



DEPARTMENTAL REFERENCE NO: EC 30/5/1/2/2/228 MR

Applicant:

Wansley Siyakhula (Pty) Ltd
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BACKGROUND INFORMATION DOCUMENT

11 September 2020

To whom it may concern

RE: NOTICE OF APPLICATION IN TERMS OF SECTION 102 OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO 28 OF 2002) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998 NEMA) AS WELL AS THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED 2017).

BACKGROUND INFORMATION

Wansley Quarries has been a trusted suppliers of weathered dolerite in the greater East London area for the past 19 years. A mining licence was issued to David Peter Coetzer (trading as Wansley Quarries) that was converted to a new order mining right in 2016. In 2020, the mining right was ceded, in terms of Section 11 of the MPRDA, 2002, to Wansley Siyakhula (Pty) Ltd that is the current mining right holder (hereinafter referred to as the "MR Holder"). The mining right is valid until 16 June 2026, with an approved footprint of 5.2149 ha over an area of Portion 1 of Farm No 652, in the East London magisterial district of the Eastern Cape Province.

To date the mining method entailed removal of the weathered dolerite through direct extraction with an excavator. Mining focused on the soft material as blasting was not approved for the mining right. Upon excavation of the gravel, a limited stockpile was established as most material was directly loaded onto haul trucks that transported it to the clients. A crushing and screening plant was established to process material when needed.

PROJECT PROPOSAL

The MR Holder intends submitting a Section 102 ("S102") amendment application, in terms of the MPRDA, 2002, to the DMR to:

- align the mining documentation with the above mentioned Section 11 approval;
- comply with the latest department and legislative requirements;
- add blasting and processing of material to the EMPR; and
- expand the mining footprint to 37.8575 ha.

the goal isn't to live forever, it is to protect a planet that will

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SITE DESCRIPTION

Wansley Quarries is located ± 30 km north-east of East London city centre and ± 65 km south-east of King William's Town. The extent of the proposed extension area is ± 37.8575 ha, and the GPS coordinates of the area are as listed below.

GPS COORDINATES OF S102 EXTENSION AREA	
DEGREES MINUTES SECONDS	DECIMAL DEGREES
A. 32°54'43.53"S; 27°55'18.20"E	A. -32.912092°S; 27.921722°E
B. 32°54'40.46"S; 27°55'20.88"E	B. -32.911240°S; 27.922466°E
C. 32°54'38.70"S; 27°55'23.42"E	C. -32.910751°S; 27.923173°E
D. 32°54'37.25"S; 27°55'28.39"E	D. -32.910348°S; 27.924552°E
E. 32°54'36.18"S; 27°55'34.28"E	E. -32.910052°S; 27.926190°E
F. 32°54'54.49"S; 27°55'55.51"E	F. -32.915137°S; 27.932086°E
G. 32°54'59.18"S; 27°55'42.07"E	G. -32.916439°S; 27.928354°E
H. 32°54'59.14"S; 27°55'33.87"E	H. -32.916428°S; 27.926074°E

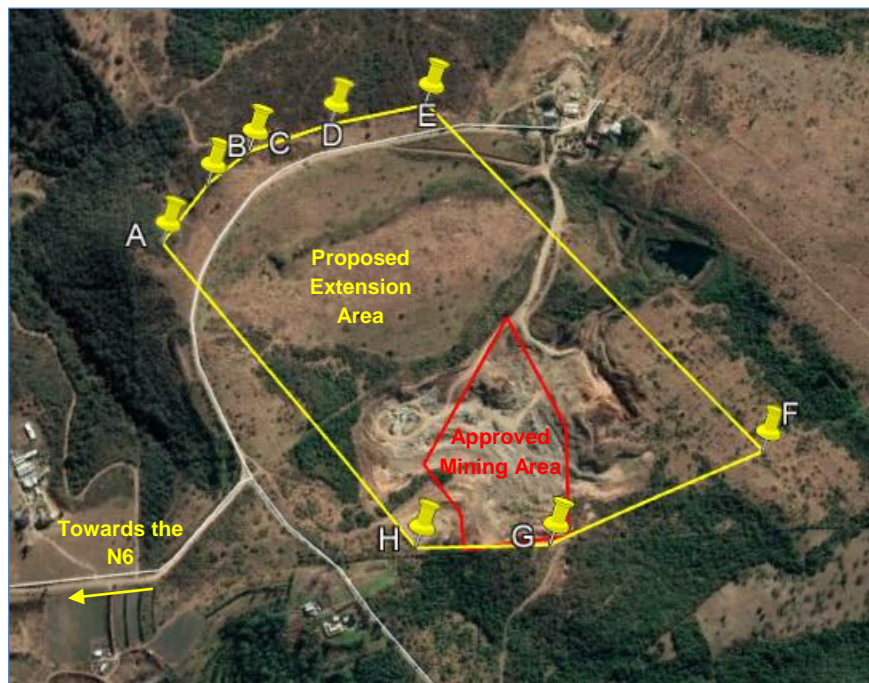


Figure 1: Satellite view of the proposed extension area (yellow polygon) in relation to the approved mining footprint (red polygon).

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LEGAL COMPLIANCE

The proposed Section 102 (MPRDA) amendment application triggers the following listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended 2017) and therefore requires an environmental impact assessment (EIA) (full EIA) that assess project specific environmental impacts and alternatives, consider public input, and propose mitigation measures, to ultimately culminate in an environmental management programme that informs the competent authority (Department of Mineral Resources) when considering the environmental authorisation:

■ GNR 324 Listing Notice 3 of 2017 Activity 4:

The development of a road wider than 4 meters with a reserve less than 13.5 meters.

a) *Eastern Cape*

i) *Outside urban area:*

(ee)Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

■ GNR 324 Listing Notice 3 of 2017 Activity 12:

The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

a) *Eastern Cape*

ii) *Within critical biodiversity areas identified in bioregional plans.*

■ GNR 324 Listing Notice 3 of 2017 Activity 14:

The development of-

(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square meters; or

(ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs-

(a) within a watercourse;

(b) in front of a development setback; or

(c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

a) *Eastern Cape*

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i) *Outside urban areas:*

(ff) *Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.*

■ GNR 325 Listing Notice 2 of 2017 Activity 15:

The clearance of an area of 20 hectare or more of indigenous vegetation, excluding where such clearances of indigenous vegetation is required for –

- (i) the undertaking of a linear activity; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.*

■ GNR 325 Listing Notice 2 of 2017 Activity 17:

Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002), including-

- (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resources;*
or
- (b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing.*

but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.

■ GNR 327 Listing Notice 1 of 2017 Activity 12:

The development of-

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square meters; or*
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;*
where such development occurs-
 - (a) within a watercourse;*
 - (b) in front of a development setback; or*
 - (c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.*

excluding –

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*

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- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;*
- (dd) where such development occurs within an urban area;*
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or*
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.*

■ GNR 327 Listing Notice 1 of 2017 Activity 13:

The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic meters or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.

■ GNR 327 Listing Notice 1 of 2017 Activity 19:

The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;*
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;*
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;*
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour;*
or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*

■ GNR 327 Listing Notice 1 of 2017 Activity 22:

The decommissioning of any activity requiring –

- (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002); or*
- (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.*

but excluding the decommissioning of an activity relating to the secondary processing of a –

- (a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or*
- (b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products; –*



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in which case activity 31 in this Notice applies.

✦ GNR 327 Listing Notice 1 of 2017 Activity 24:

The development of a road –

(ii) with a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 8 meters; but excluding a road –

(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;

(b) where the entire road falls within an urban area; or

(c) which is 1 kilometre or shorter.

✦ GNR 327 Listing Notice 1 of 2017 Activity 28:

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

OTHER LEGISLATION TRIGGERED BY THE PROPOSED PROJECT:

- ✦ An application for the amendment of the mining right in terms of Section 102 of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002) will be submitted to the Department of Mineral Resources – Eastern Cape Province.
- ✦ The MR Holder is in the process of registering the various water uses in terms of Section 21 of the National Water Act, 1998 (Act No 36 of 1998) with the Department of Water and Sanitation.
- ✦ An application for consent of the Minister to review the Social and Labour Plan, as set out more fully in Part II of the Amendments to the Mineral and Petroleum Resources Development Regulations, 2020 and in line with the NEMA EIA Regulations, 2014 (as amended).



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BRIEF SITE DESCRIPTION

GEOLOGY AND SOIL:

A sequence of sedimentary rock such as mudstones, sandstones and shales of the Beaufort Group and Karoo Supergroup underlie the East London area. Dolerites, the parent material of weathered dolerite are poorly represented in surface outcrops and mostly form sheets, which are seldom concordant and most of the time tip at both steeper and shallower altitude than the surrounding sediments. At Wansley Quarry, the weathered dolerite is restricted to the top of the production face with a sandstone or shale layer. The dome like structure of the weathered dolerite outcrop at the mining area dips to the sides which have a shale layer at the bottom. Boulders are common in the weathered dolerite outcrop with more solid dolerite found beneath the outcrop.

HYDROLOGY:

Wansley Quarry (including the proposed expansion area) falls within the Amatola Sub-Water Management Area which is managed as part of the Mzimvubu to Kies Kamma Water Management Area by the Department of Water and Sanitation (DWS). Two drainage lines cross through the proposed extension footprint and the area is classified as a River FEPA (Freshwater Priority Area) according to the National Wetlands and NFEPA map of SANBI. The importance of the drainage lines and conservation status of the area will be assessed by a specialist and discussed during the EIA process of this application.

FAUNA AND FLORA:

According to Mucina and Rutherford (2012) the expansion area extends over the vegetation type known as the Albany Coastal Belt (AT 9). The Albany Coastal Belt is classified as Least Threatened. According to the Eastern Cape Biodiversity Conservation Plan (as shown in the figure below), the Eastern Cape Biodiversity Conservation Plan (ECBCP) – Terrestrial Critical Biodiversity Area (CBA) extends across the earmarked area. An ecologist was appointed to conduct a vegetation study of the proposed footprint area. This report will be available as part of the EIA documentation.

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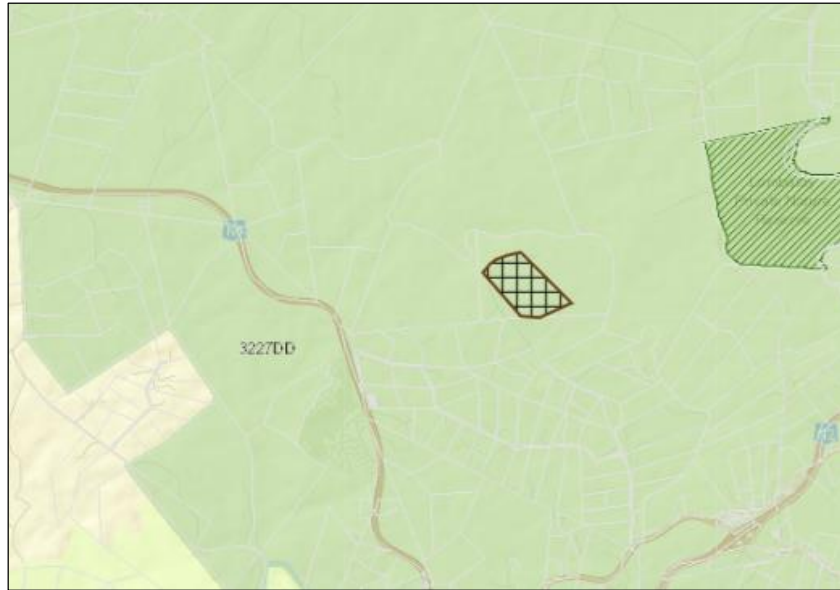


Figure 2: Image showing the presence of the ECBCP CBA (green shading) in relation to the proposed expansion footprint (crossed polygon).

Fauna present within the boundaries of the property comprise of natural occurring small rodents, reptiles and various bird species. No protected or red data faunal species were identified within the earmarked footprint, and the project is expected to have a negligible impact in this regard.

LAND USE:

The project area is located in the Buffalo City Metropolitan Municipality, with East London being the nearest town. East London is the second largest industrial centre in the province. The land use of the earmarked property mainly comprises of grazing, mixed with dolerite mining. The surrounding properties are mainly used for a variety of mixed agricultural purposes.

AIR AND NOISE QUALITY:

The wind patterns in the East London area are highly influenced by seasonal variations. According to the wind statistics as presented on Windfinder.com the prevalent wind direction distribution is in a west to southern direction from April to October. From November to March the wind mainly blows in a south-eastern direction. The ambient noise levels of the greater surrounding area are low representing that of a rural area, with the noise levels of the study area (immediate surroundings) impacted on by farming- and mining operations.



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HERITAGE:

The proposed expansion area where selected over an area that was historically used for pineapple cultivation extending towards the north-west of the current mining area. No known areas of heritage, archaeological and/or palaeontological importance were identified within the earmarked footprint. However, this will be confirmed by appropriately qualified specialists.

FINAL REHABILITATION

Upon closure of the mining operation the entire footprint area will be rehabilitated so as to allow the affected area to return to agricultural use. At this stage the following baseline rehabilitation actions are proposed from which a detailed closure plan will be developed:

- Rehabilitation of all the disturbed surface areas shall entail landscaping, levelling, sloping, top dressing, land preparation, seeding (if required), and weed / alien clearing.
- All infrastructures, equipment, and other items used during the mining period will be removed from the site in accordance with section 44 of the MPRDA, 2002.
- Waste material of any description, including receptacles, scrap, rubble and tyres, will be removed entirely from the mining area and disposed of at a recognized landfill facility. It will not be permitted to be buried or burned on the site.
- The rehabilitation area will be cleared of weeds and invader plant species. Priority will be given to species regarded as Category 1a and 1b invasive species in terms of NEM:BA (National Environmental Management: Biodiversity Act 10 of 2004 and regulations applicable thereto).
- Final rehabilitation shall be completed within a period specified by the Regional Manager.

APPLICATION FOR CLOSURE

Once the full mining area was rehabilitated the MR Holder will submit a closure application to the Department of Mineral Resources in accordance with section 43(4) of the MPRDA, 2002 that states: *“An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, relinquishment or completion contemplated in subsection (3) and must be accompanied by the prescribed environmental risk report”.*

The Closure Application will be submitted in terms of Regulation 62 of the MPRDA, 2002, and Government Notice 940 of NEMA, 1998.



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PUBLIC INVOLVEMENT

This document is to inform you about the proposed activity and to determine whether there are any concerns or objections from interested and affected parties (I&AP's) that need to be considered.

As interested and affected party you are kindly requested to complete the comments form and give any comment/concern or input with regard to the current land use of the area, the environment as well as socio-economic conditions that you feel might be affected by the proposed activity. When submitting response please provide suggestions to mitigate the anticipated impact of each identified activity.

Please contact Christine Fouche at the contact details as presented in the letterhead or at christine.f@greenmined.co.za through any means should you need more information, have additional language requirements, have concerns or comments that need to be considered or if you want to be registered as an interested and/or affected party and would like to receive a copy of the Draft Scoping Report (DSR) and/or the Draft Social and Labour Plan (DSLPL) on or before 13 October 2020. If we do not receive any comments from you on or before 13 October 2020, it will be accepted that you do not have any objections/comments with regard to the project and do not require any further documentation.

A register of interested and affected parties (I&AP's) will be opened and maintained containing the names, contact details and address of all persons who have submitted written comments, attended meetings or have in writing requested to be registered and all organs of state which have jurisdiction in respect of the activity. Please note that only registered I&AP's and stakeholders will be entitled to comment on reports and plans to be submitted to the Department provided that the party provide its name, contact details and address and discloses any direct business, financial, personal or other interest which he/she may have in the approval or refusal of the applications.

The Draft Scoping Report (DSR) and Draft Social and Labour Plan (DSLPL) will be submitted to the Department of Mineral Resources and Energy – Eastern Cape (DMRE) for review purposes. This report and plan will also be available to the public for a 30 days review period. An electronic copy of the report and plan will be published on the Greenmined Environmental website (www.greenmined.com). All registered I&AP's and stakeholders will be notified of the commenting period in advance as above.

The DSR and DSLPL will then be updated to reflect the comments received during the public commenting period. Thereafter, the Final Scoping Report (FSR) and Final Social and Labour Plan (FSLPL) will be submitted to DMRE for its consideration as part of the authorization process in terms of the NEMA, 2014 regulations (as amended 2017). A copy of the FSR and FSLPL will be made available on the Greenmined Environmental website. Once the Final Scoping Report has been accepted by the DMR, the Draft Environmental Impact Assessment Report (DEIAR) will be prepared, inclusive of the specialist studies (if applicable), and also made available to the public for a 30-day commenting period. An electronic copy of the DEIAR report will also be published on the Greenmined Environmental website. All registered I&AP's and stakeholders will be notified of the commenting period in advance.



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Upon expiry of the commenting period the DEIAR will be updated to reflect the comments received during the public commenting period. Thereafter, the Final EIAR will be submitted to the DMR for its consideration as part of the authorization process in terms of the NEMA 2014 regulations (as amended by GNR 326 effective 07 April 2017). A copy of the final report will be made available on the Greenmined Environmental website. All registered I&AP's and stakeholders will be notified in writing within 14 (fourteen) days of the date of the decision of the outcome of the application, including the reasons for the decision and the right of appeal. Once the FSLP has been approved by the DMRE it will be published, in both English and isiXhosa, on the Greenmined Environmental website and made available to the public as prescribed in the Amendments to the Mineral and Petroleum Resources Development Regulations, 2020

CONTACT DETAILS

Name/Name	
Organisation/Instansie	
Interest/Belange	
Postal Address/Pos Adres	
Tel	
Fax/Faks	
E-mail/E-pos	

COMMENTS/ OPMERKINGS

Object / No Objection:	
Request additional information:	
Concerns:	

Signature: _____



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Are there any other organisations or individuals that you feel should be invited to comment? If so, please provide their contact details:

Contact name:
Organisation (if applicable):
Address:
Tel:
Fax
E-mail

Your feedback is valued and will be addressed appropriately.

Kind Regards

A handwritten signature in black ink that reads 'Fouche'.

Christine Fouche
Greenmined Environmental