

HAW AND INGLIS CIVIL ENGINEERING

**APPLICATION FOR A MINING PERMIT FOR THE MINING OF
AGGREGATE, 5 HA ON PORTION 8 (REMAINING EXTENT) OF THE
FARM DRIEFONTEINEN**

SECOND APPLICATION COMMENTS AND RESPONSE REPORT

DEPARTMENT REFERENCE NUMBER:

WC 30/5/1/3/2/10258MP

AUGUST 2020



NOTIFICATION OF APPLICATION TO STAKEHOLDERS AND I&APS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 21 AUGUST – 21 SEPTEMBER 2020

Haw and Inglis Civil Engineering reapplied for a mining permit for the mining of quartzite / aggregate, 5 ha on Portion 31 (Remaining Extent) of the farm Driefonteinen, Registration Division of Mossel Bay RD, Mossel Bay, Western Cape. The information as per the initial application dated April 2019 remains unchanged. The previous application (WC 30/5/1/3/2/10206 MP) was refused by DMRE on 31 October 2019 based on the shortfall of a botanical study which was meanwhile obtained and will form part of the new application.

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr M Stratu	Garden Route District Municipality - George	pa.mayor@gardenroute.gov.za	21 August 2020	No Response Received
Mr M Stratu	Garden Route District Municipality - Mosselbay	mm@gardenroute.gov.za	21 August 2020	No Response Received
Adv T Giliomee	Mosselbay Local Municipality	admin@mosselbay.gov.za	21 August 2020	31 August 2020
<p>Response received from Mr Jaco Roux (Town Planner - Spatial Planning)</p> <p>From a Spatial Planning perspective the expansion of existing mining sites are preferred to the development of new sites. Mitigating conditions must be imposed to ensure that the sense of place as part of the Garden Route next to the N2 is developed in accordance to the vision in the Garden Route SDF.</p>				

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<p>Thank you for taking part in the public participation process and submitting valued comments for the proposed mining permit application.</p> <p>All comments received for you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for consideration.</p>				
Cllr BHJ Groenewald	Mosselbay Local Municipality Ward 7	groenewaldbarnie@gmail.com	21 August 2020	No Response Received
Mr Jannie van Staden	Breede Gourits Catchment Management Agency	jstaden@breedegouritzcma.co.za	21 August 2020	31 August 2020
<p>The following comments are the response from this office:</p> <p>The applicant must obtain Water Use Licence prior to abstraction of the water from water resources for dust suppression or mining related activities where applicable.</p> <p>Kindly inform this office if the previous mined quarry was well rehabilitated with no potential water resources pollution. No pollution of surface water or ground water resources may occur due to any activity on the property.</p> <p>Please ensure that level service agreement for management of ablution facilities, wastewater and waste disposal is in place between all relevant parties before the project commence.</p> <p>All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.</p>				

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<p>The minimizing of waste must be promoted and alternative methods for waste management must be investigated.</p> <p>No permanent structures maybe constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc) without athorisation in terms of National Water Act 1998, (Act 36 of 1998).</p> <p>Environmental sensitive areas must be identified as well as possible pollution impacts and mitigation measures of such areas must be employed.</p> <p>Notwithstanding the above, the responsibility rests with the applicant to identify any sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment.</p> <p>The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.</p>				
<p>Thank you for taking part in the public participation process and submitting valued comments for the proposed mining permit application.</p> <p>All comments received for you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for consideration.</p>				
Me Alana Duffell-Canham	CapeNature	aduffell-canham@capenature.co.za	21 August 2020	No Response Received
Mr Benjamin Walton	CapeNature - George	ceoheritage@westerncape.gov.za	21 August 2020	No Response Received
Mr Brandon Layman	Department of Agriculture	Landuse.elsenburg@elsenburg.com	21 August 2020	No Response Received

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Me Lutendo Netshilema	Department of Agriculture Forestry and Fisheries	LutendoN@daff.gov.za	21 August 2020	27 August 2020
Me Lutendo Netshilema requested a copy of the DBAR				
Electronic copy of the DBAR was send to Department of Agriculture Forestry and Fisheries on 3 September 2020				
Response received 15 Oct 2020				
This Department has no objections on the proposed development and encourages the applicant to take responsibility of the above mentioned conditions are adhered to. Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.				
Thank you for taking part in the public participation process and submitting valued comments for the proposed mining permit application.				
All comments received for you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for consideration.				
Mr J Scholtz	Department of Economic Development and Tourism	ecohead@westerncape.gov.za	21 August 2020	No Response Received

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Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	Adri.LaMeyer@westerncape.gov.za	21 August 2020	21 September 2020

The e-mail correspondence of 21 August 2020 erroneously indicates that the application is for a mining permit on Portion 31 (Remaining Extent) of the Farm Driefonteinen No. 342, Mossel Bay. Please be advised that based on the information provided in the Draft BAR, the proposed mining area is on a portion of Portion 8 of the Remaining Extent of the Farm Driefonteinen No. 243, Mossel Bay.

Page 189 of the Draft BAR lists the specialist studies that were generated by the Screening Tool developed by the DEFF. Please be advised that a copy of the Screening Report must be included in the Final BAR to confirm the summary of said report provided in the Draft BAR.

Please further note that the responses why the additional specialist studies identified by the Screening Tool will not be undertaken, do not meet the requirements of the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation” promulgated in Government Notice No. 320 of 20 March 2020. The responses to the Screening Report must confirm or dispute the current land use and environmental sensitivity of the site identified by the Screening Tool, which must be confirmed by undertaking a site sensitivity verification. Further, a signed copy of the specific compliance statement for each applicable environmental theme must be appended to the Final BAR.

Please amend the following statements in the Draft BAR dated August 2020, as they are incorrect:

- o Page 119 of the Draft BAR states that a Notification of Intent to Develop (“NID”) was submitted to Heritage Western Cape (“HWC”) on 7 May 2019, but that “No feedback has been received by the print of this document.” Per the Comments and Response Report (“C&RR”) included as Appendix G2 of the Draft BAR and as indicated elsewhere in the Draft BAR, final comment on the NID was issued by HWC on 4 April 2019

- o The Draft BAR and C&RR further indicate that Mr Colin Fordham of CapeNature has been consulted during the initial public participation phase, but that “no feedback has been received from CapeNature.” Please note that CapeNature’s comments on the initial Draft BAR were provided to the EAP on 4 July 2019..

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<p>The Department requested that an indication of the static groundwater levels must be provided. The C&RR states that the static groundwater levels and approximate positions will be incorporated in the water use licence (“WUL”) application as the location of the proposed borehole is unknown. Please note that since groundwater abstraction will now fall within the ambit of a GA, the comment regarding static groundwater levels has not been addressed.</p> <p>An approximate position of the proposed borehole in relation to the proposed mining permit area and other environmental site sensitivities such as the Critical Biodiversity Area (“CBA”) must be indicated in the revised site layout plan. The C&RR indicates that the site layout plan will be revised and sent to the Department once the borehole location has been determined by the WUL specialist. Please note that this issue remains unresolved.</p> <p>The Department recommended that a storm water management plan for the mining permit area be compiled, which must include method statements to prevent contaminated storm water from being released into the receiving environment. The C&RR indicates that a storm water management plan will be conducted as part of the WUL application; however, since a WUL is no longer required, this comment has not been addressed.</p> <p>Uncertainty regarding the adequacy of the proposed mitigation measure to demarcate a 20m “no-go” buffer zone from the boundary of the CBA. The Botanical Impact Assessment dated November 2019 compiled by Enviro-Niche Consulting included as Appendix L1 of the Draft BAR, did not indicate any buffer zones. The Draft BAR dated August 2020 refer to “required buffer no- go areas”, but did not indicate what the buffer zone (in metres) must be. Please indicate whether a 20m buffer zone will still be maintained?</p> <p>The Botanical Impact Assessment does not fully comply with the requirements of Appendix 6 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended). Regulation 1(1)(a)(ii) of Appendix 6 requires all specialist reports to contain details of the expertise of that specialist to compile a specialist report, including a curriculum vitae. Please ensure that all specialist reports submitted with the Final BAR fully comply with this requirement.</p> <p>The Screening Report requires that a Traffic Impact Assessment must be undertaken. The EAP has however responded that “In light of the small scale of the proposed operation a TIA is not deemed necessary, should the Applicant implement the mitigation measures to be proposed in the EMPR.” Please provide an indication of the number of trucks that will access the proposed mining area from an existing farm access road that connects to N2 at approximately 330m from the mining area?</p> <p>All the mitigation measures and recommendations made in the Botanical Impact Assessment must be incorporated in the Environmental</p>				

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<p>Management Programme (“EMPr”) and the provisions of the EMPr must be strictly implemented and adhered to.</p> <p>The proposed quarry expansion will take place on a hill, which will create a depression with stepped side walls. According to the information provided, the rehabilitation of the mine upon closure will render the quarry safe and will be left as a minor landscape feature. The Department remains concerned about the depression that will be left in the landscape, as no imagery or cross profile of the pre-mining area vs. post mining was provided. Furthermore, the Draft BAR contains no description of the elevation, which should provide an adequate understanding of the pre- and post-mining environment (i.e. current elevation and to what level will the mining activity result in?). Please indicate the residual depth of the depression post-rehabilitation?</p> <p>Page 22 of the Draft BAR states that there is very little topsoil on the proposed mining area; however, the EMPr is silent about the need for adequate volumes of topsoil to cover and sustain vegetation after rehabilitation, which will have to be imported from elsewhere. The Closure Plan dated April 2019 included as Appendix O to the Draft BAR must be updated to include the new reference number and must also provide an indication of where topsoil will be sourced from.</p> <p>The rehabilitation plan must clearly articulate the financial provision that has been made for each stage/phase of rehabilitation. Rehabilitation of the mining area must be focused on restoring the topography (land form). Further take note of the following aspects that should also be included in the environmental cost estimates for rehabilitation:</p> <ul style="list-style-type: none"> o Seeds should be harvested prior to the commencement of the mining activities and Indigenous vegetation should be reintroduced during the rehabilitation process; o Where re-vegetation work will be done on the disturbed areas, only locally indigenous vegetation must be used that occur naturally in the immediate area and no “alien plant” species is to be introduced into the area; o Any archaeological remains uncovered during the mining activities must immediately be reported to HWC and not be further disturbed; o Roles and responsibilities of parties that will be responsible for the implementation of the proposed rehabilitation measures should be clearly articulated in the rehabilitation plan; o Specific storm water management measures that will be implemented to mitigate potential erosion of loose soil; 				

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				<ul style="list-style-type: none"> o Remediation and management of latent or residual environmental impacts, which may become known in the future, and o Final rehabilitation, decommissioning and closure at the end-of-life of a mine. <p>Considering the nature of the proposed mining activities, access to the proposed mining area should always be controlled during operations and during the rehabilitation phase to prevent unauthorised access of persons.</p> <p>Should an EA be granted, the environmental control officer must undertake regular site inspections as determined by the competent authority to ensure that rehabilitation is adequately done and that all the mitigation measures are implemented.</p> <p>Please note that Appendix J (CV and experience of EAP) was not available on the EAP's website. Please include said appendix in the Final BAR.</p> <p>The Site Activities Map included as Appendix C does not fully meet the requirements of regulation 3 of Appendix 1 of the NEMA EIA Regulations, 2014 (as amended). Although a plan which indicates the proposed activities applied for and associated structures and infrastructure at an appropriate scale was provided, regulation 3(1)(l) requires that a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers, must be provided.</p> <p>The EAP is reminded of the general requirements for the storage of waste as described in Part 5 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) which states that:</p> <p>“21. General requirements for storage of waste</p> <p>Any person who stores waste must at least take steps, unless otherwise provided by this Act, to ensure that-</p> <ul style="list-style-type: none"> (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste; (b) adequate measures are taken to prevent accidental spillage or leaking; (c) the waste cannot be blown away;

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(d)		nuisances such as odour, visual impacts and breeding of vectors do not arise; and		
(e)		pollution of the environment and harm to health are prevented.”		
<p>The waste management hierarchy must be implemented to formulate a possible re-use, recycling and disposal schedule as well as a management programme to be implemented once the mining activities have been approved. No waste should be used as fill material in the quarry.</p> <p>The EMPr must be easily accessible to the person(s) responsible for managing the proposed activity during the various phases and adherence to its conditions must be strictly monitored.</p> <p>The applicant is reminded of its “duty of care” prescribed in section 28 of the NEMA, 1998 which 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 authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”</p> <p>Please note that no additional feedback has been received from Cape Nature by the print of this document. Therefore it is accepted that all concerns below has been addressed in the new application DBAR dated August 2020 with reference WC30/5/1/3/2/10258MP. (the comments below are included for reference purposes only.</p> <p>Following a review of the Final Basic Assessment Report, Environmental Management Programme Report (EMPr) and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations:</p> <ul style="list-style-type: none"> o Prior to the commencement of mining activities on the property, the number livestock grazing the farm must be reduced accordingly. This is to prevent overgrazing occurring due to mining activities removing vegetation and therefore changing livestock carrying capacity of the farm. o Cape Nature would like to remind the landowner that in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) (“CARA”) landowners must prevent the spread of alien invasive plants on the entire property (not just within the mine boundary). The level of alien infestation is therefore not be seen as reducing the sensitivity of a site, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this is a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as 				

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<p>some vegetation types are particularly prone to invasive alien infestation but may recover when cleared of alien vegetation.</p> <ul style="list-style-type: none"> o In addition to CARA, in terms of the Alien and Invasive Species Regulations, NEM: BA6,2014, specific alien plant species (e.g. <i>Acacia mearnsii</i>) are either prohibited or listed as requiring a permit; aside from restricted activities concerning, inter alia, their spread, and should be removed. o According to the WCBSP (2017) ONA regions are areas delineated that are not currently identified as a priority, but retain most of their natural character and perform a range of biodiversity and ecological infrastructure functions. Although not prioritised, they are still an important part of the natural ecosystem. As stipulated in the Land Use Advice (LUA) Handbook (Pool-Stanvliet et al. 2017)⁷ although the mine area selected has partially previously been mined, this cannot be used as motivation for re-establishing and expanding of mining activities within ONA. Table 4.7 in the handbook classifies mining as a business and/or industrial land use, which is defined as restricted within ONA. Furthermore it states the following: <ul style="list-style-type: none"> o “6. c) Extractive Industry which is place-bound o Quarrying and mining and secondary beneficiation. Also takes into consideration visual, physical and chemical aspects of these activities, mine waste and refuse dumps, urban waste sites and landfill sites. o Assumes the following conditions: <ul style="list-style-type: none"> o Extractive industry to be located at the mineral source within the rural area, and informed by environmental considerations (should be located outside of environmentally sensitive areas) and post-mining rehabilitation.” o The reasons for ONA delineation are for the presence of natural vegetation. Cape Nature has records of protected species such as the endangered <i>Erica unicolor</i> on the farm and without a botanical assessment to quantify the extent of sensitive vegetation or protected species, it is unclear if there are more sensitive sections potentially within the proposed mining footprint or not? o Should the applicant wish to continue to establish the mine within ONA, botanical/biodiversity specialist input should be conducted by a suitably qualified specialist. This specialist must have in-depth knowledge of the local vegetation type present on site to, inter alia, determine the desirability of the proposed mine within the ONA, to look for the presence of red data species, to make recommendations regarding the where mine is proposed and to give a reasoned opinion on the likely effects that mining the site will have on meeting the ONA targets. The appointed botanical specialist must please consult the Terms of Reference for the consideration of biodiversity in environmental assessment and decision-making in the Fynbos Forum Ecosystem 				

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<p>Guidelines for Environmental Assessment in the Western Cape v 2 (de Villiers et al., 2016)⁸ and Appendix 6 to the EIA Regulations, GN No. R.982 of 4 December 2014.</p> <ul style="list-style-type: none"> o It is unclear how a rehabilitation plan was compiled without identifying what natural vegetation species occur on site. CapeNature does not support the establishment of pasture lands and a dam as an end land use, as this will also be in conflict with the LUA guideline handbook. The establishment of pasturelands also requires a CARA permit from DAFF and the dam will also require BGCMA approval, therefore this application would then need to change to also comply with the One Environmental System. The rehabilitation report needs to be updated with the following information: o If the objective is to restore the biodiversity back to what used to occur naturally in the area, a botanical specialist needs to outline how long it would take for succession to effectively recolonise the area versus active intervention methods? Alternatively the specialist could rather recommend what local species need to be planted or grown from cuttings or seed collected from local genetic stock to speed up the process. Recommendations as to which species and the process that need to be followed should be included in the plan. o The specialist will need to define botanical methods to be used to measure the level of success, in terms of rehabilitation, and how often should the site be monitored to ensure that rehabilitation\restoration is proceeding correctly? For example should botanical exclusion plots be laid out adjacent to the cleared area and when should the site be subjected to an ecological burn? o A suitably qualified Environmental Control Officer (ECO) must be appointed during the operational phase of the mine to ensure that rehabilitation measures are being implemented as per the mining plan. Given the nature of the proposed mine plan, the applicant should be restricted from continuing to mine neighbouring sections, without the competent authority approving the extent of rehabilitation measures undertaken on existing mined areas. o Cape Nature would like to reiterate that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from Cape Nature. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process. o The No-Go area map should be compiled by the botanist and appended to the Operational EMP. This would act as a reminder to the applicant of the location of sensitive regions on the property. It is also recommended that the extent of the mining footprint be fenced off prior to mining activities taking place. 				

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				<ul style="list-style-type: none"> o It should be noted that no future mining activities may occur, prior to the completion of the relevant Mossel Bay Municipality town planning application processes for the mine on the property. o To conclude, Cape Nature is unable to provide an informed opinion on the proposed mine plan for the property, as the ecological considerations require a botanical impact assessment and updated rehabilitation report. Cape Nature reserves the right to revise initial comments and request further information based on any additional information that may be received.
				<p>The application is for a mining permit on Portion 31 (Remaining Extent) of the Farm Driefonteinen No. 243, Mossel Bay.</p> <p>Comment noted, this report has been attached to the FBAR as Appendix P</p> <p>Comment noted, the responses has been amended in consultation with DMRE</p> <p>Comment noted, this has been corrected</p> <p>Please note that no additional feedback has been received from Cape Nature by the print of this document. Therefore, it is accepted that all concerns below as per the comments received 4 July 2019 has been addressed in the new application DBAR dated August 2020 with reference WC30/5/1/3/2/10258MP. The main concern from Cape Nature was related to the botanical study which was in the meantime conducted, therefore we accept that all their concerns have been addressed.</p> <p>Response from groundwater specialist - Martiens Prinsloo (Pr.Sci.Nat) MSc (Hydrogeology), M.B.A.) from Future Flow Groundwater & Project Management Solutions cc:</p> <ul style="list-style-type: none"> o “The quarry has been operational since the first half of the previous century but does not, and will not exceed 30 m depth. Current available information shows that the quarry does not require active dewatering. o The quarry is located on top of a west / east trending ridge, at an elevation of around 250 m above mean sea level (mamsl), while the topographical

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<p>elevation in the surrounding low lying areas range around 95 mamsl to the north, and 170 mamsl to the south of the ridge.</p> <p>o Excavating the ridge to the planned maximum depth of 30 m (thus 220 mamsl) will not lower the quarry floor to lower than the regional low lying area elevations. Therefore, even in the event that the quarry is excavated to the maximum depth, and if there should be groundwater inflows that have to be dewatered at that stage, the quarry activities will not draw down the groundwater levels in the surrounding lower lying areas where the neighbouring farmers are located as the quarry floor will be located at a higher elevation than the surrounding areas. It is therefore not possible for the quarry to have notable impact on the groundwater volumes in the surrounding area.</p> <p>Please note that the proposed mining area is excluded from the CBA compiled by the Western Cape Biodiversity Sector plan (2017) as indicated throughout the DBAR. No mining related activities will be allowed outside the boundaries of the application area. The position of a possible borehole is not yet determined but will be sent to the department should it be determined.</p> <p>A storm water management plan was conducted and attached to the FBAR as Appendix Q</p> <p>Please note that the buffer zone was implemented as no botanical assessment was done as part of the previous application. The buffer zone was taken out of the report after it was confirmed by the Botanical Impact Assessment dated November 2019 compiled by Enviro-Niche Consulting that the proposed mining area is excluded from the CBA compiled by the Western Cape Biodiversity Sector plan (2017) as indicated throughout the DBAR. No mining related activities will be allowed outside the boundaries of the application area. No sensitive areas are located within the mining area. Mining must not take place closer to the N2 or the southern cliff-face.</p> <p>Please refer to appendix L1.2-4 of the FBAR for a peer review of the Botanical Impact Assessment:</p> <p>o “Within the report all natural areas surrounding the “old” mining area was recommended to be avoided, however no buffers around sensitive features were recommended. Buffers around CBAs and ESA were not deemed necessary as all of these sensitive features were located well outside of the proposed mining footprint. Other sensitive features identified by the specialist (northern slope and southern face of the Kleinberg ridge) were also not awarded any buffer areas as the development will be restricted to the already disturbed area and all natural areas surrounding these disturbed areas should be avoided. Furthermore, there is no intention, by the mining company, to extend the mining area into the natural areas.”</p> <p>In order to determine whether the report complies with the specification set out in Appendix 6 - GN R326 EIA Regulations of 7 April 2017, a</p>				

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<p>compliance checklist has been compiled and is provided in the peer review of the Botanical Impact Assessment attached as Appendix L1.2-4</p> <p>From the table mentioned above the following information is outstanding:</p> <ul style="list-style-type: none"> o Information on the expertise of the specialist as well as a Curriculum Vitae o Nkurenkuru Ecology and Biodiversity was informed by the appointed EAP that this information will be provided separately to the relevant authorities. o A declaration that the specialist is independent: o Nkurenkuru Ecology and Biodiversity was informed by the appointed EAP that a declaration of independence will be provided separately to the relevant authorities. o Duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment; o The site was visited on the 21st of November 2019. This is probably the most appropriate month/season for fieldwork as November coincides with the rainy season, with October typically receiving the highest amount of precipitation. Most of the geophytes and fynbos species in the region tend to flower between September and January. o Even though a single inspection comprising a single day may be regarded as a bit too short to obtain a full ecological perspective of the area, such a short inspection for this specific project can be regarded as merely acceptable due to the fact that the development will be restricted to the disturbed footprint of the “old” mining area, avoiding all natural areas. o An identification of any areas to be avoided, including buffers; o Within the report all natural areas surrounding the “old” mining area was recommended to be avoided, however no buffers around sensitive features were recommended. Buffers around CBAs and ESA were not deemed necessary as all of these sensitive features were located well outside of the proposed mining footprint. Other sensitive features identified by the specialist (northern slope and southern face of the Kleinberg ridge) were also not awarded any buffer areas as the development will be restricted to the already disturbed area and all natural areas surrounding these disturbed areas 				

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<p>should be avoided. Furthermore, there is no intention, by the mining company, to extend the mining area into the natural areas.</p> <ul style="list-style-type: none"> o A map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers; o Such a map was not included within the report. Based on the description of sensitive features as provided by the author, a sensitivity map has been compiled <p>The Applicant will use the existing road to access the mining area and transport material from the mining area. The existing road has a formal entrance and was also used by the previous permit holder to transport material. No upgrading of the road is needed prior to commencement. After consultation with SANRAL a TIA was also not deemed necessary. In light of the small scale of the proposed operation a TIA is not deemed necessary, should the Applicant implement the mitigation measures to be proposed in the EMPR.</p> <p>Comment noted this will be implemented and adhered to.</p> <p>Please refer to the visual impact assessment Appendix L2</p> <p>Comment noted, the date and reference number has been corrected. It is of utmost importance that mitigation measures should be strongly implemented in terms of the prevention of loss of topsoil. Should the Applicant implement the mitigation measures proposed in the EMPR the amount of topsoil volumes should be adequate to cover and sustain vegetation after rehabilitation. If additional topsoil is required, it will be obtained from a legal commercial source.</p> <p>Comment noted, please refer to a full rehabilitation and closure plan as per Appendix O</p> <p>Comment noted this will be implemented and adhered to</p> <p>Comment noted this will be implemented and adhered to</p> <p>Comment noted, this document has been attached to the FBAR as Appendix J</p>				

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<p>Comment noted, this has been corrected</p> <p>Comment noted this will be implemented and adhered to</p> <p>Comment noted this will be implemented and adhered to</p> <p>Comment noted this will be implemented and adhered to</p> <p>Comment noted this will be implemented and adhered to</p> <p>Other Competent Authorities affected</p> <p>Please note that no additional feedback has been received from Cape Nature by the print of this document. Therefore, it is accepted that all concerns below as per the comments received 4 July 2019 has been addressed in the new application DBAR dated August 2020 with reference WC30/5/1/3/2/10258MP. The main concern from Cape Nature was related to the botanical study which was in the meantime conducted, therefore we accept that all their concerns have been addressed.</p>				
Mr Danie Swanepoel	Department of Environmental Affairs and Development Planning - George	danie.swanepoel@westerncape.gov.za	21 August 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	juanita.fortuin@drdlr.gov.za	21 August 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	Jacqui.Gooch@westerncape.gov.za	21 August 2020	No Response Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr R Khan	Department of Water and Sanitation - Provincial	KhanR@dwa.gov.za	21 August 2020	24 August 2020
Me Marianne Claassen from Department of Water and Sanitation forwarded the e-mail to Mr Jannie van Staden at the Breede Gourits Catchment Management Agency (BGCMA) for his further attention on 24 August 2020				
Acknowledgement of receipt and confirmation that the documentation was send to the Breede Gourits Catchment Management Agency (BGCMA) was send to Me Marianne Claassen from Department of Water and Sanitation.				
Dr Ian Little	Endangered Wildlife Trust	ianl@ewt.org.za	21 August 2020	No Response Received
Mr Jonathan Visagie	Telkom	jonathanv@openseve.co.za	21 August 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	waseefa.dhansay@westerncape.gov.za	21 August 2020	No Response Received
Me Dian Naicker	PetroSA	dian.naicker@petrosa.co.za	21 August 2020	No Response Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Pierre Nel	Sanparks	pierre.nel@sanparks.org	21 August 2020	No Response Received
Me Nicole Abrahams	SANRAL Western Cape	AbrahamsN@nra.co.za	21 August 2020	No Response Received
Mr Martin Pauw	Stellenbosch University	cmp1@sun.ac.za	21 August 2020	No Response Received
Me Abongile Mqgada	Vodacom	abongile.Mqgada@vodacom.co.za	21 August 2020	No Response Received
Me Hedwig Slabigh	West Coast Botanical Society	conmeyer@megaserve.net	21 August 2020	No Response Received
SAHRIS on-line system	SAHRA	www.sahrisk.org.za	21 August 2020	No Comments Received

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Kokkie Muller (Land Owner)	Driefontein 243, Portion 15	kleinberg@absamail.co.za	21 August 2020	No Comments Received
Mr Emile van Rensburg	Vans Elektries	vanselec@mweb.co.za	21 August 2020	No Comments Received
Mr Bennie Pienaar	Bertie Pienaar Trust	abiakleinberg1@gmail.com	21 August 2020	No Comments Received
Mr Johan van Rensburg	JJ Van Rensburg Familie Trust	jjvanrens@gmail.com	21 August 2020	5 September 2020

Response received from Mr Van Rensburg 5 September 2020

No guarantees are provided that the existing water resources critical for both human and animals won't be negatively affected

The dense stand of Elytropappus rhinocerotis (rhinoceros bush) and invasive Acacia cyclops (Rooikrans) trees can have catastrophic consequences in the event of a veldfire. No precaution is currently taken against this.

The above matter as well as letter received from you dated 5 September 2020 refers. We took the liberty of translating your comments for ease of review purposes.

Please see responses to your comments listed below:

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
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No guarantees are provided that the existing water resources critical for both human and animals won't be negatively affected.

- o There are no rivers, streams or wetlands within close proximity of the mining area. Any water required for the implementation of the project will be drawn from a borehole to be established on site. After consultation with Breede Gouritz Catchment Management Agency it was confirmed that this water use will fall in the ambit of a General Authorisation. The Water Use application for the drilling of a borehole on site for water abstraction to be used during operational phase will only be submitted once a borehole has been drilled and coordinates can be provided to DWS.
- o Without the water use authorization, Haw and Inglis is not allowed to abstract water for the use on site, if water cannot be sourced from a borehole on site, water would need to be source elsewhere which in turn would make this a costly operation.
- o Should the water authorisation be granted it will come with conditions that must be strictly adhered to in order for Haw and Inglis to remain compliant with the DWS as well as DMRE.
- o Haw and Inglis cannot provide a guarantee that the groundwater or the proposed borehole will/will not be affected by the quarrying operations.
- o Haw and Inglis undertakes to monitor Mr. Van Rensburg's borehole, and if it is proven that blasting has affected the water quality, Haw and Inglis will repair or replace the borehole.

The dense stand of Elytropappus rhinocerotis (rhinoceros bush) and invasive Acacia cyclops (Rooikrans) trees can have catastrophic consequences in the event of a veldfire. No precaution is currently taken against this.

- o In light of the undisturbed nature of the earmarked area's vegetation cover, very little weeds and/or invasive plant species are present. However, the control of invasive plant species is an important aspect during all phases of the proposed activity. Therefore, an invasive plant control plan was developed for the site to be implemented during the site establishment-, operational-, decommissioning phase and 12 months' aftercare period of the mining activity. Please refer to the attached Invasive Plant Species Management Plan (Appendix N of the DBAR)
- o Weed control measures will be applied to eradicate any noxious weeds (category 1a &1b species) on disturbed areas.

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
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o Fire Management

Veld fires and fires resulting from other sources will be handled with extreme caution should it occur. Fire extinguishers will be placed at the mine, and the following will apply to fire management:

- In the event of a fire an alarm will be activated to alert all employees and contractors;
- Identify the type of fire and the appropriate extinguishing material. For example, water for a grass fire, and mono ammonium phosphate based fire extinguisher for chemical and electrical fires;
- In the event of a small fire the fire extinguishers placed around the mine will be used to contain and extinguish the fire;
- In the event of a large fire, the fire department will be notified and must react timeously;
- All staff will receive training in response to a fire emergency on site;
- A Fire Protection Association (FPA) will be set up with the mine and surrounding land owners to facilitate communication during fire events and assist in fighting fires, where necessary;
- Fire breaks will be established and will be maintained around the Mining area for the duration of the project;
- If possible all surrounding drains, such as storm water drains need to be covered and or protected to prevent any contaminated water from entering the drains
- In case of a chemical or petroleum fire, run-off from the area will be contained as far as possible using the most appropriate measures e.g. spill absorbent cushions, sand or a physical barrier;
- All firefighting equipment will be inspected at least monthly to ensure that these are functioning;

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<ul style="list-style-type: none"> • No lighting of fires will be allowed on site, unless contained in a drum at demarcated area • All cigarette butts should be disposed of in a designated rubbish bin; • No smoking will be allowed near gas, paints or petrol; • All employees should know the position of firefighting equipment and report all fires; and • No burning of waste or vegetation will be allowed anywhere on site. 				
<p>Response received from Mr Van Rensburg 13 September 2020</p> <p>The successful utilization of the water source on my farm is essential for the daily use of both humans and animals. The undertaking in the answer is therefore totally inadequate.</p>				
<p>Response from groundwater specialist - Martiens Prinsloo (Pr.Sci.Nat) MSc (Hydrogeology), M.B.A.) from Future Flow Groundwater & Project Management Solutions cc:</p> <p>“The quarry has been operational since the first half of the previous century but does not, and will not exceed 30 m depth. Current available information shows that the quarry does not require active dewatering.</p> <p>The quarry is located on top of a west / east trending ridge, at an elevation of around 250 m above mean sea level (mamsl), while the topographical elevation in the surrounding low lying areas range around 95 mamsl to the north, and 170 mamsl to the south of the ridge.</p> <p>Excavating the ridge to the planned maximum depth of 30 m (thus 220 mamsl) will not lower the quarry floor to lower than the regional low lying area elevations. Therefore, even in the event that the quarry is excavated to the maximum depth, and if there should be groundwater inflows that have to be dewatered at that stage, the quarry activities will not draw down the groundwater levels in the surrounding lower lying areas where the neighbouring farmers are located as the quarry floor will be located at a higher elevation than the surrounding areas. It is therefore not possible for the quarry to have</p>				

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
notable impact on the groundwater volumes in the surrounding area.”				
<p>Response received from Mr Van Rensburg 20 September 2020</p> <p>The importance of the existing source for the daily existence of both human and animal has already been emphasized several times in my writings.</p> <p>If the project does continue and there is any negative impact on whether the quality or quantity of the water source occurs, your institution will be held fully responsible for it.</p>				
<p>All comments received from you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for consideration.</p> <p>It is proposed that the applicant will test the borehole in question for a period of time to determine what the delivery is per hour as well as the quality of the water prior to blasting. The borehole will be monitored during the proposed operation.</p> <p>We trust that the attached response will address your concerns, please do not hesitate to contact me should you have any further questions.</p>				
Mrs Maria C Muller	Pierre Muller Familie Trust	leeuwen.muller@gmail.com	21 August 2020	No Comments Received
Me Marisa Borrett	Wild X Adventures	info@wildx.co.za	21 August 2020	No Comments Received

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Gerhard van Rooyen	Indalu Game Reserve	info@indalu.co.za	21 August 2020	No Comments Received
Mr Flip Fivaz	Arbeidsloon Kampterein 1	sharon.fivaz@etime.co.za	21 August 2020	No Comments Received
Mr Hennie Pienaar	Hennie Pienaar	mrspienaar@yahoo.com	21 August 2020	No Comments Received
Mr Tersius Jones	De Heus Voere	tjones@deheus.com	21 August 2020	No Comments Received
Mr Willie Smit	Willie Smit	Posbus 367 Hartenbos 6520	21 August 2020	No Comments Received
Mr Gilbert Muller	Gilbert Muller	gbmuller16@gmail.com	21 August 2020	No Comments Received
PHS Consulting	Paul Slabbert	paul@phsconsulting.co.za	21 August 2020	No Comments Received

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Nick Hugo	Surrounding Land Owner	nick.hugo@gmail.com	21 August 2020	16 September 2020

We access our property using the same entrance which is available to the proposed mining site from the national road. There is a servitude registered for this purpose. We have no alternative access to our property.

The access from the N2 is on a rise to the East, and near to a bend from the West. The exit between the gate and the road is positioned between two culverts which results in there being a limited space for vehicles to occupy when entering or exiting the road. The exit is demarcated with warning boards, however there is no slipway for exciting or entering the national road.

Sharing this access with large vehicles entering and exiting on a regular basis, in a precarious location, I believe would pose a safety risk to all who are making regular use of this entrance.

My concern is that should large vehicles be delayed for any reason in the entrance, the vehicles looking to enter might be stranded precariously on the national road.

Care needs to be taken to ensure the safety of everyone concerned, as well as the general public using the national road at this location.

I do not believe this to be an insurmountable problem.

The above matter as well as email received from you dated 17 September 2020 refers.

In the event that the increased traffic requires a dedicated turning lane this will be referred to SANRAL and dealt with accordingly. The applicant will however be in consultation with you prior to commencement of the mining activities should this application be successful.

All comments received for you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for consideration.

SUMMARY OF INITIAL PUBLIC PARTICIPATION PROCESS

The I&AP's and stakeholders were informed of the proposed project through:

- telephonic discussions;
- direct communication with background information documents (hand delivered, email, registered mail);
- placement of on-site notices; and Mosselbay Advertiser on 21 August 2020

Comments received on the DBAR were incorporated into the FBAR to be submitted to the DMR for decision making.

See attached as Appendix F2 proof of the correspondence with the I&AP's and stakeholders during the public participation process.

-END OF COMMENTS AND RESPONSE REPORT-