and its supporting annexures have been withheld, with the result that the consultation required by sections 10 and 16(4)(b) of the MPRDA read with regulation 3A has not taken place;

25.2 compliance with the section 17 grant criteria — technical ability, access to financial resources, compatibility of estimated expenditure, and the absence of contravention of the MPRDA — has not been and cannot be established on the disclosed record;

25.3 TAD's performance under its existing and previous rights has not been disclosed, and the pattern of serial applications raises the real risk of sterilisation of strategic offshore concessions without implementation; and

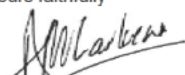
- 25.4 the environmental authorisation on which the grant depends is being pursued through an unlawful process, so that the environmental prerequisite in section 17(1)(c) cannot be satisfied.

Relief sought

- 26 THO requests that the Regional Manager and/or the DMPR refuse the PR Application.
- 27 Alternatively, and before any further step is taken in relation to the PR Application, THO requests that the Regional Manager and/or the DMPR:
- 27.1 refer this objection to the RMDEC in terms of section 10(2) of the MPRDA, to consider it and to advise the Minister thereon;
 - 27.2 furnish THO with the section 10 / regulation 3 notice, proof of its publication and the date of acceptance of the PR Application;
 - 27.3 require TAD to furnish THO and other registered I&APs with the complete section 16 application, the PWP and the supporting annexures, subject only to the redaction of genuinely financially sensitive information, with each redaction identified and justified;
 - 27.4 require TAD to disclose, with supporting documentation, what has been done under its existing and previous prospecting rights, including whether prospecting commenced within 120 days and has been conducted actively and continuously in accordance with the approved work programmes;
 - 27.5 suspend determination of the PR Application until proper disclosure has been made and THO and other I&APs have been afforded a lawful opportunity to supplement their objections; and
 - 27.6 direct that the related environmental authorisation application be processed through a Scoping and Environmental Impact Reporting process.
- 28 THO requests written confirmation, within 7 days, of the steps the DMPR proposes taking in relation to this objection, including its referral to the RMDEC.

- 29 THO reserves all of its rights, including the right to supplement this objection once the section 16 application material has been produced, and to pursue such internal and judicial remedies as may be available to it. Nothing in the relief requested in paragraph 27 is to be construed as an abandonment of the grounds recorded in paragraph 25.

Yours faithfully


AM Ilarkens
Head of Legal
Trans Hex Operations (Pty) Ltd

"A"



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Page 2 of 9

To:
Anchor Environmental Consultants (Pty) Ltd
Attention: Ms Cheruscha Swart and Mr Steve September

And to:
Department of Mineral and Petroleum Resources
Northern Cape
Attention: The Regional Manager, Mr N Zindela and Ms N Mayekiso

And to:
Trans Atlantic Diamonds (Pty) Ltd
Attention: Mr Anthony Peter

18 August 2026

Dear Sirs/Madams

**TRANS ATLANTIC DIAMONDS (PTY) LTD: APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION
IN RESPECT OF OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE — DMPR REF. NO.
NC30/5/1/1/2/14851 PR — COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT**

Introduction

- 1 This is the comment of Trans Hex Operations (Pty) Ltd ("THO") on the draft Basic Assessment Report ("draft BAR") and supporting documents prepared by Anchor Environmental Consultants (Pty) Ltd ("Anchor" or the "EAP") in support of the application by Trans Atlantic Diamonds (Pty) Ltd ("TAD") for an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998 ("NEMA") read with the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations"), in respect of offshore Sea Concession Area 6C ("the EA Application").
- 2 It is submitted, in the public participation process prescribed by Chapter 6 of the EIA Regulations, within the 30-day public review and comment period which closes on 25 August 2026. It is directed to the EAP, to the Regional Manager, Northern Cape, of the Department of Mineral and Petroleum Resources ("DMPR") as competent authority, and to TAD as applicant.
- 3 THO is a registered interested and affected party ("I&AP"). It is the holder of, and applicant for, prospecting and mining rights in respect of offshore sea concessions on the South African west coast, and has direct operational and commercial knowledge of offshore diamond prospecting and mining in the region.
- 4 By letter dated 27 July 2026, transmitted by email at 10h42 on 28 July 2026 to Anchor, TAD and the DMPR, THO objected to the EA Application being pursued by way of a Basic Assessment and requested a copy of TAD's section 16 prospecting-right application and its supporting annexures. A substantive response was requested within 5 calendar days. By further letter dated 11 August 2026 THO recorded that nothing had been received and gave notice that, absent a response by 16h00 on Friday, 14 August 2026, it would proceed on the basis that no response was intended.
- 5 On 13 August 2026 the EAP acknowledged receipt of both letters and apologised for not having acknowledged them earlier. The acknowledgement records that the public participation process concludes on 25 August 2026; that all comments received will be captured and addressed in the Comments and Responses Report ("CRR") as required by NEMA; and that NEMA "does not require

the EAP or the Applicant to provide an individual response to each comment immediately upon receipt".

- 6 That acknowledgement does not answer either of the matters raised. It does not produce the documents requested; it does not address the section 20(2) and listed-activity point; and it does not state whether the documents will be produced at all, or on what basis they are said to be withheld. Neither TAD nor the DMPR has responded at all.
- 7 THO confines this comment to two points:
 - 7.1 the EA Application is made in support of an application to prospect for diamonds, section 20(2) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA") is thereby engaged, Listing Notice 2, activity 19 is triggered, and the EA Application must accordingly be assessed through a Scoping and Environmental Impact Reporting ("S&EIR") process and not by way of a Basic Assessment; and
 - 7.2 THO cannot be required to submit substantive comment on the EA Application until the section 16 prospecting-right application material it has requested is furnished to it.
- 8 THO deals in passing, and without detail, with the suggestion that the DMPR has confirmed that a Basic Assessment is appropriate.

The status of this comment

- 9 This document is a comment on the EA Application only. It is submitted in the public participation process prescribed under the EIA Regulations, and it is to be recorded as such in the Comments and Responses Report ("CRR").
- 10 It is not, and is not to be treated as, THO's objection to the granting of the prospecting right in terms of section 10 of the MPRDA. THO expressly reserves its right to lodge such an objection, and its right to make representations on the criteria for the grant of the right under section 17 of the MPRDA, in a separate submission. That reservation is dealt with more fully below.

Part A: section 20(2) of the MPRDA requires an S&EIR process

- 11 TAD has applied to prospect for, among other minerals, "Diamonds (general)" and "Gemstones" (draft BAR, Executive Summary, p. 1, and section 4.3.2, p. 32).
- 12 Section 20 of the MPRDA provides:

"20. Permission to remove and dispose of minerals

(1) Subject to subsection (2), the holder of a prospecting right may only remove and dispose for his or her own account any mineral found by such holder in the course of prospecting operations conducted pursuant to such prospecting right in such quantities as may be required to conduct tests on it or to identify or analyse it.

(2) The holder of a prospecting right must obtain the Minister's written permission to remove and dispose for such holder's own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations."

- 13 On an ordinary grammatical reading, section 20(2) identifies two categories in respect of which the Minister's written permission is required: first, diamonds; and second, bulk samples of any other

minerals. The qualifier “bulk samples” attaches only to the second category. It does not attach to diamonds.

14 Three textual indicators put that beyond doubt.

14.1 The word “and” separates the two categories. Had the legislature intended a single composite category, it would have written “bulk samples of diamonds and any other minerals”. It did not.

14.2 The word “other”, in the phrase “any other minerals”, presupposes that a mineral has already been identified in the same sentence. That mineral is diamonds. The word “other” has no work to do unless diamonds stand as a category in their own right.

14.3 Most tellingly, on the contrary reading the express identification of diamonds would be wholly superfluous. If the qualifier “bulk samples” attached to diamonds as well, the legislature would simply have written that the holder must obtain permission to remove and dispose of “bulk samples of minerals”. There would have been no reason whatever to single diamonds out by name. A construction that renders express statutory language meaningless is to be avoided.

15 The point is sharpened by the practical reality that applications are regularly made for prospecting rights in respect of diamonds alone, without any other mineral. On the contrary reading, section 20(2) could never apply to such an application at all, because there would be no “other minerals” of which bulk samples might be taken. The consequence would be that the one mineral the legislature singled out by name is the one mineral to which the subsection never applies. That cannot be a permissible construction of the provision.

16 Nor is the singling out of diamonds surprising. Diamonds are subject to a distinct and more stringent regulatory regime in South African law, and it is entirely intelligible that the legislature should have required the Minister’s written permission for their removal and disposal irrespective of the quantity removed.

17 The late Michael O. Dale et al., in the leading commentary on South African mining law, adopts the same reading. Commenting on section 20(2), the commentary records that where samples are smaller than bulk samples, no ministerial permission is required under section 20(1) “other than in the case of diamonds”. In the case of diamonds, therefore, permission is required even where the samples are factually not bulk samples.

18 The consequence for the listed activities is direct. Listing Notice 2, activity 19 applies to:

“The removal and disposal of a mineral, which requires a permission ... in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission.”

19 That activity contains no volumetric, scale or tonnage threshold of any kind. The only question it poses is whether permission in terms of section 20 is required. Where the mineral is diamond, on the reading set out above, it is. Listing Notice 2 requires the impacts of the listed activity to be investigated, assessed and communicated in accordance with regulations 21 to 24 of the EIA Regulations — that is, through an S&EIR process. Listing Notice 1, activities 19A and 20 apply cumulatively; they do not displace Listing Notice 2 where it is separately triggered.

20 Section 20(1) does not assist TAD. It applies expressly “[s]ubject to subsection (2)”, and so cannot be invoked to answer a case falling within subsection (2). In any event, the draft BAR records that the purpose of the programme extends to determining whether mining within Concession Area 6C is economically viable, to informing the design of the future mining vessel and to identifying potential

mining areas, the Phase 4 feasibility study being intended to produce “results and recommendations for future mining operations, and recommendations on mining vessel design and construction” (draft BAR, pp. 37–38). That is not removal “in such quantities as may be required to conduct tests on it or to identify or analyse it”.

21 The draft BAR nevertheless identifies only Listing Notice 1, activities 19A and 20 (Executive Summary, p. 1; listed-activity table, section 4.3.1, pp. 31–32). Listing Notice 2, activity 19 is not identified at all. The stated basis for that omission appears at p. 38 of the draft BAR:

“Based on confirmation received via communication with the DMPR (pers. comms DMPR), this activity does not constitute bulk sampling in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002). This is because it is undertaken solely for prospecting purposes, does not involve commercial extraction, and does not entail large-scale removal or dredging of the seabed.”

22 That statement engages only with the question whether the programme constitutes bulk sampling. It does not engage with the diamond limb of section 20(2) at all.

23 In any event, and even if the question were one of scale, the proposed programme constitutes bulk sampling. The draft BAR records a drilling tool that collects “gravel and other seabed materials”; material “processed onboard a vessel using a processing plant”; tailings “discharged back into the sea”; sample volumes of 9 to 15 m³ per sample; 300 drill samples; and approximately 1 200 further resource-development samples (draft BAR, section 4.3.2, pp. 37–38). On TAD’s own figures that is the removal, onboard processing and overboard disposal of between approximately 13 500 m³ and 22 500 m³ of seabed material. A single sample of 9 to 15 m³ of seabed gravel is, at ordinary bulk densities, a tonnage-sized sample.

24 It follows that the EA Application cannot lawfully be assessed by way of a Basic Assessment. It triggers Listing Notice 2, activity 19 and requires an S&EIR process. Any EA granted following a Basic Assessment will have been granted through a process not authorised by the EIA Regulations, will be liable to be set aside on appeal or review, and would remain vulnerable to challenge indefinitely in line with the Oudekraal principle.

The DMPR’s confirmation cannot displace the legislation

25 THO deals with this point briefly, and only because it anticipates that it will be raised.

26 In the Appeal Response Report dated 14 August 2026 in respect of Sea Concession Area 11C (DMPR Ref. WC30/5/1/1/2(10522)PR), which was circulated to registered I&APs, TAD and the EAP record that the DMPR instructed the applicant to submit a Basic Assessment Report by correspondence dated 5 December 2025 and confirmed that position on 4 February 2026; that the DMPR confirmed in writing that “Prospecting without Bulk sampling triggers a Basic Assessment process”; that “[t]he main difference between the two (drilling and bulk sampling) is the sample quantity”; and that the DMPR interpreted the phrase “diamonds and bulk samples of any other minerals” as applying to “the prospecting of diamonds in conjunction with the bulk sampling of other minerals”.

27 That position is unlawful, for three short reasons.

27.1 An email or internal view of an official is not a source of law. The meaning of section 20(2) and of Listing Notice 2, activity 19 is a question of statutory interpretation for the courts. Neither the DMPR nor an applicant may amend the MPRDA or the Listing Notices, and a departmental practice inconsistent with the empowering provision is ultra vires. That the DMPR may have applied its view consistently is no answer: consistency is not legality.

- 27.2 The DMPR's reading is the very reading addressed above. It reads "and" as "in conjunction with", deprives the word "other" of meaning, renders the naming of diamonds superfluous, and would mean that section 20(2) never applies to an application to prospect for diamonds alone.
- 27.3 The DMPR's test — "sample quantity" — answers a different question. Scale is relevant to the second limb of section 20(2), which concerns minerals other than diamonds. Listing Notice 2, activity 19 contains no threshold at all.
- 28 THO requests that any correspondence or written guidance from the DMPR relied upon in respect of Concession Area 6C, including the communication recorded as "pers. comms DMPR" at p. 38 of the draft BAR, be produced and recorded in full in the Comments and Responses Report ("CRR").

Part B: THO cannot be required to comment until the information is furnished

- 29 THO requested copies of TAD's section 16 prospecting-right application together with all annexures; the prospecting work programme ("PWP"); the proof of technical ability and the indication whether that ability is to be provided by in-house expertise, contractors or consultants, together with any letter of appointment of technical personnel; the list of existing rights and permits held by TAD; and the estimated annual expenditure for the proposed programme. The request was expressly made subject to the redaction of genuinely financially sensitive information, and offered that any redaction be identified and justified. Nothing has been produced.
- 30 The request was made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations. Section 10 applies expressly to applications lodged under section 16 and calls for comments and objections regarding the application for the right, with any objection to be referred to the Regional Mining Development and Environmental Committee ("RMDEC"). Regulation 3A requires meaningful consultation, which the amended Regulations define as requiring the applicant, in good faith, to avail "all relevant information" pertaining to the proposed activities so that an I&AP can make an "informed decision".

Baleni judgment

- 31 In *Duduzile Baleni and 89 Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others* (Case No. 96628/2015, High Court of South Africa, Gauteng Division, Pretoria, Makhubele J, 11 September 2020), the Court declared at para [117.1]:
- "It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 ('the MPRDA') are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources ('the Department'), to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application."*
- 32 Although that declarator was made in relation to a mining right, the reasoning applies equally to a prospecting right: section 10 applies in the same terms to applications lodged under sections 16, 22 and 27, and the consultation obligation in section 16(4)(b) mirrors that in section 22(4)(b).
- 33 The Court held that access should not be restricted to the processes prescribed by the Promotion of Access to Information Act, 2000, "because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application" (para [91]), and that an I&AP would be entitled to a copy "as and when it is submitted to the Regional Manager, even before they ask for it" (para [92]). At para [93] the Court criticised the fact that the applicants there had been "sent from pillar to post, with both the DMR and TEM refusing to take responsibility", and had obtained the documents only once litigation had been instituted. It was for that reason that THO directed its request simultaneously to TAD, to the EAP and to the Regional Manager. All three have been silent.

Sustaining the Wild Coast judgment

- 34 The standard of consultation has since been restated by the Constitutional Court in *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others; Natural Justice and Another v Minister of Mineral Resources and Energy and Others* [2026] ZACC 33 (14 August 2026), a copy of which is annexed hereto marked "A". There, the High Court had set aside an exploration right and its renewals for want of meaningful consultation; the Supreme Court of Appeal substituted an order suspending that setting aside to permit a curative public participation process; and the Constitutional Court upheld the appeals against that order, with the result that the right and its renewals stand set aside in full, without suspension and without remittal.
- 35 The content of the duty is not in doubt. The Constitutional Court recorded the finding, which it did not disturb, that:

"Meaningful consultation entails providing communities with the necessary information on the proposed activities and affording them an opportunity to make informed representations."

It was further held that meaningful consultation consists in "engaging in a genuine, bona fide substantive two-way process aimed at achieving, as far as possible, consensus", and that the fact that a party "might have had little or nothing to say" is "not germane to the enquiry whether the communities were entitled to meaningful consultation".

- 36 Two propositions bear directly on the present matter. At para [94], the Court declined to sanction an order which would set a precedent that a flawed consultation "can later be 'cured'" at a subsequent stage of the statutory process. At para [98], it held that the extent and seriousness of the breach is a relevant factor, and that to tell affected parties after the fact that they may now be consulted "is not curative", since it says to them "that the violation of their rights was not a matter of substance but rather a matter of process".

The combined effect

- 37 Read together, *Baleni* and *Sustaining the Wild Coast* establish the following. An I&AP is entitled, on request, to the application papers and annexures, subject only to the redaction of genuinely financially sensitive material. Meaningful consultation requires that the necessary information be provided *before* representations are called for, so that the representations may be informed ones. And a failure to provide that information is not cured by an opportunity to comment given after the fact, or by the recording of an objection in a comments table.
- 38 It follows that THO cannot be required to submit its substantive comment on the EA Application while the section 16 application material remains withheld. A comment period cannot lawfully run against an I&AP who has asked, in writing and in good time, for the information necessary to comment, and has been given neither the information nor any answer as to whether it will be provided.
- 39 The information withheld is not peripheral. Without it THO cannot address, among other things:
- 39.1 TAD's technical ability to conduct the proposed operation optimally in accordance with the PWP, no technical personnel, geologist, geophysicist, sampling contractor or drilling contractor being identified anywhere in the draft BAR;
- 39.2 the actual vessel and operational model, the draft BAR offering only a stock photograph as "an example" of a "dedicated survey vessel" and identifying no vessel, owner or operator (draft BAR, section 4.3.2, pp. 32–33);

- 39.3 whether the estimated expenditure and the financial provision of R170 000, stated to be pooled with the provision for Concession Areas 7C and 10B, are compatible with a five-year offshore programme across a concession of approximately 350 000 hectares (draft BAR, p. 167);
- 39.4 TAD's existing rights and its performance under them, the draft BAR recording that prospecting rights and/or environmental authorisations have previously been secured for Concession Areas 7C, 10B, 11C, 14A and 14C (draft BAR, section 7.3, p. 52), which bears on section 19 of the MPRDA; and
- 39.5 whether the mitigation regime in the draft EMPr is capable of implementation, the persons and contractors on whom it depends being unidentified.

The answer that the CRR will address the request

- 40 The EAP's acknowledgement of 13 August 2026 says that comments will be captured and addressed in the CRR, and that NEMA does not require an individual response to each comment on receipt. That does not meet the position, for three reasons.
- 40.1 First, THO's request was not a request for a response to a comment on the draft BAR. It was a request for the section 16 prospecting-right application and its annexures, made in terms of sections 10 and 16(4)(b) of the MPRDA read with regulations 3 and 3A of the MPRDA Regulations, and in accordance with the declarator in *Baleni*. Whether NEMA obliges an EAP to reply individually to each comment is beside the point.
- 40.2 Second, regulation 3A ties the meaningful consultation required by the MPRDA to the public participation process prescribed under the EIA Regulations. The applicant cannot rely on that link to bring the request within the NEMA process, and then rely on the NEMA process as a reason to defer answering it.
- 40.3 Third, and decisively, the CRR is compiled and published with the Final Basic Assessment Report, after the comment period has closed. An answer given in the CRR therefore necessarily comes too late to be of any use to THO in formulating the comment it is presently being required to make. That is the precise vice identified in *Baleni* and in *Sustaining the Wild Coast*: recording an objection is not answering it, and an opportunity afforded after the fact is not curative.
- 41 THO accordingly records that this document is not, and cannot be, its substantive comment on the merits of the EA Application. THO reserves the right to submit that comment once the section 16 application material has been furnished, and requests that the public participation process be reopened and the comment period extended accordingly.

Reservation of THO's rights under the MPRDA

- 42 THO records, for the avoidance of doubt, that the environmental authorisation process under NEMA and the prospecting-right process under the MPRDA are distinct. Although the two applications may have been lodged simultaneously and through the same electronic platform, they serve different statutory purposes and are governed by different criteria. This comment addresses the first only.
- 43 THO accordingly reserves, and does not by this comment exercise, its rights:
- 43.1 to lodge an objection to the granting of the prospecting right in terms of section 10 of the MPRDA;

- 43.2 to make representations on the criteria for the grant of a prospecting right under section 17 of the MPRDA, including TAD's technical ability, its access to financial resources, the compatibility of its estimated expenditure with the proposed programme, its existing rights and permits, and whether it is in contravention of any provision of the MPRDA; and
- 43.3 to require that any such objection be referred to the Regional Mining Development and Environmental Committee in terms of section 10(2) of the MPRDA.

- 44 THO has not been furnished with, and has not seen, the notice contemplated by section 10 of the MPRDA read with regulation 3 of the MPRDA Regulations, nor proof of its publication, nor the date on which the prospecting-right application was accepted. THO requires those documents to be produced, so that it may determine the period within which its objection falls to be lodged.
- 45 To the extent that the DMPr considers any objection by THO under section 10 of the MPRDA to be, or to have become, out of time, THO requests condonation and records the grounds on which it will be sought: the section 16 application and its annexures have been withheld notwithstanding two written requests; the date and manner of any section 10 notice have not been disclosed; and THO has acted promptly, having raised these issues on the second day of the comment period.

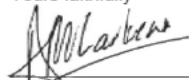
Relief sought

- 46 THO requests that the Regional Manager and/or the DMPr refuse the EA Application, for the reason set out in paragraph 24.
- 47 Alternatively, and before any further step is taken, THO requests that the DMPr:
- 47.1 direct that the EA Application be processed through an S&EIR process, Listing Notice 2, activity 19 being triggered;
- 47.2 require TAD and/or the EAP to furnish THO and other registered I&APs with the complete section 16 application, the PWP and the supporting annexures, subject only to the redaction of genuinely financially sensitive information, and to identify each redaction and the basis for it;
- 47.3 require TAD and/or the EAP to produce the correspondence and written guidance from the DMPr relied upon in determining the applicable assessment process, including the communication recorded as "pers. comms DMPr" at p. 38 of the draft BAR;
- 47.4 suspend determination of the EA Application, and re-open the public participation process and extend the comment period, until proper disclosure has been made and a lawful opportunity to comment has been afforded.
- 48 THO requests that this comment be recorded in full in the CRR, together with THO's letters of 27 July 2026 and 11 August 2026 and the covering email transmissions, and that the CRR record accurately that neither letter was answered on its merits, and that the section 16 application material was neither produced nor refused with reasons.
- 49 THO reserves all of its rights. In particular, and without limitation, THO reserves its comments on the cumulative impact assessment and the precautionary principle, on the socio-economic case advanced in the draft BAR, and on the adequacy of the specialist studies and the draft EMPr, none of which can be addressed until the section 16 application material is furnished. Nothing in the relief requested in paragraph 47 is to be construed as an abandonment of the position recorded in paragraph 24; nothing in this document derogates from the position recorded in paragraph 38; and nothing in this document limits the rights reserved in paragraph 42.

50 THO further reserves its rights to appeal against any EA granted and to review any decision taken.

51 We look forward to hearing from you.

Yours faithfully



AM Larkens
Head of Legal
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Dear Ms Swart

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT APPLICATION FOR THE PROPOSED PROSPECTING RIGHTS FOR PROSPECTING IN OFFSHORE SEA CONCESSION AREA 6C, NORTHERN CAPE, BY TRANS ATLANTIC DIAMONDS (PTY) LTD.

The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C) appreciates the opportunity granted to provide comments and recommendations on the Draft Basic Assessment Report (DBAR) on the proposed prospecting right in offshore sea concession area 6C, Northern Cape, by Trans-Atlantic Diamonds (Pty) Ltd. This Branch will provide comments as per the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act").

The Branch O&C has the mandate to ensure the holistic management of the coast, estuarine areas, and maintenance of the coastal landscapes to realise that the development and use of natural resources are sustainable. The Branch further ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes.

Based on the submitted Draft BAR with associated reports, the Branch O&C presents the comments stipulated below for consideration.

1. The Branch notes that the proposed prospecting activities will occur within South Africa's coastal waters. However, the ICM Act has not been identified or considered as applicable legislation within the BAR and EMPr. Given that the proposed activity will take place within coastal waters as defined by the ICM Act, the EAP should demonstrate how the proposed activity has been assessed against the objectives

and requirements of the Act, including the principles of integrated coastal management, the protection of coastal public property, and the precautionary management of coastal and marine resources.

2. The report states that sensitive environmental features, including areas of conservation importance and any sensitive benthic habitats identified during the surveys, will be avoided where practicable. The applicant should commit to biodiversity screening of all final sampling locations before intrusive activities, and adoption of a precautionary approach is recommended whereby CBA Natural areas are avoided where practicable and only disturbed where no reasonable alternative exists.
3. The report highlights that the direct disturbance footprint is relatively small (approximately 7,507 m²), the significance of disturbance is habitat-dependent rather than footprint-dependent, and therefore, inclusion of sediment plume modelling, predicted plume extent, deposition footprint and duration of suspended sediment impacts is recommended.
4. The cumulative impact assessment remains relatively high-level and should be strengthened to adequately consider existing marine diamond mining operations, adjacent prospecting and mining rights, commercial fishing activities, shipping and vessel traffic, offshore exploration programmes, climate change, and other relevant ecosystem stressors. The final BAR should include a clear spatial representation of adjacent concessions, existing and proposed offshore activities, and areas of overlapping or concurrent survey activities. Given the increasing number of offshore prospecting and mining applications along the Namaqualand coast, a more robust regional-scale cumulative impact assessment is recommended to adequately assess potential cumulative and synergistic impacts on the marine environment.
5. The draft BAR included the marine fauna mitigation measures; however, the EMPr does not provide sufficient information regarding underwater noise propagation and potential impacts on marine mammals, fish species and other sensitive receptors. The EAP should clarify whether acoustic modelling has been undertaken and provide justification demonstrating that proposed activities are unlikely to result in significant acoustic impacts.
6. The Branch supports the EMPr requiring two MMSOs, PAM operators, 500 m exclusion zones, soft-start procedures, marine fauna reporting, whale migration considerations, vessel speed restrictions, and lighting controls.
7. The oil spill and pollution management has been adequately addressed from Shipboard Oil Pollution Emergency Plan requirements, spill response equipment, MARPOL compliance, Hazardous substance management, Emergency response plans, and Incident reporting systems.
8. The applicant is reminded of the Duty of Care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and*

rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICM Act which refers to one's duty to avoid causing adverse effects on the coastal environment.

9. The applicant is reminded that, in terms of Section 69 of the ICM Act, no person may discharge effluent originating from a source on land into coastal waters except in accordance with a Coastal Waters Discharge Permit (CWDP) issued by the responsible authority. Furthermore, Section 70 of the ICM Act prohibits the dumping of any waste or other material at sea without a permit issued by the Minister.
10. Section 63 of the ICM Act states that when environmental authorization for coastal activities is applied for in terms of Chapter 5 of the National Environmental Management Act, the competent authority must take into account all relevant factors, including whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas, the socio-economic impact of the proposed activities and the likely effects of coastal processes on the developmental proposal.

The Branch reserves the right to revise its comments based on new or additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dfre.gov.za / or **Physical Address: Department of Forestry, Fisheries & the Environment (DFFE), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001**

Yours sincerely,



Mr. Ryan Peter

Director: Coastal Development & Coordination

Department of Forestry, Fisheries, and the Environment

Date: 02/09/2026