

**Section 27 Motivation Report: MMS General  
Authorisation for the Drilling of Exploration  
Boreholes for Resource Quantification on  
Portions 15 & the Remaining Extent of Portion 0  
of the Farm Middeldrift 42 IS, Near Middelburg  
(WU47590)**

Prepared for

**Seriti Power (Pty) Ltd**



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<b>Client Name:</b>	Seriti Power (Pty) Ltd
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# 1 Motivation in Terms of Section 27(1) of the NWA

This Section 27 Motivation Report has been prepared by Niara Environmental Consultants (Pty) Ltd (“Niara”) on behalf of Middelburg Mine Services (MMS), a subsidiary of Seriti Power (Pty) Ltd, in support of an application for a General Authorisation (GA) in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) (“the NWA”).

The application relates to proposed exploration drilling activities within the Albion North Section of the existing Middelburg Mine Services Mining Right Area, located approximately 10 km northwest of eMalahleni (Witbank) in the Mpumalanga Province. The purpose of the drilling programme is to quantify coal resources, improve geological confidence, and inform future mine planning within areas where mining rights have been granted but resource data remains incomplete.

A total of 22 exploration boreholes are proposed, some of which are located within 500 metres of delineated wetland and drainage features, thereby triggering Section 21(c) and Section 21(i) water uses of the NWA, namely:

- (c) Impeding or diverting the flow of water in a watercourse; and
- (i) Altering the bed, banks, course, or characteristics of a watercourse.

The proposed activities are temporary, small-scale, and of low environmental risk, and therefore qualify for authorisation under the General Authorisation for Section 21(c) and (i) water uses, published under Government Notice No. 509 of 2016.

In line with the DWS application requirements, this report provides a detailed motivation in terms of the factors listed under Section 27(1) of the NWA, which the Department must consider when deciding whether to authorise a water use. These factors include, among others, existing lawful use, equitable access, efficient and beneficial water use, socio-economic impact, resource quality objectives, and the strategic importance of the proposed water use.

This motivation must be read together with the General Authorisation Technical Report, which outlines the project description, hydrological context, wetland assessment, and mitigation measures to ensure compliance with DWS’s General Authorisation conditions and sustainable management of the affected water resources.

According to the NWA the applicant, Seriti, must provide the following assessment information *in addition* to the application forms and technical information, in order for the DWS official to be able to assess the application in terms of Departmental policies regarding equity, redress, and the economic empowerment of Historically Disadvantaged Individuals (HDIs):

- The applicant’s current water use entitlements;
- A description of the race and gender ownership and control of the water use licence applied for;
- An explanation of the efficient and beneficial use of water in the public interest;
- A description of the socio-economic impact of the issuing or refusal of the licence;
- The strategic importance of the water use to be authorised;

- A description of the investments related to the water use already made or to be made;
- An explanation of the duration of the undertaking for which the licence is required; and
- Adherence to the Broad-based Black Economic Empowerment (BBBEE) Guideline for section 27 evaluation.

The following section is prepared in line with the requirements of the NWA as set out in section 27 for consideration by the DWS in consideration of the GA.

## 1.1 Existing lawful water use

In terms of Section 32 of the NWA, an Existing Lawful Water Use (ELU) is defined as:

*“Water use which has taken place at any time during a period of two years immediately before the date of commencement of the Act (1 October 1996 to 30 September 1998) and which was authorised by or under any law which was in force immediately before the date of commencement of this Act, or which has been declared an existing lawful water use in terms of Section 33 of the Act.”*

No existing lawful water use or active water use authorisation currently applies to the specific area where the proposed exploration drilling activities will occur. The proposed water uses, limited to Section 21(c) and 21(i) of the NWA, are therefore new applications to be authorised under the General Authorisation provisions (Government Notice No. 509 of 2016).

## 1.2 The need to redress the results of past racial and gender discrimination

Seriti aims to employ policies for all employees, contractors, and stakeholders involved in the project. These policies should explicitly prohibit discrimination based on race, gender, ethnicity, religion, age, disability, sexual orientation, or any other protected characteristic, both in hiring practices and throughout the employment lifecycle. The drilling of exploration boreholes will allow for an environment for personnel to receive adequate knowledge and training to promote skills development.

The NWA recognises the need to promote equitable access to water resources and to redress the historical imbalances arising from racially and gender-based exclusion in South Africa’s mining and industrial sectors. Seriti Power (Pty) Ltd, as a 100 % Black-owned and controlled company, is committed to advancing transformation and inclusion within the mining industry. The implementation of the Albion North GA contributes directly to this national objective by:

- Promoting equitable participation: ensuring that historically disadvantaged persons (HDPs), including women and youth, are meaningfully involved through employment, procurement, and training opportunities generated during the exploration phase.
- Supporting local empowerment: prioritising local contractors, service providers, and small, Black-owned enterprises for project-related work such as site preparation, environmental monitoring, and logistics.
- Advancing gender transformation: creating targeted opportunities for the inclusion of women in environmental management, health and safety, and community engagement roles.

Through these measures, the project supports the intent of Section 27(1)(b) of the NWA by ensuring that the utilisation of water for the proposed exploration drilling actively contributes to broad-based socio-economic empowerment and transformation within the local and regional context.

### **1.3 Efficient and beneficial use of water in the public interest**

The efficient and beneficial use of water in the public interest is a fundamental principle of the NWA, which promotes the equitable, sustainable, and economically productive use of South Africa's limited water resources.

South Africa's mining sector remains one of the key contributors to national development, despite a gradual decline in its overall share of the Gross Domestic Product (GDP) in recent years. According to the Department of Mineral Resources (2011), the country's trade structure is largely characterised by the export of raw materials, underscoring the continued strategic importance of responsible mineral exploration and resource development.

The authorisation of the proposed GA will contribute meaningfully to this objective by enabling exploration activities that may lead to future mining operations, thereby supporting economic growth, job creation, and local procurement within the Mpumalanga Province. These benefits align with the intent of the NWA to ensure that water resources are utilised in ways that promote the broader public interest.

The drilling of exploration boreholes requires the use of materials, equipment, and machinery sourced from various local suppliers and service providers. This process stimulates local economic activity, generates direct and indirect employment opportunities, and enhances the financial circulation within the regional economy.

Should water be used during the drilling process, it will be managed efficiently and sustainably to ensure minimal wastage and to prevent any form of pollution or degradation of surrounding water resources. Water will be reused or recycled where possible, in accordance with best practice and the objectives of the National Water Resource Strategy (NWRS, 2013), which seeks to:

*"...manage the quantity, quality, and reliability of the nation's water resources to achieve optimum, long-term, environmentally sustainable social and economic benefit for society from their use."*

In summary, the proposed water use represents an efficient and beneficial utilisation of water in the public interest, as it supports responsible economic development while maintaining alignment with South Africa's water resource protection and sustainability goals.

### **1.4 Socio-economic Impact**

The proposed exploration drilling programme represents a short-term, low-impact activity that nonetheless contributes meaningfully to local and regional socio-economic development. The authorisation of this GA Application will enable data acquisition required for the long-term sustainability of the mining sector, while also generating immediate employment and procurement opportunities.

#### **1.4.1 If the Water Uses Are Authorised**

The authorisation of the water uses under Section 21(c) and Section 21(i) will have the following positive socio-economic implications:

- **Employment creation:** Temporary job opportunities will be created during site preparation, drilling, and rehabilitation phases. Priority will be given to local residents, particularly youth and women, consistent with Seriti Power's transformation and empowerment policies.
- **Local procurement:** The project will utilise local service providers and contractors for drilling services, transport, equipment hire, and environmental monitoring. This will stimulate local economic circulation and support small- and medium-sized enterprises (SMEs).
- **Skills development:** On-site training and exposure to environmental management and drilling operations will enhance technical capacity within the community, contributing to long-term employability in the mining sector.
- **Support for sustainable mining:** The exploration outcomes will provide critical geological data required for responsible mine planning, resource estimation, and environmental management, thereby promoting sustainable and compliant mining development.
- **Municipal and regional benefits:** Increased local business activity will contribute indirectly to municipal revenue generation through procurement, supply chains, and service-based economic participation.

Overall, authorisation of the water uses will promote socio-economic upliftment, skills transfer, and regional economic resilience, consistent with the objectives of the National Water Act and the National Development Plan (NDP 2030).

#### 1.4.2 If the Water Uses Are Not Authorised

Failure to authorise the proposed water uses would have adverse socio-economic implications, including:

- **Loss of employment opportunities:** Local residents would be deprived of potential temporary employment associated with the drilling and related logistical activities.
- **Economic stagnation:** The inability to proceed with exploration would delay or prevent future mining development, thereby hindering economic growth and foreign investment in the region.
- **Reduced transformation impact:** The project's potential to promote Black ownership, local participation, and gender inclusivity in the mining value chain would be diminished.
- **Information gap:** Without exploration data, the mine's ability to plan, optimise, and manage its resources sustainably would be constrained, leading to inefficiencies in future water and land use planning.

In summary, the authorisation of the proposed water uses will yield tangible social and economic benefits for local communities and the Mpumalanga region, whereas non-authorisation would result in the loss of opportunity, reduced local participation, and delayed realisation of economic and transformation objectives.

## 1.5 Any catchment management strategy applicable to the water resource

The management and allocation of South Africa's water resources are guided by the Constitution of the Republic of South Africa (Act No. 108 of 1996), which in Chapter 2: The Bill of Rights, recognises every person's right to access natural resources, including water. The DWS is the primary custodian of the country's water resources and is mandated to ensure that water is protected, used, developed, conserved, managed and controlled in an equitable and sustainable manner.

In fulfilling this mandate, DWS implements the National Water Resource Strategy (NWRS, 2013), which outlines the framework and methods for integrated water resource management (IWRM) in accordance with the NWA. The NWRS seeks to achieve optimum, long-term, environmentally sustainable social and economic benefit for society through responsible water use.

Under the NWA, the establishment of Catchment Management Agencies (CMAs) is required for each Water Management Area (WMA). Each CMA is responsible for preparing and implementing a Catchment Management Strategy (CMS) that governs the protection, use, development, conservation, management and control of water resources at a local level. Until such time as all CMAs are fully functional, DWS Regional Offices continue to exercise this authority within their jurisdictions.

The country has been divided into nine WMAs, within which the Albion North GA Project is situated in the Upper Olifants River Catchment, part of the Olifants Water Management Area 2 (WMA 2) and specifically the Quaternary Catchment B11A. Although the Olifants CMA was administratively established under Government Gazette No. 38492 of 27 February 2015, it is not yet fully operational; therefore, the DWS Regional Office remains the competent authority for water resource management in this catchment.

The Classification of Significant Water Resources in the Olifants WMA, as detailed in the DWA (2011) and DWA (2013) reports, and later updated by DWS (2017), provides the Resource Classes and Resource Quality Objectives (RQOs) for the area. These guide the protection and sustainable use of both surface water and groundwater resources.

For the proposed drilling activities, MMS will ensure:

- Water will be used efficiently and sparingly for drilling operations, with measures implemented to minimise wastage;
- Visual and photographic monitoring of adjacent watercourses will be conducted to confirm no alteration, siltation, or pollution occurs during drilling; and
- Boreholes will be sited, drilled, and decommissioned in accordance with DWS and industry Best Practice Guidelines (BPGs), ensuring protection of both surface and groundwater resources.

Through adherence to these frameworks, the Constitution, the NWA, the NWRS, and the Olifants Catchment Management Strategy, the project aligns fully with national objectives for equitable access, responsible water stewardship, and integrated catchment management.

## **1.6 The likely effect of the water uses to be authorized on the water resource and other water users**

The proposed exploration drilling activities form part of a short-term, low-risk geological investigation to improve confidence in the coal resource estimate within the Albion North Section of the MMS Mining Right Area. The proposed water uses, namely Section 21(c) (impeding or diverting the flow of water in a watercourse) and Section 21(i) (altering the bed, banks, course, or characteristics of a watercourse), are limited in nature and are not expected to cause significant or long-term impacts to the surrounding water resources or users.

### **1.6.1 Effect on Other Water Users**

The drilling programme will not adversely affect existing lawful water users within the catchment, as:

- No abstraction or discharge into surface watercourses will take place;
- The activity is confined to privately owned mining land under Seriti Power's management, with authorised access arrangements in place;
- All water used for drilling will be sourced from existing authorised boreholes or potable supply systems, ensuring no interference with neighbouring water users; and
- The temporary nature of the work (estimated at 6–12 months) ensures that the influence on groundwater levels or surface flows will be negligible.

Preventative measures will be implemented to ensure that no contamination of water resources occurs, including the containment of drilling fluids, use of impermeable liners beneath drilling equipment, and immediate rehabilitation of boreholes once activities are complete.

### **1.6.2 Effect on the Broader Public and Property**

The proposed exploration drilling activities are localised, reversible, and short-term, and therefore are not expected to have any negative effects on the broader public or surrounding properties.

The following considerations apply:

- The project area is situated within an existing mining right area, where community exposure to industrial activity is already limited by access controls and safety zones;
- Public health and safety will be safeguarded through fencing, signage, and controlled site access during drilling;
- Wetland and drainage line protection zones will be respected, and buffer areas will be applied to prevent encroachment or siltation; and

- There will be no physical alteration of watercourses beyond minor, temporary surface disturbance, which will be rehabilitated immediately upon completion of each borehole.

On completion of the drilling programme, all sites will be restored to their pre-activity condition. No ongoing or cumulative impacts on water quality, aquatic habitats, or ecosystem services are anticipated.

Overall, the project represents a low-risk, temporary water use activity, and all potential effects on water resources, other users, and the broader public can be effectively mitigated through adherence to DWS's General Authorisation conditions (GN 509 of 2016) and Niara's environmental management protocols.

## 1.7 The class and resource quality objectives of the water resource

One of the fundamental principles on which the NWA is based is the protection of water resources. The Act provides that:

*“The quantity, quality and reliability of the water required to maintain the ecological functions on which humans depend shall be reserved so that the human use of water does not individually or cumulatively compromise the long-term sustainability of the aquatic and associated ecosystems.”*

The portion of water that must remain within a system to sustain its ecological functioning and basic human needs is known as the Reserve, which by law enjoys priority of use over all other water demands.

The NWA mandates the progressive development of integrated catchment management strategies for each designated catchment. These strategies must consider:

- The significance of the water resources within the catchment, as determined by the national classification system;
- The RQOs set for the catchment;
- The Reserve requirements of the water resources; and
- The relevant water allocation plans that guide sustainable use.

In alignment with this framework, the DWS determines and periodically reviews the resource class and RQOs of each water resource. For the Albion North project area, situated within the Upper Olifants River Catchment (B11) of the Olifants Water Management Area 2 (WMA 2), the Classification of Significant Water Resources conducted by DWA (2011; 2013) and updated by DWS (2017) identified the relevant Resource Units (B11A and B11B) as Class II. This classification denotes water resources of moderate ecological importance and sensitivity, permitting controlled development provided that appropriate mitigation measures are in place.

The proposed exploration drilling programme conforms to these objectives because:

- It is a temporary, low-risk activity that will not alter the bed, banks, or flow characteristics of any watercourse;
- All drilling sites located within 500 m of wetlands or drainage lines will be managed within defined buffer zones to avoid disturbance;

- Pollution prevention and containment measures (e.g., impermeable liners, controlled handling of drilling fluids, and sealing of boreholes) will safeguard both surface and groundwater quality; and
- Rehabilitation will immediately follow completion of drilling to prevent erosion, siltation, or secondary impacts.

Through adherence to these requirements, the project will remain consistent with the RQOs and Reserve determinations established by DWS for the Upper Olifants Catchment, ensuring the long-term protection and sustainability of the affected water resources.

## **1.8 Investment already made and to be made by the water user in respect of the water use in question**

MMS, has made significant investments in the responsible exploration, operation, and management of its mining assets within the Middelburg area. These investments demonstrate the company's long-term commitment to sustainable resource development, environmental compliance, and water stewardship.

To date, investments already made include:

- The establishment of an extensive geological database and exploration record, providing the foundation for the current drilling programme;
- Procurement of environmental consulting, hydrological, and wetland assessment services to ensure that all water uses are managed in accordance with DWS GA (GN 509 of 2016) conditions;
- Development of environmental management systems (EMS) and monitoring programmes that guide site activities in compliance with the NWA and other applicable legislation; and
- Implementation of stakeholder engagement and compliance frameworks ensuring transparent communication with DWS, local authorities, and affected parties.

Future investments to be made in support of the Albion North GA include:

- The execution of 22 exploration boreholes, involving drilling contractors, safety supervision, and environmental oversight;
- Continued engagement with DWS, municipal authorities, and landowners to ensure adherence to regulatory requirements;
- Allocation of financial and technical resources for site rehabilitation, wetland protection, and pollution prevention measures; and
- Ongoing support for environmental data management, including submission of water-related monitoring information to DWS for record-keeping and compliance verification.

These investments reflect Seriti Power's proactive approach to integrated resource and environmental management, ensuring that water use activities are not only economically justified but also socially responsible and environmentally sustainable. The company's

continued investment in compliance, infrastructure, and environmental protection confirms its alignment with the intent and principles of the NWA, particularly regarding the efficient, beneficial, and equitable use of water resources in the public interest.

MMS has already on boarded a drilling contractor that will be responsible for the drilling of the exploration boreholes. Commitment to drill in this area when the water use is authorised will potential further investment if the area is proven economically viable for mining.

## **1.9 The strategic importance of the water use to be authorized**

The proposed exploration drilling activities under the Albion North GA are of strategic importance at both a national and regional level, as they contribute directly to South Africa's energy security, economic development, and transformation objectives.

South Africa's energy sector remains largely reliant on coal, and the accurate quantification and responsible management of coal resources are critical to ensuring the continued, secure, and sustainable supply of energy. The proposed drilling programme seeks to confirm and delineate the remaining coal reserves within the MMS Mining Right Area, thereby supporting Seriti Power's long-term operational planning and enabling informed decisions about sustainable mining development.

The water uses to be authorised are strategically important for several reasons:

- **National energy stability:** The data obtained through exploration will inform potential future mining activities that contribute to the supply of coal to Eskom and other industrial users, ensuring reliable energy production to sustain the national grid.
- **Regional economic sustainability:** The exploration initiative supports ongoing economic activity within the Nkangala District Municipality, an area historically dependent on the mining sector for employment and development.
- **Socio-economic transformation:** The project reinforces Seriti Power's transformation mandate, promoting local procurement, skills development, and inclusion of HDPs and women in the mining and environmental sectors.
- **Responsible water governance:** By seeking authorisation through a GA (GN 509 of 2016) rather than undertaking activities without approval, Seriti Power demonstrates its commitment to legal compliance, water protection, and sustainable management of natural resources.

In essence, the authorisation of the proposed water uses supports national priorities for energy security, economic resilience, and equitable growth, while ensuring that environmental integrity and resource protection remain central to Seriti's operational approach.

## **1.10 The quality of water in water resource which may be required for the reserve and for meeting international obligations**

The proposed exploration drilling activities are temporary, low-intensity, and do not involve abstraction, discharge, or modification of the river system. Consequently, they will not affect the quantity or quality of water required to sustain the ecological Reserve or downstream international commitments.

Mitigation measures to ensure continued protection of the water resource include:

- Containment and proper disposal of drilling fluids and hydrocarbon residues to prevent surface or subsurface contamination;
- Use of impermeable liners and secondary containment beneath drilling rigs;
- Immediate rehabilitation of boreholes following drilling to prevent seepage or infiltration; and
- Adherence to DWS BPGs for drilling and pollution prevention.

These measures ensure that water quality in nearby wetlands, drainage lines, and groundwater systems remains unaffected, thereby safeguarding the ecological and hydrological integrity of the Olifants Catchment.

The Olifants WMA is within the Limpopo River Basin which flows from South Africa into Mozambique has resulted in a Joint Water Commission existing between South Africa and Mozambique. This Commission facilitates the joint utilisation of the water resources of the Olifants River as well as international cooperation in terms of use and management of watercourses in the Olifants river basin which is currently being overseen by the Limpopo Water Course Commission.

Under Section 16 of the Act requires that the Minister and Director of DWS determine the Reserve for the river system before any licence can be issued. The Reserve consists of two parts, namely, the basic human needs and the ecological reserve, which must be determined for all or part of any significant water resource. The Reserve is basically a specification of the amount of water that must be present in water resources as well as the quality of the water for the water resource to remain ecologically healthy and to be able to provide water for basic human needs.

This water use applied for would not impact negatively on the quality of the water resource or international obligations. The management measures in place will ensure that the clean water run-off is separated from the dirty water run-off and that no polluted water will reach the natural streams.

Seriti is committed to sustainable development and has developed a number of policies and plans which informs the environmental management of its operations. Such policies include:

- Seriti Sustainability Policy;
- Seriti Environmental Standard;
- Environmental Monitoring and Measurement Plan;
- Water Management Plan;
- Waste Management Plan;
- Land Management Plan; and
- Biodiversity Management Plan.

The execution of these policies through site specific EMPs and monitoring programmes will assist in ensuring that any potential contaminates are contained within the boundary of the mining operation minimising the impact on the local water resources and environment.

### **1.11 The probable duration of any undertaking to which the water is to be authorized**

The proposed exploration drilling programme within the Albion North Section is a short-term activity designed to collect geological and geotechnical data for coal resource quantification. The programme will be implemented over an estimated period of six (6) months, depending on site access, weather conditions, and operational logistics.

The exploration work will not result in the establishment of any permanent infrastructure or continuous water-use systems. Each borehole will be drilled, logged, sampled, and subsequently sealed and rehabilitated before demobilisation from the site. Rehabilitation will restore natural drainage patterns and ensure that no residual impact persists beyond the operational period.

Once drilling has been completed, there will be no ongoing water use associated with the activity, and all temporary support facilities will be removed from site. The authorised water uses (in terms of Section 21(c) and Section 21(i) of the NWA will therefore cease upon completion of the exploration programme.

The project's temporary and controlled nature ensures that any potential environmental effects are short-lived, reversible, and fully manageable, consistent with the GA conditions (GN 509 of 2016).

## **2 Conclusion**

The proposed exploration drilling programme by MMS, a subsidiary of Seriti Power, represents a low-impact, short-term activity that supports national and regional objectives for sustainable resource development, economic growth, and environmental stewardship.

The Section 27(1) motivation demonstrates that the application complies with all relevant provisions of the NWA, the NWRS (NWRS, 2013), and the GA conditions (GN 509 of 2016). The project has been designed to ensure that:

- No degradation of surface or groundwater quality occurs;
- The ecological Reserve and RQOs of the Upper Olifants Catchment are maintained;
- All activities are conducted in line with DWS and industry BPGs; and
- Social, economic, and transformation benefits are realised through local employment, procurement, and empowerment.

Authorising the proposed water uses under the GA framework will enable MMS to undertake essential geological investigations that inform responsible long-term mine planning, while maintaining full compliance with environmental and water legislation.

The project therefore constitutes an efficient, beneficial, and equitable use of water in the public interest, with negligible impact on existing water users, the broader public, or the integrity of water resources. Niara respectfully submits that this application merits favourable consideration by the DWS.

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