

**PROPOSED SAND MINE ON A PORTION OF
PORTION 2 (REMAINING EXTENT) OF FARM 199
RD, CLANWILLIAM, WESTERN CAPE PROVINCE**

COMMENTS AND RESPONSE REPORT

DEPARTMENTAL REFERENCE NUMBER: WC 30/5/1/3/2/10219 MP

AUGUST 2019



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

COMMENTING PERIOD: 4 JULY– 8 AUGUST 2019

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 either delivered by hand or sent directly to the contact persons. The commenting period was allowed from 4 July – 8 August 2019. The following I&AP's, neighbours and stakeholders were informed of the project:

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Me Alana Duffell-Canham	CapeNature	aduffell-canham@capenature.co.za	4 July 2019	16 July 2019
<p>Comments received from CapeNature:</p> <p>“CapeNature would like to thank you for the opportunity to comment on the Background Information Document and wish to make the following comments:</p> <ol style="list-style-type: none"> 1. The proposed mining site is located on an area which historically supported Leipoldtville Sand Fynbos. CapeNature's updated provincial ecosystem status statistics show that Leipoldtville Sand Fynbos has less than 34% of its original extent remaining. Therefore, under criterion A1 (irreversible loss of habitat) Leipoldtville Sand Fynbos meets the criteria for listing as Endangered in terms of Section 52 of the Biodiversity Act. 2. However, the proposed mining footprint has been historically transformed by agricultural activities and there is no natural vegetation remaining on site. There is natural vegetation adjacent to the site and it is important that no mining expansion or related activities occur outside of the application footprint. 3. No new roads should be created and only the existing farm track should be used to access the site. 4. Rehabilitation should occur concurrently with mining and no more than 1ha should be exposed at any one time to reduce erosion and contaminated runoff risks. A mining block plan should be provided in the Basic Assessment Report indicating the order of mining. Timeframes should also be provided for rehabilitation. <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.”</p>				

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Greenmined acknowledged receipt of the comments on 17 July 2019, registered CapeNature as a commenting authority on the project and confirmed that their comments will be incorporated into the DBAR.				
Mr Ryno Pienaar	Cape West Coast Biosphere Reserve	rynop@capebiosphere.co.za	4 July 2019	No Response Received
Mr Louis Volschenk Danné Joubert	Cederberg Local Municipality	louisv@cederbergraad.co.za	4 July 2019	4 July 2019
Danné Joubert registered the Cederberg Municipality (CLM) as an I&AP on the project and requested a copy of the DBAR.				
Greenmined acknowledged receipt of the registration on 5 July 2019 and confirmed that the CLM will be supplied with a copy of the DBAR.				
Cllr Rhoda Witbooi	Cederberg Local Municipality Ward 6	rhodaw@cederbergraad.co.za	4 July 2019	No Response Received
Mr Lutendo Mr J Smit	Department of Agriculture Forestry and Fisheries	LutendoN@daff.gov.za jans@elsenburg.com	4 July 2019	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	Adri.LaMeyer@westerncape.gov.za	4 July 2019	12 July 2019

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
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Comments received from DEA&DP:

“I hereby acknowledge receipt of the e-mail dated 4 July 2019. Thank you for providing the Department with the Background Information Document. Kindly register the Department of Environmental Affairs and Development Planning as a state Department that will be commenting on the application. Kindly further provide the Department with 1 hard copy and 3 CDs of the Draft Basic Assessment Report (marked for my attention) once it is released for public comment.

Whilst the relevant commenting directorates will provide comment on the Draft BAR (via combined comment collated by myself), and potentially (as separate comment) on the BID, please find my brief comment on the BID:

I note that an Agricultural Impact Assessment will be undertaken for the mining permit application. Please be advised to submit the Notification of Intent to Develop to Heritage Western Cape before the release of the Draft BAR. Ideally, a copy of the NID should be included in the Draft BAR.

Whilst the BID indicates that the “*proposed project will not necessitate the removal of natural Leipoldtville Sand Fynbos, the removal of some indigenous vegetation may be necessary should the cultivation of the footprint cease and indigenous vegetation establish through succession.*” Will a botanical specialist be appointed to provide a botanical statement or to compile a botanical assessment, which could inform the final mine layout plan?

I note that this is the 3rd mining permit application (assumably by the same applicant) on the same property. The proposed mining permit application of 4.9ha falls just short of the need for a S&EIR process for a mining right. Without having the background to the two previous mining right applications, based on the limited information in the BID, the impression is that the applicant is trying to circumvent the process to apply for a mining right in terms section 22 of the MPRDA, 2002 by applying for separate mining permit applications of mining areas not exceeding 5ha in extent on the same site. It would be appreciated if this comment could be addressed in the Draft BAR.”

Response to DEA&DP:

“Greenmined Environmental herewith thank you for your interest in the project, and acknowledge receipt of your correspondence received 5 July 2019 with regard to the proposed mining permit application to be submitted on behalf of Smit Grondwerke (Pty) Ltd. We have registered you, on behalf of the Department of Environmental Affairs and Development Planning, as the contact person and commenting party on the project, and will henceforth keep you posted on the progress of the

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<p>Environmental Impact Assessment process as well as supply you with the requested copies of the draft basic assessment report.</p> <p>In response to your comments:</p> <ul style="list-style-type: none"> ☞ We take note of your request regarding the NID, however HWC (Heritage Western Cape) already confirmed that they are familiar with the area and “<i>that since there is no reason to believe that the t proposed sand mining activities on the Remainder of Portion 2 of the Farm No 199, Clanwilliam will impact on heritage resources, no further action under Section 38 of the NHRA, 1999 is required</i>”. Proof of this will be attached the DBAR. ☞ Due to the disturbed nature of the footprint, a botanist study does not currently form part of the project proposal. ☞ Your comment regarding the mining permits on the same property is noted and will be discussed in the DBAR as requested. Please note that Smit Grondwerke (Pty) Ltd does not hold (or has held) mining permits on this property. <p>We trust you will find this in order. Please do not hesitate to contact me in the event of any uncertainties.</p>				
Mr Solly Fourie	Department of Economic Development and Tourism	ecohead@westerncape.gov.za	4 July 2019	No Response Received
Me Candice van Reenen	Department of Labour	Candice.VanReenen@labour.gov.za	4 July 2019	No Response Received
Dr. Robert Macdonald	Department of Social Development	Robert.Macdonald@westerncape.gov.za	4 July 2019	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	juanita.fortuin@drdlr.gov.za	4 July 2019	No Response Received
Mr R Khan Mr L Nomjila	Department of Water and Sanitation	KhanR@dwa.gov.za Nomjila.l@dws.gov.za	4 July 2019	12 July 2019

STAKEHOLDERS

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<p>Leon Nomjila, from DWS, requested a site visit to look at the site and its surroundings in order to provide meaningful comments.</p>				
<p>Greenmined arranged the site visit for Mr Nomjila and the inspection took place on 25 July 2019. Mr Nomjila mentioned, during the site visit, that he does not see any water related matters/aspects of concern. To date no formal feedback was received from DWS.</p>				
SAHRIS on-line system	SAHRA	www.sahris.org.za	4 July 2019	No Comments Received
Me Waseefa Dhansay	Heritage Western Cape	waseefa.dhansay@westerncape.gov.za	4 July 2019	16 July 2019
<p>Comments received from Heritage Western Cape: "Heritage Western Cape is in receipt of your application for the above matter received on 01 April 2016. This matter was discussed at the Heritage Officers meeting held on 15 April 2016.</p> <p>You are hereby notified that, since there is no reason to believe that the proposed sand mining activities on the Remainder of Portion 2 of the Farm No 199, Clanwilliam, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.</p> <p>This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority. HWC reverses the right to request additional information as required."</p>				
<p>Greenmined acknowledged receipt of the comments on 9 July 2019.</p>				

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Me Jacqui Gooch Mr S Carstens	Department of Transport and Public Works	Jacqui.Gooch@westerncape.gov.za Schalk.carstens@westerncape.gov.za	4 July 2019	4 July 2019
Schalk Carstens responded that the DTPW has no proclaimed roads in the area that may be affected and highlighted that SANRAL is the competent road authority for the N7.				
Greenmined acknowledged receipt of the correspondence on 5 July 2019 and confirmed that SANRAL was already informed of the project.				
Me Nicole Abrahams	SANRAL Western Cape	AbrahamsN@nra.co.za	4 July 2019	No Response Received
Me Doretha Kotze	West Coast District Municipality Development Planning	dkotze@wcdm.co.za	4 July 2019	4 July 2019
<p>Doretha Kotze registered Mr D Joubert on behalf of the WCDM as an I&AP on the project and noted the following concerns:</p> <ul style="list-style-type: none"> ⌘ impact on roads; ⌘ impact on water sources; ⌘ air quality; ⌘ visual impact. 				
Greenmined acknowledged receipt of the registration on 5 July 2019 and confirmed that the WCDM will be supplied with a copy of the DBAR in which the concerns would have been incorporated and discussed.				

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr & Mrs GE Smith	Portion 2 (Remaining Extent) of Farm 199	tierkloof1@gmail.com	1 July 2019	18 June 2019
<p>Landowners consent and motivation for the proposed sand mine (translated to English for ease of reference):</p> <p>With this I, Gerrit Erasmus Smith....., recommend that the proposed area for a new sand mine is more suitable.</p> <p>My motivation is:</p> <ul style="list-style-type: none"> ☞ the sand on the pivots is too thick and water runs off the area due to the slope. The slope can be improved when the sand is removed and the slope decreased. ☞ I would like to reduce the sand layer (this can happen as a result of the proposed sand mining) to enrich the soil with red earth. ☞ There is existing pivots, and the impact on the environment will be less since there is less vegetation and there is an existing road to the pivots where the proposed area for the new sand mine is. <p><i>“Hiermee beveel ek, Gerrit Erasmus Smith....., aan dat die voorgestelde area vir ‘n nuwe sandmyn meer geskik is.</i></p> <p><i>My motivering is:</i></p> <ul style="list-style-type: none"> ☞ <i>Die sand op die afgemerkte sirkels is te dik en die water spoel weg a.g.v skuinste van area en die helling verbeter kan wanneer die sand weggery word en area meer plat gemaak word.</i> ☞ <i>Ek will graag die sand minder maak (en dit kan moontlik met die nuwe myn gebeur wanneer uitlaai van sand geskied) sodat rooigrond ingery kan word en dreinering beter kan wees.</i> ☞ <i>Dit is reeds bestaande landerye en die impak op die omgewing gaan minder wees, aangesien daar minder plantegroei is en daar ook reeds ‘n bestaande pad na die sirkels is waar die beoogde area vir nuwe sandmyn is.”</i> 				
Mr CPJ Smith	Portion 0 (Remaining Extent) of Farm 199	smithboerdery@wylan.co.za	4 July 2019	No Comment

LANDOWNER / SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr MG Bergh (Zeekoevlei Trust)	Portion 0 (Remaining Extent) of Seekoevlei 110	martin@rooiboslimited.co.za	2 July 2019	No Comment
Mr Willie Nel (AS Nel)	Portion 2 of Zekoe Valley 107	willie@ysterfontein.co.za	4 July 2019	No Comment
Mr JGM Genis (Bak se Rug Boerdery (Pty) Ltd)	Portion 0 (Remaining Extent) of Kogelmanskloof 200	bakserug@gmail.com	1 July 2019	No Response Received
Mr Patrick Steens Vredeoord Plase (Pty) Ltd	Portion 14 of Klein Valley 193	vredeoord@wylan.co.za	2 July 2019	No Response Received
Mr Braham Beukes Beukes Holdings (Pty) Ltd	Portion 15 of Klein Valley 193	brahambeukes@gmail.com	1 July 2019	No Response Received
Mr Anton Bergh Kleinvlei Farm (Pty) Ltd	Portion 2 of Kleinvlei 196	anton@cedarberg.co.za	1 July 2019	No Response Received

SUMMARY OF INITIAL PUBLIC PARTICIPATION PROCESS

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

- telephonic discussions;
- direct communication with background information documents (hand delivered, email, registered mail);
- placement of on-site notices; and
- placement of an advertisement in the Ons Kontrei newspaper on 4 July 2019.

The following I&AP's registered on the project:

- Cape Nature – Western Cape;
- Cederberg Local Municipality;
- Department of Environmental Affairs and Development Planning - Western Cape;
- Department of Water and Sanitation;
- Heritage Western Cape; and
- West Coast District Municipality - Development Planning.

The office of the Regional Land Claims Commissioner – Western Cape Province confirmed on 10 July 2019 that at the date of their letter no land claims appear on their database in respect of Portion 2 (Remaining Extent) of Farm No 99 RD, Clanwilliam.

The Draft Basic Assessment Report will be published and a 30-days commenting period will be allowed. Comments received on the DBAR will be incorporated into the Final Basic Assessment Report to be submitted to the DMR for decision making.

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

-END OF COMMENTS AND RESPONSE REPORT-