

ZANDBERG SANDPUT (PTY) LTD

**APPLICATION TO EXPAND THE EXISTING MINING RIGHT
FOOTPRINT OF THE ZANDBERG SAND MINE**

COMMENTS AND RESPONSE REPORT

DEPARTMENTAL REFERENCE NUMBER:

WC 30/5/1/2/2/87 MR & WC 30/5/1/2/2/10080 MR

JULY 2020



NOTIFICATION OF SECTION 102 AMENDMENT APPLICATION TO STAKEHOLDERS AND I&APS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 28 JANUARY – 02 MARCH 2020

During the initial public participation process the stakeholders and I&AP's were informed of the project by means of background information documents that were sent directly to the contact persons. A 30 days commenting period was allowed that expired 02 March 2020. 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 Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	28 January 2020	26 February 2020
<p>Comments received from BGCMA:</p> <p>“The Breede-Gouritz Catchment Management Agency (BGCMA) has received the Notice of Application as indicated above on 30 January 2020. BGCMA has no objections to the proposed development. However, the following is noted:</p> <ul style="list-style-type: none"> a) There's little to no stockpiling is required and no washing of sand is needed which means that the sand mining operation will not require the use of water; and b) The mining footprint will expand over an area classified as a phase 2 FEPA (Freshwater Priority Area) according to the National Wetlands and NFEPA map of SANBI. Therefore, the conservation status of the area will be assessed and discussed during the EIA process of this application. <p>Therefore, through acknowledgment of watercourses (drainage lines) in the area earmarked for sand mining expansion, impacts on the watercourses should be evaluated in the EIA process as they will assist in the type of Water Use Authorisation triggered by the proposed sand mining activities. BGCMA</p>			

STAKEHOLDERS

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would therefore, make final comments when the impacts on the watercourses (drainage lines) have been properly evaluated under the EIA process.

General

- ⌘ No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).
- ⌘ No water or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008).
- ⌘ No unauthorised activities should take place within a regulated area of a watercourse.
- ⌘ All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- ⌘ No pollution of surface water or groundwater resources may occur.
- ⌘ Stormwater management must be addressed in terms of flooding, erosion and pollution potential.
- ⌘ No stormwater runoff from any premises contain waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resources. Polluted stormwater must be contained.

Please be advised that no activities may commence without the appropriate approvals/authorisations where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for. This office reserves the right to amend and revise its comments as well as to request any further information.”

Response from Greenmined to the comments received:

“Greenmined herewith acknowledge receipt of your correspondence received 27 February 2020 on the proposed Section 102 amendment application of Zandberg Sandput (Pty) Ltd in the Robertson area. We registered the Breede-Gouritz Catchment Management Agency (BGCMA) as a stakeholder on the project, and will henceforth keep you posted on the progress of the Environmental Impact Assessment process as well as supply you with a copy of the draft scoping report (DSR) for your perusal. Your comments will be incorporated and addressed as part of the EIA documents that will all be available for public perusal. We trust you find this in order. Please do not hesitate to contact me in the event of any uncertainties.”

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr HF Prins	Cape Winelands District Municipality Development Planning	28 January 2020	No Response Received
Me Alana Duffell-Canham	CapeNature	28 January 2020	3 February 2020
Mr Rhett Smart requested a copy of the Scoping Report for the attention of Me Vicki Hudson.			
Greenmined acknowledged receipt of the request on 6 February 2020 and will supply CN with a copy of the DSR for their perusal.			
Mr Cor van der Walt Mr Jan Smit	Department of Agriculture and Forestry	28 January 2020	No Response Received
Mr J Scholtz	Department of Economic Development and Tourism	28 January 2020	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	28 January 2020	28 January 2020
Me A La Meyer acknowledged receipt of the BID and registered the DEA&DP as commenting authority.			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
The DEA&DP was registered as commenting authority on the project and will be supplied with copies of all the public documents.			
Me Candice van Reenen	Department of Labour	28 January 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	28 January 2020	No Response Received
Dr Robert Macdonald	Department of Social Development	28 January 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	28 January 2020	30 January 2020
Mr Lyle Martin confirmed receipt of the BID and informed that the matter is receiving attention and that a further communication will be addressed to us (Greenmined) as soon as circumstances permit.			
To date no further correspondence were received from DTPW.			
Me Melissa Lintnaar-Strauss	Department of Water and Sanitation	28 January 2020	28 January 2020

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>Me Nelisa Ndobeni and Me Melissa Lintnaar-Strauss responded that the Breede-Gouritz Catchment Management Agency (BGCMA) must be informed of the proposed project.</p>			
<p>The BGCMA was informed of the proposed project.</p>			
Mr R Khan	Department of Water and Sanitation - Provincial	28 January 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	28 January 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	28 January 2020	28 January 2020
<p>Me Waseefa Dhansay requested a NID to be submitted to HWC for their perusal.</p>			
<p>The NID was submitted to HWC on 10 February 2020.</p>			
<p>On 19 February 2020, HWC responded on the NID as follows: “Heritage Western Cape is in receipt of your application for the above matter received on 10 February 2020. This matter was discussed at the Heritage</p>			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>Officers meeting held on 17 February 2020. You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:</p> <ul style="list-style-type: none"> ⌘ Archaeological Impact Assessment; ⌘ Palaeontological Impact Assessment; <p>The required HIA must have an integrated set of recommendations. The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied. Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.</p> <p>This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period. Applicants are strongly advised to review and adhere to the time limits contained in the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293.</p> <p>HWC reserves the right to request additional information as required.”</p>			
Me Tracy Brunings	Langeberg Local Municipality	28 January 2020	28 January 2020

STAKEHOLDERS

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Comments received from Langeberg Local Municipality:

The municipality awaits the Application Scoping Report, and requested additional information regarding botanical environmental assessment and the visual impact. The municipality is concerned about:

- ⌘ the scale, and need and desirability of the extension application,
- ⌘ the area is not used for agricultural purposes but is pristine natural vegetation,
- ⌘ natural vegetation should be re-established if the area is permitted to be mined.

Response to the comments received from the LLM:

“Greenmined Environmental herewith thank you for your interest in the project, and acknowledge receipt of your correspondence received 28 January 2020 regarding the proposed Section 102 amendment application to be submitted on behalf of Zandberg Sandput (Pty) Ltd. We registered the Langeberg Municipality as a stakeholder on the project, and will henceforth keep you posted on the progress of the Environmental Impact Assessment process as well as supply you with a copy of the draft scoping report (DSR) for your perusal.

We take note of your concerns as listed in the attached BID. We will include your correspondence in the DSR and assess it as part of the Draft Environmental Impact Assessment Report that will also be available for your perusal. In the interim, please note that although the proposed extension extends over ±108 ha, it is proposed that the current 1 ha strip-mining method continues should the application be approved. In light of this the mined out area (1 ha) will be rehabilitated prior to the mining of a consecutive strip (1 ha). The botanist was tasked to identify sensitive areas where mining should not be allowed. The findings of the specialist will be incorporated into the DEIAR to be distributed for perusal and commenting. We trust you find this in order. Please do not hesitate to contact me in the event of any uncertainties.”

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Cllr SW Strauss	Langeberg Local Municipality Ward 5	28 January 2020	No Response Received
SAHRIS on-line system	SAHRA	28 January 2020	No Comments Received

SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust ✂ AN Viljoen ✂ Philipe du Toit ✂ Jan de Necker ✂ Philip & Almien du Toit	Neighbours: ✂ Portion 0 of Zand Berg 101 ✂ Portion 0 of Zandbult 98 (P du Toit) ✂ Portion 2 (RE) of Appels Drift 107 (AN Viljoen) ✂ Portion 0 of Farm 109 (AN Viljoen)	28 January 2020	No Response Received
Deorista 113 (Pty) Ltd ✂ Jan Rabie	Neighbour: ✂ Portion 0 of Die Gwarries 93 ✂ Remaining Extent of Laughing Waters 96	28 January 2020	No Response Received

SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Schalk Colyn Trust ⌘ Schalk Colyn	Neighbour: ⌘ Portion 2 (RE) of Klip Berg 136	28 January 2020	No Response Received
Mazi (Pty) Ltd ⌘ Alba Lambrecht	Neighbour ⌘ Remainder of Farm 194	28 January 2020	No Response Received
Deo Volente Sand-mine ⌘ Deb Blake-Satchel	Interested and Affected Party	-	10 February 2020

Me Deb Stachel registered as I&AP on the project.

Greenmined acknowledged receipt of Me Satchel's registration on 10 February 2020 and confirmed that she will be notified of the DSR.

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 (email, registered mail);
- ✘ placement of on-site notices; and
- ✘ the placement of an advertisement in the Breederivier Gazette newspaper on 28 January 2020.

The following &AP's and stakeholders registered on the project:

- ✘ Breede-Gouritz Catchment Management Agency;
- ✘ CapeNature;
- ✘ Department of Environmental Affairs and Development Planning (DEA&DP);
- ✘ Department of Transport and Public Works (DTPW);
- ✘ Heritage Western Cape (HWC);
- ✘ Langeberg Local Municipality (LLM);
- ✘ D Satchel (Deo Volente Sand-mine).

The Draft Scoping Report was subsequently compiled and all the I&AP's and stakeholders listed above will be contacted and provided with a chance to comment on the Draft Scoping Report. A 30 days commenting period will be allowed for perusal of the documentation by the I&AP's and stakeholders. Comments received on this document will be added to the Final Scoping Report to be submitted to DMR for review. See attached Appendix 5 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE DRAFT SCOPING REPORT'S AVAILABILITY TO STAKEHOLDERS AND I&APS

COMMENTING PERIOD: 12 JUNE – 17 JULY 2020

In accordance with the timeframes stipulated in the EIA Regulations, 2014 (as amended by GNR 326 effective 7 April 2017) the Draft Scoping Report (DSR) was compiled to allow perusal of the report by the I&AP's and stakeholders listed above. A 30-day commenting period, ending 17 July 2020, was allowed for perusal of the documentation and submission of comments. The following table provides a list of the I&AP's and stakeholders that were informed of the availability of the DSR:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	12 June 2020	No response received
Mr HF Prins	Cape Winelands District Municipality Development Planning	12 June 2020	No Response Received
Mr Rhett Smart Me Vicki Hudson	CapeNature	12 June 2020	No Response Received
Mr Cor van der Walt Mr Jan Smit	Department of Agriculture	12 June 2020	No Response Received
Mr J Scholtz	Department of Economic Development and Tourism	12 June 2020	No Response Received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	12 June 2020	20 July 2020

Comments received from the DEA&DP on the DSR (20 July 2020):

“1. Directorate: Development Management (Region 1) – Ms Ayesha Hamdulay:

1.1. It is noted that several non-perennial drainage lines traverse the proposed mining right expansion area. Activity 19 of Listing Notice 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended) has however not been applied for.

1.2. It is further noted that haul roads may be required. Please be advised that should new roads wider than 4m be established in areas containing indigenous vegetation, Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) will be applicable.

1.3. The applicability of Activity 19 of Listing Notice 1 and Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) must be confirmed in the Final Scoping Report (“FSR”) to be submitted to the competent authority. Should the mentioned listed activities be applicable to the proposed mine expansion, an amended application form must be submitted to the competent authority and the impacts associated with the listed activities must be assessed and reported on in the Draft EIA Report.

1.4. Following the above, not all the impacts associated with the proposed mine expansion have been identified in the DSR for further assessment in the environmental impact reporting (“EIR”) phase. Per paragraph 1.1. above, drainage lines traverse the proposed mine expansion area; however, the impacts on watercourses have not been identified in the DSR for further assessment in the EIA phase. (In this regard, also refer to paragraph 2.1. below.)

1.5. Furthermore, page 53 of the DSR states that “*It is known that the water table in the valley below the mine is ±3 m under the surface.*” The depth of mining and whether the proposed sand mining activities will have an impact on groundwater resources, were not indicated in the DSR. This information must be provided in the Draft EIA Report.

STAKEHOLDERS

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1.6. Per the DSR, the proposed mine expansion area falls within a Critical Biodiversity Area (“CBA”). Please be advised that this Directorate does not support mining within a CBA. The description of alternatives does not clearly illustrate how the mitigation hierarchy was considered when selecting the preferred (and only) site and layout alternatives. Alternatives that avoid CBAs must be further investigated and reported on in the Draft EIA Report.

1.7. It is noted that the Provincial Department of Agriculture (“DoA”) has not been included in the list of state Departments to be consulted as part of the EIA process. Please ensure that said Department is consulted for comment. Depending on the comments obtained from the Provincial DoA, an agricultural impact assessment be required.

1.8. The Plan of Study for EIA must be updated to include all the impacts that will be assessed and all the specialist studies that will be undertaken during the EIR phase.

1.9. In terms of GN No. 960 of 5 July 2019, the submission of a report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) is a compulsory requirement when applying for environmental in terms of the NEMA EIA Regulations, 2014 (as amended). If not yet undertaken, the EAP is advised to urgently consult the Screening Tool and generate a screening report. Based on the findings of the screening report, the EAP will be required to either appoint additional specialists to undertake the identified specialist studies, or to provide a motivation in the FSR and Plan of Study for EIA why the specialist studies will not be undertaken or deemed necessary for the EIA process. Should additional specialist studies identified by the Screening Tool be undertaken, the Plan of Study for EIA must be amended to indicate which additional specialist studies will be undertaken.

1.10. The EAP is advised to consider 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*” (“the protocols”), promulgated in GN No. 320 of 20 March 2020, which came into effect on 9 May 2020. If evidence can be provided to the Competent Authority to show that a specialist study for which a protocol has been prescribed was initiated prior to 9 May 2020, then the protocol in question does not have to be complied with. For those specialist studies where no specific protocol has been prescribed, the level of assessment must comply with the requirements of Appendix 6 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) EIA Regulations, 2014 (as amended). The Final Scoping Report submitted to the Competent Authority, as well as the draft EIA Report once released for comment, must be clear which protocols apply and which do not.

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>2. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis:</p> <p>2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment.</p> <p>2.2. Site-specific hydrology and geohydrology has been detailed on pages 66 to 68 of the DSR. The description provided, extracted from previously compiled reports, clearly indicates that the proposed mining expansion area and the establishment of mining activities across a substantial area shall have a significant impact on groundwater resources. Thus, it is recommended that input be obtained from a suitably qualified and experienced geohydrologist to inform the EIR phase. Per paragraph 2.1. above, the Plan of Study for the EIA should be amended to include a Geohydrological Impact Assessment.</p> <p>2.3. Further to paragraphs 2.1. and 2.2. above, it is noted that the potential impacts of the proposed mine expansion on water resources and freshwater features have not been adequately identified and described during the scoping phase. Sufficient consideration should be given to these potential impacts in the Draft EIA Report.</p> <p>2.4. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution, erosion or sedimentation. It is recommended that the EIR phase make provision for the inclusion of a storm water management plan. Such a storm water management plan should also describe the proposed methods to prevent contaminated or polluted storm water from being released into the receiving environment, with attention paid to potentially sensitive areas yet to be identified by specialists during investigation of the proposed mine expansion area.</p> <p>2.5. Although acknowledged that the proposed mining method may limit the pollution potential (as stated on page 27 of the DSR), it is noted that pollution and contamination may still occur and it is recommended that potential pollution impacts due to mining activities, are more thoroughly considered. It is essential that identified pollution impacts are adequately addressed and management measures must be proposed in the Environmental Management Programme (“EMPr”) to be submitted with the EIA Report.</p>			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>3. Directorate: Waste Management – Mr Lance Anders:</p> <p>3.1. Table 1, page 14 of the DSR indicates the applicable listing notices and listed activities, without providing an explanation of the listed activities. Please discuss or write out each applicable listed activity for better understanding by interested and affected parties of the listed activities.</p> <p>3.2. Page 20 of the DSR indicates that alternative dust suppression methods will be utilised, however these methods were not indicated. Since the Western Cape is a water scarce province, the applicant must ensure that only non-potable water is used for dust suppression. Dust suppression measures must be detailed in the EMPr.</p> <p>3.3. Waste management impacts, including <i>inter alia</i>, the storage, handling, transport and disposal of all waste types, must be addressed in the EMPr.</p> <p>4. Directorate: Air Quality Management – Ms Gavaza Mhlarhi / Mr Peter Harmse:</p> <p>4.1 This Directorate awaits the Draft EIA Report and EMPr to provide comment. Please ensure that the EMPr provide management measures for dust and noise impacts associated with the proposed mining operations.”</p>			
<p>Greenmined acknowledged (21 July 2020) receipt of the comments on the draft Scoping Report and confirmed that the comments will be incorporated into the final Scoping Report (FSR), and (upon approval of the FSR) addressed in the draft Environmental Impact Assessment Report that will be published for public commenting.</p> <p>In addition to the above, the following comments were elaborated on in the FSR:</p> <p>1.1. It is noted that several non-perennial drainage lines traverse the proposed mining right expansion area. Activity 19 of Listing Notice 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended) has however not been applied for.</p>			

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As mentioned earlier, the layout of the allowable mining areas, within the footprint of the proposed extension area, will be assessed during the EIA phase upon receipt of the specialist findings. Presently, it is proposed that buffer no-go areas will be demarcated around the drainage lines and no infilling, depositing, dredging, excavation, removal or moving of soil from a drainage line is envisioned. Therefore, the proposed project does not trigger Activity 19 of Listing Notice 1. However, as mentioned in the Plan of Study for the EIA Process the applicability of the listed activities will be confirmed and if needed aligned with the project proposal once the preferred alternative was finalised.

1.2. It is further noted that haul roads may be required. Please be advised that should new roads wider than 4m be established in areas containing indigenous vegetation, Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) will be applicable.

The comment is noted, however, presently no roads wider than 4 m are proposed.

1.3. The applicability of Activity 19 of Listing Notice 1 and Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) must be confirmed in the Final Scoping Report (“FSR”) to be submitted to the competent authority. Should the mentioned listed activities be applicable to the proposed mine expansion, an amended application form must be submitted to the competent authority and the impacts associated with the listed activities must be assessed and reported on in the Draft EIA Report.

Presently, neither Activity 19 of Listing Notice 1 nor Activity 4 of Listing Notice 3 is deemed applicable to this application.

1.4. Following the above, not all the impacts associated with the proposed mine expansion have been identified in the DSR for further assessment in the environmental impact reporting (“EIR”) phase. Per paragraph 1.1. above, drainage lines traverse the proposed mine expansion area; however, the impacts on watercourses have not been identified in the DSR for further assessment in the EIA phase. (In this regard, also refer to paragraph 2.1. below.)

This impact was added to the Scoping Report and will be further assessed in the EIA phase.

1.5. Furthermore, page 53 of the DSR states that “It is known that the water table in the valley below the mine is ± 3 m under the surface.” The depth of mining and whether the proposed sand mining activities will have an impact on groundwater resources, were not indicated in the DSR. This information

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must be provided in the Draft EIA Report.

The approximate depth of mining and potential impact on groundwater resources will be discussed in the Draft EIA Report.

1.7. It is noted that the Provincial Department of Agriculture (“DoA”) has not been included in the list of state Departments to be consulted as part of the EIA process. Please ensure that said Department is consulted for comment. Depending on the comments obtained from the Provincial DoA, an agricultural impact assessment be required.

The Department of Agriculture (DoA) were supplied with a copy of the background information document as well as invited to comment on the draft Scoping Report (refer to Appendix 5 for proof thereof). To date no feedback/comments was received from the DoA.

1.8. The Plan of Study for EIA must be updated to include all the impacts that will be assessed and all the specialist studies that will be undertaken during the EIR phase.

This request was incorporated into this document, the Final Scoping Report.

1.9. In terms of GN No. 960 of 5 July 2019, the submission of a report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) is a compulsory requirement when applying for environmental in terms of the NEMA EIA Regulations, 2014 (as amended). If not yet undertaken, the EAP is advised to urgently consult the Screening Tool and generate a screening report. Based on the findings of the screening report, the EAP will be required to either appoint additional specialists to undertake the identified specialist studies, or to provide a motivation in the FSR and Plan of Study for EIA why the specialist studies will not be undertaken or deemed necessary for the EIA process. Should additional specialist studies identified by the Screening Tool be undertaken, the Plan of Study for EIA must be amended to indicate which additional specialist studies will be undertaken.

The abovementioned report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) was submitted to the competent authority with the EA Application form. The report was accompanied by a cover letter discussing the specialist studies deemed applicable to this application. However, this information was also added to the final Scoping Report under Section 3(c) Description of aspects to be assessed by specialist.

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1.10. The EAP is advised to consider 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*” (“the protocols”), promulgated in GN No. 320 of 20 March 2020, which came into effect on 9 May 2020. If evidence can be provided to the Competent Authority to show that a specialist study for which a protocol has been prescribed was initiated prior to 9 May 2020, then the protocol in question does not have to be complied with. For those specialist studies where no specific protocol has been prescribed, the level of assessment must comply with the requirements of Appendix 6 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) EIA Regulations, 2014 (as amended). The Final Scoping Report submitted to the Competent Authority, as well as the draft EIA Report once released for comment, must be clear which protocols apply and which do not.

The botanical study as well as the archaeological- and palaeontological impact assessments were initiated in April 2020 and will therefore be in accordance with the requirements of Appendix 6 of NEMA EIA Regulations 2014 (as amended). Should any further specialist studies be required for which a protocol has been prescribed then the protocol in question will be complied with.

2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment.

As mentioned earlier, the layout of the allowable mining areas, within the footprint of the proposed extension area, will be assessed during the EIA phase upon receipt of the specialist findings. Presently, it is proposed that buffer no-go areas will be demarcated around the drainage lines and no mining of the drainage lines are envisioned. Should the drainage lines be excluded from the mining footprint the potential impact of the proposed activity on watercourse is deemed to be of low significance, and in our opinion a Freshwater Impact Assessment is not applicable.

2.2. Site-specific hydrology and geohydrology has been detailed on pages 66 to 68 of the DSR. The description provided, extracted from previously compiled reports, clearly indicates that the proposed mining expansion area and the establishment of mining activities across a substantial area shall have a significant impact on groundwater resources. Thus, it is recommended that input be obtained from a suitably qualified and experienced geohydrologist to

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inform the EIR phase. Per paragraph 2.1. above, the Plan of Study for the EIA should be amended to include a Geohydrological Impact Assessment.

The approximate depth of mining and potential impact on groundwater resources will be discussed in the Draft EIA Report, and if deemed applicable the opinion of a groundwater specialist will be obtained and added to the DEIAR.

2.3. Further to paragraphs 2.1. and 2.2. above, it is noted that the potential impacts of the proposed mine expansion on water resources and freshwater features have not been adequately identified and described during the scoping phase. Sufficient consideration should be given to these potential impacts in the Draft EIA Report.

This impact was added to the Scoping Report and will be further assessed in the EIA phase.

2.4. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution, erosion or sedimentation. It is recommended that the EIR phase make provision for the inclusion of a storm water management plan. Such a storm water management plan should also describe the proposed methods to prevent contaminated or polluted storm water from being released into the receiving environment, with attention paid to potentially sensitive areas yet to be identified by specialists during investigation of the proposed mine expansion area.

The requested storm water management plan will be incorporated into the DEIAR.

2.5. Although acknowledged that the proposed mining method may limit the pollution potential (as stated on page 27 of the DSR), it is noted that pollution and contamination may still occur and it is recommended that potential pollution impacts due to mining activities, are more thoroughly considered. It is essential that identified pollution impacts are adequately addressed and management measures must be proposed in the Environmental Management Programme (“EMPr”) to be submitted with the EIA Report.

The potential pollution impacts will be further discussed and assessed in the DEIAR, and management measures will be proposed in the EMPr to be submitted with the DEIAR.

3.1. Table 1, page 14 of the DSR indicates the applicable listing notices and listed activities, without providing an explanation of the listed activities. Please

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>discuss or write out each applicable listed activity for better understanding by interested and affected parties of the listed activities.</p> <p><i>A full description of the listed activities was added to this report.</i></p> <p>3.2. Page 20 of the DSR indicates that alternative dust suppression methods will be utilised; however, these methods were not indicated. Since the Western Cape is a water scarce province, the applicant must ensure that only non-potable water is used for dust suppression. Dust suppression measures must be detailed in the EMPr.</p> <p><i>The following alternative dust suppression measures were proposed on page 20 of the DSR:</i></p> <ul style="list-style-type: none"> ⌘ <i>The speed of all mining equipment/vehicles will be restrictions to 20 km/h on the internal farm roads/haul roads to minimize dust generation;</i> ⌘ <i>The removal of vegetation will only be done immediately prior to the mining of an area in an attempt to lessen denuded areas (acting as dust source) to the absolute minimum.</i> <p><i>The requirement that only non-potable water may be used for dust suppression was added to the FSR and will also form part of the DEIAR.</i></p> <p>3.3. Waste management impacts, including <i>inter alia</i>, the storage, handling, transport and disposal of all waste types, must be addressed in the EMPr.</p> <p><i>The requested information will be incorporated in the EMPR that will accompany the DEIAR.</i></p>			
Me Candice van Reenen	Department of Labour	12 June 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	12 June 2020	No Response Received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Dr Robert Macdonald	Department of Social Development	12 June 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	12 June 2020	13 July 2020
<p>Comments submitted by the DTPW on the DSR:</p> <p>“...A fleeting look at the Scoping Report shows that the comment from our letter dated 19 February 2020 has been recorded and noted. The Branch has no further comment at this stage.”</p>			
Mr R Khan	Department of Water and Sanitation - Provincial	12 June 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	12 June 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	12 June 2020	No Response Received
Me Tracy Brunings	Langeberg Local Municipality	12 June 2020	13 July 2020

STAKEHOLDERS

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

“...The following statistics must be provided with regard to the proposed large scale expansion:

- ✂ How much of the currently approved 17,65 ha has already been mined?
- ✂ How many hectares are still available to be mined?
- ✂ How many years will it take to mine this remaining approved mine area?
- ✂ Why is such large extension (108,3851ha.) being applied for? (If 17,68ha. was sufficient for sand mining for a 30+yr period, it would seem unnecessary to apply for more than a ±20ha expansion at this stage).

The scoping report still refers to the land as being used for agriculture and returning the use after mining to agricultural (pp 19, 38, 63, 71, 75, 81, 82, 87, 90, 97). This is clearly a cut and paste error from another application, and must be corrected throughout the document. Pg 58 summarises the conservation status of the natural vegetation which covers the entire site, and it is clear that there is no agricultural activity on this land and that should mining be permitted, natural vegetation should be re-established in terms of the rehabilitation process, not agricultural crops.”

Response to the DSR comments received from the LLM (14 July 2020):

“...We take note of your request for additional information, and will incorporate and discuss the request in the draft Environmental Impact Assessment Report (DEIAR) to be circulated for public comments upon approval of the final Scoping Report.

Regarding your comment about the agricultural use of the property: There was no copy and paste error. The land earmarked for the proposed expansion is currently zoned for agricultural purposes. The Department of Environmental Affairs and Development Planning confirmed on 09 March 2020 that: *“Agricultural Land is defined in the Regulations as being land outside the physical outer edge of the existing urban edge. Whether the land has been cultivated or irrigated in the preceding 10 years is irrelevant in respect of this category of land development”*. In light of this, the land use description of the earmarked area cannot be anything other than agriculture even though the footprint is presently covered with natural vegetation. Upon closure of the mine, the use of the mining footprint will be returned to the landowner to allow him to continue farming the property (whether through grazing of natural vegetation

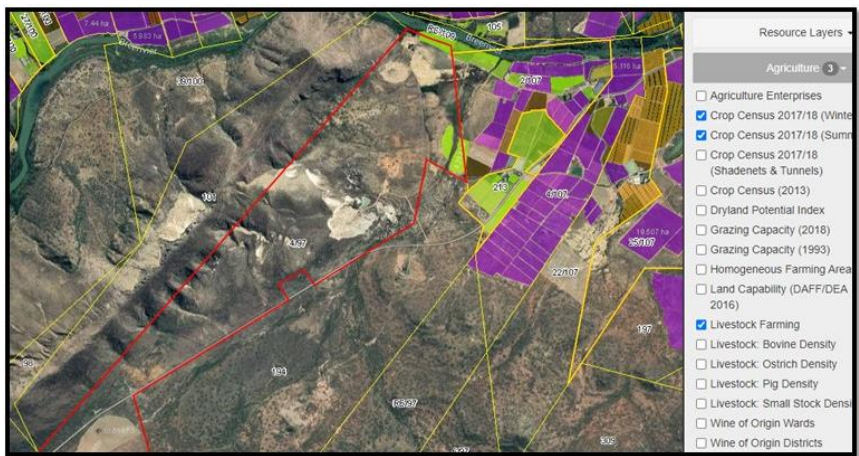
STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
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or active cultivation). We take note of your suggestion that natural vegetation should be established on the rehabilitated areas. Your request will be forwarded to the botanist responsible for the Botanical Impact Assessment and his suggestions will be incorporated into the Rehabilitation and Closure Plan that will form part of the DEIAR.”

Further comments received from the LLM (14 July 2020):

“...I stand by my comments regarding the land use of the property and wish the following noted: The scoping report refers to the land as being used for agricultural purposes and returning the use after mining to agricultural (pp 19, 38, 63, 71, 75, 81, 82, 87, 90, 97). This is misleading to those who read the report as there is no conventional agricultural activity on the portion of land where the mine expansion is proposed, as is clear from the extract below from Cape Farm Mapper, and from a site visit. Whilst the land is zoned Agricultural zone I, and despite the legal definitions of “Agricultural land”, the current use of this land is vacant, natural vegetation. Pg 58 of the scoping report summarises the vulnerable conservation status of much of the natural vegetation which covers the site. Accordingly, should mining be permitted, natural vegetation should be re-established in terms of the rehabilitation process. Alternatively, if agricultural crops are proposed to be established, this must be addressed in the EIA in terms of the proposed extent and nature of crops, to enable the relevant Departments to comment meaningfully.



STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Greenmined acknowledged response (14 July 2020) of the comments and confirmed that it will be incorporated into the final Scoping Report and the draft EIAR.			
Cllr SW Strauss	Langeberg Local Municipality Ward 5	12 June 2020	No Response Received
SAHRIS on-line system	SAHRA	12 June 2020	No Comments Received

SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust ✂ AN Viljoen ✂ Philipe du Toit ✂ Jan de Necker ✂ Philip & Almien du Toit	Neighbours: ✂ Portion 0 of Zand Berg 101 ✂ Portion 0 of Zandbult 98 (P du Toit) ✂ Portion 2 (RE) of Appels Drift 107 (AN Viljoen) ✂ Portion 0 of Farm 109 (AN Viljoen)	12 June 2020	No Response Received
Deorista 113 (Pty) Ltd ✂ Jan Rabie	Neighbour: ✂ Portion 0 of Die Gwarries 93 ✂ Remaining Extent of Laughing Waters 96	12 June 2020	No Response Received
Schalk Colyn Trust ✂ Schalk Colyn	Neighbour: ✂ Portion 2 (RE) of Klip Berg 136	12 June 2020	No Response Received
Mazi (Pty) Ltd ✂ Alba Lambrecht	Neighbour ✂ Remainder of Farm 194	12 June 2020	No Response Received
Deo Volente Sand-mine ✂ Deb Blake-Satchel	Interested and Affected Party	12 June 2020	No Response Received

SUMMARY OF SECOND PHASE PUBLIC PARTICIPATION PROCESS

The Draft Scoping Report was compiled and all the I&AP's and stakeholders listed above were contacted and provided with a chance to comment on the Draft Scoping Report. A 30 days commenting period were allowed for perusal of the documentation by the I&AP's and stakeholders. Comments were received from the following stakeholders:

- ✂ Department of Environmental Affairs and Development Planning (DEA&DP);
- ✂ Department of Transport and Public Works (DTPW); and
- ✂ Langeberg Local Municipality (LLM).

See attached Appendix 5 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

-END OF COMMENTS AND RESPONSE REPORT-