

WORLD FOCUS 1143 CC

**APPLICATION FOR A SAND MINING PERMIT ON THE FARM
NIAGARA NO 380 IN THE JOE GQABI MAGISTERIAL DISTRICT OF
THE EASTERN CAPE**

COMMENTS AND RESPONSE REPORT

DEPARTMENTAL REFERENCE NUMBER:

EC 30/5/1/3/2/10749 MP

January 2023



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

COMMENTING PERIOD: 02 DECEMBER 2022 – 24 JANUARY 2023

During the initial public participation process the stakeholders and I&AP's received notification that World Focus 1143 CC applied for a sand mining permit on 1.16 ha of the farm Niagara No 380. A 30 days commenting period was allowed that expired on 24 January 2023. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Zolile Williams	Joe Gqabi District Municipality	01 December 2022	No Comments received
Mr Jack Mdeni	Elundini Local Municipality	01 December 2022	No Comments received
Cllr Mzekelo Masiso	Elundini Local Municipality Ward 16	01 December 2022	No Comments received
Cllr Dan Mfono	Elundini Local Municipality Ward 17	01 December 2022	No Comments received
Mr. Cira Ngetu	Department of Economic Development, Environmental Affairs and Tourism – Queenstown Office	01 December 2022	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Briant Noncembu	Department of Economic Development, Environmental Affairs and Tourism - East London Office	01 December 2022	No Comments received
Mr Yawa	Department of Labour	01 December 2022	No Comments received
Mr TL. Manda	Department of Public Works and Infrastructure	01 December 2022	No Comments received
Mrs ZB Makina	Department of Rural Development and Agrarian Reform	01 December 2022	No Comments received
Mr Babini Mbewu	Department of Rural Development and Land Reform	01 December 2022	No Comments received
Mr J Mhlomi	Department of Transport	01 December 2022	No Comments received
Me Molepo Khuthadzo	Department of Water and Sanitation	01 December 2022	No Comments received
Mr Aphelele Tomsana	Eskom	01 December 2022	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Head of Department	Eastern Cape Parks and Tourism Agency (ECPTA)	01 December 2022	No Comments received
SAHRIS on-line system	SAHRA	01 December 2022	No Comments received

INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Care of: CLLR Mzekelo Masiso CLLR Dan Mfono	Mt Fletcher Community	01 December 2022	No Comments received
Secretary of Chief: Me Urelebohile Letoa Chairman: Shadarak Moni	Taung Community	01 December 2022	No Comments received
Mr TL Manda Webster Drift Trading Site-A 9	Government of Transkei	01 December 2022	No Comments received

INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Care of DPWI: Ebden Police Reserve No 96 Tsitsa No 94 Tsitsa No 94/1	National Government of RSA	01 December 2022	No Comments received
Mr GJM Mnvengo	Ebden No 97	01 December 2022	No Comments received
Goeiehoop Farming (Pty) Ltd Mr P de Wet	Farm No 381	01 December 2022	No Comments received

SUMMARY OF INITIAL PUBLIC PARTICIPATION PROCESS

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

- ◆ telephonic discussions;
- ◆ direct notification with notification documents;
- ◆ placement of on-site notices (English and isiXhosa);
- ◆ distribution of isiXhosa flyers in the Mt Fletcher and Taung communities;
- ◆ the placement of English and isiXhosa advertisements in The Reporter.

The Applicant also entered into a land use agreement with the property owner, who in principle supports the project. The initial commenting period extended from 02 December 2022 until 24 January 2023 to allow for the exclusion period between 15 December and 05 January.

DRAFT BASIC ASSESSMENT REPORT NOTIFICATION SENT TO STAKEHOLDERS AND I&APS DURING PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 09 DECEMBER 2022 – 31 JANUARY 2023

The Draft Basic Assessment Report (DBAR) was available for a 30-days commenting period, ending on 31 January 2023. All the comments received during the initial public participation period (02 December 2022 – 24 January 2023) and on the DBAR (09 December 2022 – 31 January 2023) were incorporated into the FBAR to be submitted to the DMRE for decision making. The following table provides a list of the I&AP's and stakeholders that were invited to comment on the DBAR:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Zolile Williams	Joe Gqabi District Municipality	09 December 2022	No Comments received
Mr Jack Mdeni	Elundini Local Municipality	09 December 2022	No Comments received
Cllr Mzekelo Masiso	Elundini Local Municipality Ward 16	09 December 2022	No Comments received
Cllr Dan Mfono	Elundini Local Municipality Ward 17	09 December 2022	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr. Cira Ngetu	Department of Economic Development, Environmental Affairs and Tourism – Queenstown Office	09 December 2022	No Comments received
Mr Briant Noncembu	Department of Economic Development, Environmental Affairs and Tourism - East London Office	09 December 2022	No Comments received
Mr Yawa	Department of Labour	09 December 2022	No Comments received
Mr TL. Manda	Department of Public Works and Infrastructure	09 December 2022	No Comments received
Mrs ZB Makina	Department of Rural Development and Agrarian Reform	09 December 2022	No Comments received
Mr Babini Mbewu	Department of Rural Development and Land Reform	09 December 2022	No Comments received
Mr J Mhlomi	Department of Transport	09 December 2022	No Comments received
Me Molepo Khuthadzo Me Rambani	Department of Water and Sanitation	09 December 2022	16 January 2023

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
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Comments received from DWS on the DBAR:

“...1. Water Quality Management

- ☞ The chemical toilets should be emptied/serviced on regular basis and under no circumstances should the effluent from the chemical toilet be disposed of anywhere except at an approved facility for effluent disposal.
- ☞ All spills must be reported immediately, and incident management protocol be submitted to this office.
- ☞ Please take note that the ablution facilities must be located outside of the 1:100-year flood line and regular monitoring of the facilities must be on daily basis and human waste must be disposed of at permitted or registered wastewater treatment works and a letter of agreement between applicant and concerned local municipality must be forwarded to the Department.
- ☞ Any incidents that would occur and have potential to pollute water resources be it surface, or ground water must be reported to this Office.
- ☞ Elundini Local Municipality should be notified of this proposed activity for noting.
- ☞ That the closure and rehabilitation programme on the site be done in accordance with the Environmental Management Plan (EMP)

2. Resource Protection Directorate

In terms of Section 21(c) and (i) i.e., “impeding or diverting the flow of water in a watercourse” and “altering the bed, banks, course or characteristics of a watercourse” respectively under the provisions of the National Water Act, 1998 (Act No 36 of 1998), hereinafter referred to as the NWA.

2.1 Water Uses and Water Use Authorisations

- ☞ The applicant must note that if any of the activities for the proposed mining occur within the regulated area i.e. 1:100-year flood line, riparian habitat or within 100 m from the edge of a watercourse (whichever is the greatest), requires a water use authorisation in terms of Section 21(c) and (i) and must be authorised by this Department, under the provisions of the National Water Act, 1998 (Act No 36 of 1998), hereinafter referred to as the NWA.
- ☞ If there are wetlands at the proposed construction location, the applicant will require authorisation from the Department for any activity within a wetland or 500 m radius from the boundary of a delineated wetland.
- ☞ Flood line determination: The applicant must note that no activities should occur within a 1:100-year flood line, unless authorised.
- ☞ The Applicant shall conduct a preliminary legal assessment to identify all the water use activities associated with the proposed project that will require authorisation by the Department of Water and Sanitation (DWS) and the applicant is hereby referred to Section 22(1) of the National Water Act, 198 (Act 36 of 1998).
- ☞ Water use authorisation enquiry can be lodged through e-WULAAS online system for further processing.

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p> ☞ The river, stream and associate buffers must be treated as sensitive environment areas: caution must be exercised near the watercourses. ☞ Applicant should identify alternatives with the aim of protecting water resource. ☞ Please note that no person may use water unless permitted under the NWA. Should the applicant engage in any water use activity without the necessary water use authorisation, it will be regarded as an unlawful water use. The Applicant will thus be guilty of an offence and liable for a fine or imprisonment as stipulated in Section 151 of the NWA. </p> <p> 2.2 Solid Waste Management ☞ The requirements of this Department with respect to solid waste must be strictly enforced and complied with. ☞ The Applicant should note that contaminated soil or other hazardous material must be disposed of at a permitted hazardous landfill site that is authorised to accept the said material and proof of this must be made available to this Department when required. ☞ Should private contractors be used, all solid waste must be disposed of at permitted landfill site and proof of this must be made available to this Department when required. ☞ The recycling of suitable material is encouraged by this Department, provided it is properly managed. </p> <p> 2.3 Sewage and Wastewater Management ☞ Washing, refuelling, maintaining of vehicles or the transfer of hazardous substances must be conducted within a bunded area. All drainage arising from the bunded area must be treated as a water containing waste and disposed of safely. ☞ The Applicant must note that the use of any temporary, chemical toilet facilities must no cause any pollution to a water resource or pose a health hazard. In addition, these toilets must not be situated within 100 m from a watercourse or within the 1:100-year flood line (whichever is greatest). Furthermore, no form of secondary pollution should arise from the disposal of refuse or sewage from the temporary, chemical toilets. Any pollution problems arising from the above are to be addressed immediately by the Applicant. </p> <p> The following is applicable should small volumes of wastewater be generated during the construction phase: ☞ Water containing waste must not be discharged into the natural environment, and ☞ Measures to contain the water containing waste and safely dispose thereof must be implemented. </p> <p> 2.4 Stormwater Management ☞ It is imperative that there is proper management of storm water at the project site. This Department requests a Stormwater Management Plan. </p>			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p> ☞ The Engineer or Contractor must ensure that only clean Stormwater runoff enters the environment. ☞ Drainage must be controlled to ensure that runoff from the project area does not culminate in off-site pollution, flooding or result in any damage to properties downstream of any Stormwater discharge point(s). </p> <p> 2.5 Erosion Control ☞ Erosion control measures must be put in place to minimise erosion along the proposed construction areas. Extra precautions must be taken in areas where the soils are deemed highly erodible. ☞ Soil erosion onsite must be always prevented, i.e., pre-, during- and post-construction activities. Erosion control measures must be implemented in areas prone to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sandbags, hessian sheets, bidim, retention or replacement of vegetation. ☞ Where the land has been disturbed during construction/excavation it must be re-habilitated and re-vegetated back to an acceptable state after construction/excavation. ☞ Stockpiling of soil or and other materials used during the construction phase must not be allowed on or near steep slopes, near a watercourse or water body. This is to prevent pollution or the impediment of surface run-off. The Applicant must control and establish suitable mitigation measures to prevent the erosion of stockpiles. </p> <p> 2.6 Spillages Management ☞ There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed. In addition, should the proposed development impact on any groundwater and/or surface water users, then water of equal quality and quantity must be provided to the affected users. ☞ Storage of material, chemicals, fuels etc. must not pose a risk to the surrounding environments, and this includes surface and groundwater. Temporary bunds must also be constructed around chemical of fuel storage areas to contain possible spillages. ☞ Such storage areas must be located outside the 1:100-year flood-line of the water source and must be fenced to prevent unauthorised access into the area. ☞ It is important that nay significant spillages of chemicals, fuels, etc. during the construction phase and/or operational phase is reported to this Office and other relevant authorities. In the event of a spill, the following steps can be taken: <ul style="list-style-type: none"> ▪ Stop the source of the spill, ▪ Contain the spill, ▪ All significant spills must be reported to this Department and other relevant authorities, ▪ Remove the spilled product for treatment and authorized disposal, ▪ Determine if there is any soil, groundwater, or other environmental impact, </p>			

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- If necessary, remedial action must be taken in consultation with this Department, and
- Incidents must be documented.

2.7 General

- ⌘ No form of secondary pollution should arise from the disposal of sewage and refuse. The contractor must be clearly briefed on the method of disposal of such waste and compliance must be ensured/monitored. Any pollution problems arising from the above project is to be addressed immediately by the Applicant.
- ⌘ This Office reserves the right to inspect the site without prior notice to ensure that its requirements, as mentioned above, are adhered to. Should any problems be noted, measures must e undertaken immediately to rectify the situation.
- ⌘ This Department reserves the right to revise/withdraw these comments and request further information from the applicant should any other information that contradicts the above comes to light.
- ⌘ Notwithstanding the above, the responsibility rests with the Applicant to identify all sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the NWA could lead to legal action begin instituted against the Applicant..."

Response to the comments submitted by DWS:

1. Water Quality Management

- ⌘ The conditions regarding water quality management were added under Part A(1)(h)(viii) *The possible mitigation measures that could be applied and the level of risk* and incorporated into the EMPR presented in Part B *Environmental Management Programme Report*.
- ⌘ The Elundini Local Municipality (ELM) were invited to comment on the project and the DBAR (refer to Appendix F). To date no comments were received from the ELM.

2.1 Water Uses and Water Use Authorisations

- ⌘ The Applicant is in the process of submitting and application for a water use licence for all the relevant water use activities to the DWS for consideration.
- ⌘ The alternatives considered during the EIA is discussed under Part A(1)(h)(i) *Details of the development alternatives considered*.

2.2 Solid Waste Management

- ⌘ The conditions regarding solid waste management were added under Part A(1)(h)(viii) *The possible mitigation measures that could be applied and the level of risk*, and incorporated into the EMPR presented in Part B *Environmental Management Programme Report*.

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>2.3 Sewage and Wastewater Management</p> <p>☞ The conditions regarding sewage and wastewater management were added under Part A(1)(h)(viii) <i>The possible mitigation measures that could be applied and the level of risk</i> and incorporated into the EMPR presented in Part B <i>Environmental Management Programme Report</i>.</p> <p>2.4 Stormwater Management</p> <p>☞ The conditions regarding stormwater management were added under Part A(1)(h)(viii) <i>The possible mitigation measures that could be applied and the level of risk</i> and incorporated into the EMPR presented in Part B <i>Environmental Management Programme Report</i>.</p> <p>☞ The content of the Stormwater Management Plan will be discussed with the DWS during the WULA process and subsequently compiled prior to commencement of the activity.</p> <p>2.5 Erosion Control</p> <p>☞ The conditions regarding erosion control were added under Part A(1)(h)(viii) <i>The possible mitigation measures that could be applied and the level of risk</i> and incorporated into the EMPR presented in Part B <i>Environmental Management Programme Report</i>.</p> <p>☞ Upon closure, the site will be rehabilitated as stipulated in the Closure Plan (Appendix L).</p> <p>2.6 Spillage Management</p> <p>☞ The conditions regarding spillage management were added under Part A(1)(h)(viii) <i>The possible mitigation measures that could be applied and the level of risk</i> and incorporated into the EMPR presented in Part B <i>Environmental Management Programme Report</i>.</p> <p>2.7 General</p> <p>The comments listed under this heading is noted by the Applicant.</p>			
Mr Aphelele Tomsana	Eskom	09 December 2022	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Head of Department	Eastern Cape Parks and Tourism Agency (ECPTA)	09 December 2022	No Comments received
SAHRIS on-line system	SAHRA	09 December 2022	No Comments received

INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Care of: CLLR Mzekelo Masiso CLLR Dan Mfono	Mt Fletcher Community	09 December 2022	No Comments received
Secretary of Chief: Me Urelebohile Letoa Chairman: Shadarak Moni	Taung Community	09 December 2022	No Comments received
Mr TL Manda Webster Drift Trading Site-A 9	Government of Transkei	09 December 2022	No Comments received

INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Care of DPWI: Ebden Police Reserve No 96 Tsitsa No 94 Tsitsa No 94/1	National Government of RSA	09 December 2022	No Comments received
Mr GJM Mnvengo	Ebden No 97	09 December 2022	No Comments received
Goeiehoop Farming (Pty) Ltd Mr P de Wet	Farm No 381	09 December 2022	No Comments received
Me Colleen Tuurman	Interested and affected party	-	23 December 2022

Me Tuurman requested the following information regarding the project. Correspondence with Me Tuurman was in isiXhosa, however, for ease of reference the translated (English) summary was added to the FBAR.

“mhlekazi obekekileyo

ndibhala malunga nesaziso sesicelo semvume yokomba

1, angakanani amathuma wokuxhamla kwabahlali abaxhangwe yilenginqi?

2, Osomashishini abakhasayo babonelelwa kanjani? okanye ukhona na umphako abawubekelwe or %abayakuthi baxhamle na?

sawvuyiswa kukubonelelwa nokuphenduleka kwemibuzo yethu futhi singavuya xasinokuxhamla koluphuhliso niza nalo kuluntu kwale ngingi njengabantu abakwindawo anqabileyo amathuma anje Enkosi ozithobileyo.”

Me Tuurman enquired what the benefits for the residents of the affected area will be, and how will there be provided for budding entrepreneurs? Me Tuurman mentioned that they would be happy if they (as people living in rural areas) could benefit from the development.

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Greenmined responded as followed to Me Tuurman:

“UNksz Tuurman othandekayo,

IGreenmine apha yamkela i-imeyile yakho yomhla wama-23 kuDisemba 2022, kwaye enkosi ngomdla wakho kwiprojekthi. Sizamile ukukufowunela, kodwa inombolo yefowuni, enikezwe kwi-imeyile yakho, ngelishwa ayikhali.

Ubhalisiwe njengomntu onomdla kunye neqela elichaphazelekayo kwiprojekthi kwaye uya kwaziswa ngokuqhubekayo ngexesha lenkqubo yesicelo.

Umsebenzi wemigodi ocetywayo uya kuba ngowomlinganiselo omncinci (i-1.6 yeehektare) apho intlabathi iya kususwa emlanjeni kunye/okanye elunxwemeni lomlambo nge-TLB (kunye/okanye i-excavator), ifunjwe kufuphi nomlambo, emva koko ithuthelwe kubathengi ngeelori. Umgodi uya kuba nobomi obungaphezulu kweminyaka emi-5. Iprojekthi ecetywayo iza kudala ±8 amathuba emisebenzi kubantu basekuhlaleni. Iprojekthi iya kuba negalelo kuqoqosho lwengingqi, ngokuthe ngqo kunye nangesiphumo sokuphindaphinda ubukho bayo obuya kudala, njengoko izixhobo kunye nezibonelelo zithengwa ekuhlaleni, kwaye imivuzo ichithwa kumashishini asekhaya, ukuvelisa zombini imisebenzi kunye nengeniso kwindawo.

Umnini-mhlaba uya kufumana imbuyekezo, kwaye ukuthengiswa kwezinto eziphathekayo kuya kukhuthaza ngokuthe ngqo nangokungathanga ngqo uqoqosho lwaloo ndawo. Ngaphaya koku isicwangciso sokuqhubela phambili kwentengo yoMfaki-sicelo sixhasa amashishini asekuhlaleni, apho ukhetho lunikwa i-HDSA kunye nababoneleli basekhaya abangabasetyhini (apho kunokwenzeka).

Siyathemba ukuba uya kukufumana oku ngokufanelekileyo. Nceda ungalibazisi ukuqhakamshelana nam ukuba ungathanda ukuxoxa ngakumbi ngalo mba.”

Greenmined herewith acknowledge receipt of your email dated 23 December 2022 and thank you for your interest in the project. We tried calling you, but the phone number, provided in your email, unfortunately does not ring. You have been registered as an interested and affected party on the project and will hence forth be kept informed for the duration of the application process.

The proposed mining activity will be of small scale (1.6 ha) where sand will be removed from the river and/or riverbank with a TLB (and/or excavator), stockpiled adjacent to the river, and then transported to clients with trucks. The mine will have a lifespan of maximum 5 years. The proposed project will create ±8 job opportunities to local people. The project will contribute to the local economy, both directly and through the multiplier effect that its presence will create, as equipment and supplies are purchased locally, and wages are spent at local businesses, generating both jobs and income in the area. The landowner will receive compensation, and the sale of

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<p>material will directly and indirectly promote the economy of the area. Further to this the procurement progression plan of the Applicant supports local enterprises, of which preferences are given to HDSA & women owned local suppliers (where possible).</p>			
<p>Me Tuurman confirmed on 19 January 2023 that she finds the above in order.</p> <p><i>“enkosi nge mpendulo ndiyifumane email ndakwenjenjalo ozithobileyo.”</i></p>			

SUMMARY OF PUBLIC PARTICIPATION PROCESS

The Draft Basic Assessment Report (DBAR) and Environmental Management Programme (EMPR) were distributed for a 30-days commenting period, ending on 31 January 2023. All the comments received during the initial public participation period (02 December 2022 – 24 January 2023) and the DBAR (09 December 2022 – 31 January 2023) were incorporated into the final BAR to be submitted to the DMRE for decision making.

During the public participation process comments were received from:

- Department of Water and Sanitation; and
- Me Colleen Tuurman.

-END OF COMMENTS AND RESPONSE REPORT-