



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

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Ref no: (MP) 30/5/1/1/3/2/1/ (15321) EM  
Sub-directorate: Mine Environmental Management: Mpumalanga Region

## REGISTERED MAIL/ FAX & EMAIL

The Director (s)  
Jaments (Pty) Ltd  
Private Bag x 7214  
Postnet Suit  
**Witbank**  
1035

Attention: Mr. G. B Simelane

Fax no: 086 5144 103

**COMMENTS IN RESPECT OF THE BASIC ASSESSMENT REPORT SUBMITTED IN TERMS OF REGULATION 19 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED (EIA REGULATIONS) IN RESPECT OF PORTION 10 OF THE FARM GOEDEHOOP 106 IT, SITUATED IN THE MAGISTERIAL DISTRICT OF ERMELO IN MPUMALANGA REGION.**

Your final BAR submitted to this office on 23 October 2018 in respect of the above-mentioned application cannot be considered in its current form. The department has evaluated the report and the following shortcomings to the BAR were noted:

- a) Kindly note that the area under this application (Portion 10 of the farm Goedehoop 106 IT) is in the process of being declared as a protected area of which the proposal has already been adopted by Department of Environmental Affairs and Department of Water and Sanitation as the area is regarded extremely highly ecologically sensitive. Also note that after the said declaration is finalised, the whole farm is earmarked for a Ramsar registration and the management of this area will be of international importance. Based on the aforementioned, kindly note that should the declaration be finalised at any time, this Department will not grant any

**applications on the said area and proceeding with this application should be at your own risk and this Department will not be held liable.**

- b) Based on the above information, you are requested to conduct specialist studies as the area is regarded as a sensitive area. The EAP must identify all specialist studies that are relevant to the area under application and those studies should be conducted.**
- c) All the maps attached in the BAR and EMPr must be revised as they include portions that were not accepted by this Department. Please provide correct maps in A3 with a visible legend that represents only portion 10 only as per the acceptance letter.
- d) The listed activity and the GNR number provided must be revised and the information in the amended EIA Regulations must be given.
- e) The activity and GNR number must also be revised in the application form as the EIA Regulations were amended on 07 April 2017. The application form must also be signed and affirmed under oath.
- f) The qualification of the EAP (Mr Netshiavha Tshifhiwa) with evidence were not attached in the BAR.
- g) The summary of the EAP's (Mr Netshiavha Tshifhiwa) past experience in carrying out the EIA process was also not provided.
- h) Page 11 must be revised as follows:
  - The area under application must be stated as per the acceptance letter,
  - The application area must also be verified and amended and the hectares of only portion 10 must be provided,
  - The magisterial district must also be verified as the acceptance letter states Witbank and on the BAR it is stated as Ermelo,
  - 21 digit surveyor General code was not provided,
  - The map must also be amended and only portion 10 must be presented.  
The map must also show the nearest town and should be on A3.
- i) Provide an A3 map that shows all sensitive areas on site in relation to your activities. This is important for this office to see the location of the sensitive areas in order to make an informed decision.
- j) The number of boreholes provided on page 13 does not correspond with the number of boreholes provided in the PWP and the BID and this is misleading information. Please revise accordingly.

- k) Activity 27 (clearance of indigenous vegetation) was included in the BAR on page 14 and this was not included in the application form. Please revise either the application form or the BAR for the information to correspond.
- l) The same activity 27 was not included in table 2, page 14.
- m) Item 2.9.1 must be amended and the exact property that is stated on the acceptance letter must be mentioned. Please go through the whole document and state the exact property per the acceptance letter as not doing so will give an impression that the whole farm is being considered whereas only portion 10 was accepted.
- n) The baseline environment must be revised and only information relating to portion 10 of the farm Goedehoop 106 IT must be provided (page 39-69). All the maps included on pages 39 -69 must also be revised to include only portion 10 and the maps must be on A3 with a visible legend.
- o) Figure 20 is supposed to show the current land uses on the area under this application and the provided figure does not show such information.
- p) The final site map was not provided and **Appendix H** referred to on page 102 was not attached.
- q) From description of assumptions, uncertainties and knowledge gaps provided on pages 104-105, this office is not satisfied with the information provided in the BAR based on the number gaps and uncertainties. The information provided in the BAR and EMPR is not enough for this office to make an informed decision. The area applied for is a sensitive area and more assessment needs to be done to close all the gaps.
- r) The information on page 105 (4.9) is not correct as there is not undertaking and the document is not signed.
- s) Financial provision quantum and the amount provide is not accepted due to the following:
- The master rates used are outdated
  - Only the quantity for rehabilitation of access roads was given and other relevant quantities were excluded.
- t) Please revise the quantum and also revise the amount of financial provision throughout the documents.

- u) The composite map was not provided on page 114 (6.3) and appendix H was not attached as referred to on this section.
- v) Financial provision information of pages 149-150 must also be revised as outlined on item s-t above.
- w) There is no undertaking and the document is not signed (page 160-161).
- x) Public participation process undertaken does not comply with chapter 6 of the EIA Regulations, 2014 as amended due to the following:


- There is no proof that the BAR was subjected to a public participation process of at least 30 days in terms of Regulation 19 (1) (a) of the EIA Regulations, 2014 as amended. The BID provided does not have all required information and some of the information is misleading hence the actual BAR must be made available to the interested and affected parties. This was also confirmed on page 147 item 7.1.
- SAHRA was not consulted, please consult SAHRA through the SAHRIS online system and provide proof of such consultation.
- There is no proof that the land owner was consulted as the Windeed document that shows who the owner of portion 10 of the farm Goedehoop is was not attached (Regulation 41 (2) (b) (i)).
- Adjacent landowners were not consulted as required in terms of regulation 41 (2) (b) (ii).
- Mpumalanga Tourism and Parks agency was not consulted.
- The newspaper advert provided is not clear.
- The information on the site notice is not clear and the map provided includes other portions that do not form part of this application.
- The information on the BID is not accepted as is misleading in that:
  - ✓ the number of boreholes are not the same as the number of boreholes in the documents submitted to this office;
  - ✓ the possibility of conducting bulk sampling as outlined on page 13 was not mentioned in the BID.
  - ✓ Figure 21 and 22 are misleading as they included portions that were not accepted by this office.

y) Based on the above **regarding public participation**, you are requested to conduct public participation regarding this project in terms of Chapter 6 of NEMA. The basic assessment report must be made available to the land owners and interested and affected parties for perusal and comments. Please note that public participation in terms of NEMA must be for at least 30 days and therefore all interested an affected parties must be given a period of at least 30 days to go through the BAR and also give comments if any (please refer to chapter 6 of NEMA).

In view of the foregoing, you are herewith requested to address the above and submit two copies of the revised BAR by **25 July 2019**.

Should you require any further clarity regarding the above, do not hesitate to contact the above-mentioned person at the contact details provided.

Yours Faithfully

  
Aet **REGIONAL MANAGER**  
**MPUMALANGA REGION**  
DATE: 28/06/2019