

**PROPOSED STOCKPILING ON A PORTION OF THE  
REMAINING EXTENT OF THE FARM ELANDS SPRUIT  
NO 5523, ALFRED DUMA MUNICIPAL AREA  
KWA-ZULU NATAL PROVINCE**

**COMMENTS AND RESPONSE REPORT**

**REF NO: DC23/0005/2022: KZN/EIA/0001820/2022**

**NOVEMBER 2022**



## NOTIFICATION OF STAKEHOLDERS AND I&AP'S OF THE ENVIRONMENTAL AUTHORISATION APPLICATION

*COMMENTING PERIOD: 30 SEPTEMBER – 31 OCTOBER 2022*

The public participation entailed the placement of English and isiZulu site notices at the entrance to the property, Matiwane Community, the turnoff from the N11 onto Collings Pass Road, as well as the Ladysmith Library on 20 September 2022. As the southern neighbour (represented by Me Khumalo) does not have access to email, a meeting was held with her on 20 September 2022 in Ladysmith where the project was explained, and comments invited. Me Khumalo was also supplied with an isiZulu version of the Executive Summary of the DBAR for her perusal and commenting.

The project was advertised in the Ladysmith Gazette on 30 September 2022, and isiZulu flyers explaining the project were distributed in Matiwane on 27 September 2022. The stakeholders and I&AP's were informed of the project with notification letters send via email, and the DBAR (with isiZulu Executive Summary) was available at the Ladysmith Library for 30 days. The commenting period for perusal of the documentation (listed above as well as the DBAR) and submission of comments ended 31 October 2022.

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Ms SS Ngiba, Me K Grobler Me S Magudulela Mr R Mazibuko	Alfred Duma Local Municipality	29 September 2022	No response
Mr TP Dlamini	Alfred Duma Local Municipality Ward Councillor Ward 23	29 September 2022	No response

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr TN Ngcobo	Alfred Duma Local Municipality Ward Councillor Ward 24	29 September 2022	No response
Me P Ndabezitha	AMAFA	04 August 2022	30 August 2022
Greenmined applied in terms of Section 41 of the KwaZulu-Natal AMAFA and Research Institute Act (5/2018) and the NHRA, 1999 for comments on the proposed development of a site to AMAFA.			
Greenmined presented the project at the Heritage Officers' Committee Meeting of AMAFA on 17 August 2022.			
<p>Final Decision submitted by AMAFA on the proposed project:</p> <p>“The KZN Amafa and Research Institute (the Institute) reviewed the application on the 17 August 2022 and considered your application: The Committee resolved not to object to the development within the limits of the general stipulated conditions and mitigation measures.</p> <p><b>STANDARD CONDITIONS</b></p> <ol style="list-style-type: none"> <li>1. The KwaZulu-Natal Amafa and Research Institute should be contacted if any heritage objects are identified during earth-moving activities and all development should cease until further notice.</li> <li>2. No structures older than sixty years or parts thereof are allowed to be demolished, altered, or extended without a permit from the KwaZulu-Natal Amafa and Research Institute.</li> <li>3. Under no circumstances may any heritage material be destroyed, inundated, collected, or removed from the site unless under the direction of the KwaZulu-Natal and Amafa Research Institute and a heritage specialist.</li> <li>4. Should any remains, that could potentially be human remains be found on-site, the South African Police Service (SAPS) should be contacted and the KwaZulu-Natal Amafa and Research Institute must be notified immediately. No SAPS official may disturb or exhume such remains, without the necessary permission from the KwaZulu-Natal Amafa and Research Institute.</li> </ol>			

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<p>5. No activities are allowed within 50m of a site that contains rock art.</p> <p>6. Sources of all-natural materials (including topsoil, sands, natural gravels, crushed stone, asphalt, etc.) must be obtained in a sustainable manner and in compliance with the heritage and environmental (NEMA) legislation.</p> <p>The committee resolved not to object to the development within the limits of the general stipulated conditions and mitigation measures. Should you have any further queries, please contact the designated official using the case number quoted above in the case header. Should you have any further queries, please contact the designated official using the case number quoted above in the case header.”</p>			
<p>On 17 October 2022, SAHRA/AMAFa again confirmed by means of the SAHRIS website that the project was approved (closed) in terms of their requirements.</p>			
Mr S Sibande	Department of Agriculture and Rural Development and Land Reform - KZN	29 September 2022	06 October 2022
<p>DARD confirmed receipt of the application and mentioned that the application was captured in the electronic land use database with reference number: 2020/12/4975.</p>			
<p><i>The comments received from DARD on 27 October 2022 held reference to the mining permit application also submitted by the Applicant to DMRE. For ease of reference the comments were included below although it is not applicable to this application.</i></p> <p>Comments received from DARD on the DBAR of the Applicant’s mining permit application (KZN 30/5/1/3/2/10817 MP):</p> <p><b>“1. PURPOSE</b></p> <p><i>To provide comments from the KZN Department of Agriculture and Rural Development (DARD): Agricultural Resources Management (ARM) – Land Use Regulatory Unit (LURU), in response to the Proposed Mining on a portion of the remaining extent of the Farm Elands Spruit No. 5523, Alfred Duma Municipal Area, KwaZulu-Natal Province.</i></p>			

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<p><b>2. BACKGROUND</b></p> <p>2.1 The Applicant, Raubex Construction (Pty) Ltd applied for environmental authorisation (EA) and mining permit (MP) over a footprint of 4.9 Ha of the remaining extent of the farm Elands Spruit No. 5523 (317.74 HA in total extent), uThukela Magisterial District, KwaZulu-Natal. This is located along the Collings pass (P263 road) just of the N11 road about 26 km north east of Ladysmith in the direction of New Castle. The mine is approximately 10 m from the P263 road. This small 10 m stretch will need an upgrade to accommodate haulage trucks from the quarry. According to the Environmental Assessment practitioner the old quarry was an historical mine used for the building of N11 Road way back in the 70's. There is no previous mining permit for the previous operation.</p> <p>2.2 The proposed mining operation will entail extension of the existing quarry via conventional open cast mining methods. The following mining processes are involved; site establishment and infrastructure development, striping and stockpiling topsoil from the proposed mining footprint area, the mining method will make use of blasting to loosen the hard rock. The loosen material will then be transported to crushing and screening processing plant where it will screened to various sized stockpiles before it is sold and transported from the mining sites.</p> <p>2.3 It should be noted that the impact on the quality of the air of the surrounding environment if properly managed, should be at an acceptable level of low-medium significance. The same applies to ambient noise levels.</p> <p>2.4 The proposed mining area falls within 550 m from wetland and requires a Water Use Authorisation in terms of the National Water Act, 1998. The stock pile area has been selected as areas without notable seeps or wetlands within the confines of the mining footprint. The stock pile area is more than 170 m from the outer boundary of the wetland, and therefore outside the 70 m buffer proposed by the specialist.</p> <p>2.5 The Proposed project will utilise chemical toilets for approximately 8 staff under its employment. Storm water management plan for the site must be properly planned to prevent erosion in the adjacent farmlands and pollutions of nearby wetland systems.</p> <p>2.6 The studies indicated on the aspects of terrestrial Biodiversity, conservation Areas and ground cover shows that a critical Biodiversity area (CBA) extends across the western boundary of the site. This area has been disturbed by the existing quarry therefore the section categorised as CBA optimal does not qualify to be in that category as a result. Aloe species observed in this area must be rescued and relocated to safer environment within the farm.</p>			

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<p>2.7 It has been determined that No sites observation of archaeological, palaeontological or cultural importance exist within the study area. It is therefore important to ensure that all mitigation measures proposed for notable impact studies be observed in the strictest sense to ensure that existing infrastructures on the farm or neighbouring properties will not be adversely impacted by the proposed project.</p> <p>2.8 This application is submitted in terms of the Mineral and Petroleum Resources Development Act (Act 29 of 2002) as amended. It is required that the applicant is fully compliant in terms of the provisions of the National Environmental Management Act NEMA (Act 107 of 1998). In terms of section 16(3)(b) and 17(c) under EIA regulations, 2014.</p> <p><b>3. COMMENTS</b></p> <p>3.1 A site inspection was conducted to the Farm Elands Spruit on 11 October 2022. The property is a stock grazing farm. According to the KZN Department of Agriculture and Rural Development Land category's Map of 2012, The Farm is a Category B Land.</p> <p>3.2 The mining operations must be conducted in accordance with the best practice guideline for small scale mining in relation to storm water management, erosion/sediment control, and waste management. It should be noted that any other measures such as prevention of contaminated water from spilling into clean water system such as ground water and wetland systems must be ensured through collection and containment of contaminated water in systems such as berms, pools, dams or attenuation ponds with this regard.</p> <p>3.3 It should be noted that all impact mitigations identified must be strictly implemented as there are a number of them that ranges from noise, storm water attenuation for erosion/silting control, ground water and air pollution prevention to blasting impact on the farm and neighbouring infrastructure. The rehabilitated land must be continuously utilised for one form of agriculture or the other after the useful life of the quarry.</p> <p>3.4 It must be ensured that the mining area is properly fenced off to prevent incursion by livestock and human which can lead to injury of animals or in extremity the death of livestock. The applicant must ensure that proper sanitation of the environment is ensured and wastes must be disposed of appropriately in designated disposal systems at all times.</p>			

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<p>3.5 The EAP consultant has indicated that blasting impact on the nearest buildings will be measured by a vibrometer to be installed at both the blasting site and by the buildings to ensure monitoring of blasting activity within regulated limits. It was further expressed that no significant impact is expected as the buildings are said to be more than 500m from the blasting site.</p> <p><b>4. RECOMMENDATION</b></p> <p>This office has no objection to the proposed mining on a portion of the remaining extent of the Farm Elands Spruit No. 5523, subject to 3.2, 3.3, 3.4 and 3.5 above.”</p>			
<p>Greenmined responded to the comments in the FBAR of the mining permit application (KZN 30/5/1/3/2/10817 MP) to be submitted to the DMRE for decision making.</p>			
Me FS Magwaba	Department of Agriculture, Land Reform and Rural Development (National)	29 September 2022	No response
Me. O Ndzumo Mr N Nkontwana	Department of Economic Development, Tourism, and Environmental Affairs	29 September 2022	31 October 2022
<p>Summary of the comments received from DEDTEA on the DBAR:</p> <p>“.....<b>A. Layout plan</b></p> <ul style="list-style-type: none"> <li>❖ The coordinates provided on the locality map are noted. However, the locality map must be zoomed-in to the proposed site and superimpose the activity including the associated land uses and infrastructure on the environmental sensitivities of the site encompassing areas to be avoided with buffers.</li> <li>❖ The Layout plan is to indicate the four boundaries of the proposed area.</li> <li>❖ The layout plan must be updated to include all sensitivity and their recommended buffer zones as identified in the specialist’s studies.</li> </ul>			

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<p><b>B. Specialist studies</b></p> <ul style="list-style-type: none"> <li>❖ Please ensure that all specialist studies include the specialists signed expertise, declaration and curriculum vitae.</li> <li>❖ Please ensure that photographs from page 68-77 are clear as they are shaded in parts and printed in colour for ease of reference.</li> </ul> <p><b>C. Public Participation</b></p> <ul style="list-style-type: none"> <li>❖ The Draft Basic Assessment Report must be subjected to a Public Participation process and employ all methods as stipulated in Regulation 41 of NEMA Regulations, including copies of the supporting documents and inputs as per Appendix 3(1)(h)(ii).</li> </ul> <p><i>“Application to access Department of Transport road via Collings Pass was in 2017.” Please append comments and/or responses from the Department of Transport to utilise the aforementioned access road.”</i></p>			
<p>Response to the comments received from DEDTEA:</p> <p><b>A. Layout Plan</b></p> <ul style="list-style-type: none"> <li>❖ The amended locality map is attached as Appendix A to this document;</li> <li>❖ The amended layout plan is attached as Appendix B to this document;</li> </ul> <p><b>B. Specialist Studies</b></p> <ul style="list-style-type: none"> <li>❖ <u>Wetland Assessment Report</u>: Please refer to page 5 of the report for the signed specialists declaration of independence, as well as pages 95 – 107 for the specialist’s CV and proof of expertise. Further to this also find the EDTEA 2014 Specialist Declaration signed by the specialist attached to the report (page 108 - 109).</li> <li>❖ <u>Terrestrial Biodiversity Impact Assessment</u>: Please refer to page 6 (vi on the report) for the signed declaration of independence of the specialist, as well as pages 34 – 37 for the specialist’s CV and proof of expertise. Further to this also find the EDTEA 2014 Specialist Declaration signed by the specialist attached to the report (page 39 – 41).</li> <li>❖ As telephonically discussed with the project official on 02 November 2022, the images in the DBAR (from pages 68-77) were clear and without shading on the DBAR sent to the Ladysmith Library, as well as the document that was placed on the Greenmined website. The shading seen by the Department</li> </ul>			

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<p>must have been due to an electronic glitch that may have occurred on the memory stick. The FBAR will be printed in colour and the legibility of the images will be checked prior to submission to the Department.</p> <p><b>C. Public Participation</b></p> <ul style="list-style-type: none"> <li>❖ Please refer to Part A(1)(h)(ii) <i>Details of the Public Participation Process Followed</i>, as well as Table 7 for a discussion on the methods (in terms of Regulation 41 of NEMA) that were employed during the public participation process. Also refer to Appendix D2 for proof of the public participation process. It is believed that the DBAR was subjected to a public participation process in accordance with the required regulations.</li> <li>❖ As telephonically discussed on 02 November 2022 with DEDTEA, the Department of Transport (DoT) has not submitted comments even though they were invited as part of this application, as well as the mining permit application currently pending at the DMRE. Nor have they responded on the Access to Roads Application that was previously submitted to them. Proof of the invitation sent to the DoT, inviting comments on this project, is attached as Appendix D2.</li> </ul>			
Ms B Msane, Me GY Uyabulelwa Me L Dladla	Department of Human Settlements, Water and Sanitation	29 September 2022	No response
Me T Kunene	Department of Labour	29 September 2022	No response
Mr NP Mdluli	Department of Land Affairs	29 September 2022	21 October 2022
<p>The Commission of Restitution of Land Rights confirmed that at the date of their letter, no land claims appear on their database in respect of the property described as the Remaining Extent of the farm Elands Spruit No. 5523. This includes the database for claims lodged by 31 December 1998 and those lodged between 1 July 2014 and 27 July 2016 in terms of the provisions of the Restitution of Land Rights Act, 22 of 1994 (as amended).</p>			

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TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr K Moodley	Department of Mineral Resources and Energy	29 September 2022	No response
Me J Reddy	Department of Transport	29 September 2022	No response
Mr T Govendor Mr Khahliso Makale	Eskom Ltd	29 September 2022	No response
Mr D Wieners	Ezemvelo/KZN Wildlife	29 September 2022	No response
Me L Sewnarain	SANRAL – Eastern Region	29 September 2022	No response
SAHRIS website	South African Heritage Resource Agency	29 September 2022	17 October 2022
On 17 October 2022, SAHRA/AMAFA confirmed by means of the SAHRIS website that the project was approved (closed) in terms of their requirements.			
Mr MB Mnguni	uThukela District Municipality	29 September 2022	No response

**LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr FP Oosthuizen	Landowner of: <ul style="list-style-type: none"> <li>• Remaining Extent of the farm Elands Spruit No 5523;</li> <li>• Portion 4 of the farm Elands Laagte No 1239; and</li> <li>• Portion 20 of the farm Elands Laagte No 1239.</li> </ul>	29 September 2022	No Response
Mr Oosthuizen supports the EA application and signed the departmental landowner consent form. Mr Oosthuizen was also invited to comment on the DBAR, however, no additional comments were received.			
Mr IF Mitchell-Innes	Contact person for Mr WS Mitchell-Innes and Me H Mitchell-Innes who respectively owns: <ul style="list-style-type: none"> <li>• Portion 6 of the farm Roode Poort No 1045; and</li> <li>• Elands Spruit No 16154.</li> </ul>	29 September 2022	No response
Mr SB Mgaga	Owner of Portion 1 of the farm Roode Poort No 1045.	After numerous attempts to contact Mr Mgaga and request his comments on the project, no reply was received.	
Cllr TN Ngcobo & Cllr TP Dlamini	Community of Matiwane	29 September 2022	No response
Matiwans Kop Trading Co	Owner of Portion 2 of the farm Elands Spruit No 5523	After numerous attempts to contact the Matiwane Kop Trading Co (Mr Ali) and request their comments on the project, no reply was received.	

**LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Me Z Khumalo	Surrounding neighbour (South)	20 September 2022	No response
A meeting was held with Me Khumalo (in Ladysmith) to inform her of the application. The meeting was held in English and isiZulu, and English and isiZulu pamphlets introducing the project were also handed to Me Khumalo during the meeting. Me Khumalo did not have comments regarding the proposed stockpiling area at the time of the meeting.			
Following earlier discussions with Me Khumalo, the isiZulu Executive Summary of the DBAR was sent to Me Khumalo for her perusal and commenting. No comments were received from Me Khumalo.			
Rotimode (Pty) Ltd	Prospecting right holder on the property.	20 September 2022	No response

**SUMMARY OF PUBLIC PARTICIPATION PROCESS**

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

- ❖ Advertisement in the Ladysmith Gazette (English and isiZulu);
- ❖ On-site notices (English and isiZulu) that were placed at public places;
- ❖ Introductory pamphlets/flyers distributed at Matiwane (isiZulu);
- ❖ Invitations to comment on the DBAR (hard copy available at Ladysmith Library).

## SUMMARY OF PUBLIC PARTICIPATION PROCESS

The landowner signed a landowner consent letter, and a physical meeting was held with Me Khumalo in Ladysmith to discuss the project with her.

The outcome of the public participation process resulted in comments from:

- ❖ AMAFA / SAHRA;
- ❖ Department of Agriculture and Rural Development;
- ❖ Department of Economic Development, Tourism and Environmental Affairs; and
- ❖ Department of Land Affairs.

The comments received on the DBAR were incorporated into the FBAR to be submitted for decision making. See attached as Appendix D2 proof of the correspondence with the I&AP's and stakeholders during the public participation period.

**-END OF COMMENTS AND RESPONSE REPORT-**