

SUMMARY OF THE PUBLIC PARTICIPATION PROCESS FOLLOWED TO DATE AND STILL TO BE FOLLOWED

Notification to I&APs

Potential I&AP's are notified about the project in the following manner (this is in compliance with Regulation 41 of GN R982):

- Fixing notice boards at the boundary of the property in compliance with Regulation 41 of GN R982.
- Written notifications are sent via registered post to potential I&APs (i.e. landowner, direct neighbours etc.) inviting them to register and give comments on the proposed development within 30 days from the date which appears on the notice. These notifications are in line with the requirements of the Regulations.
- Placing an advertisement in a local newspaper the notice is in compliance with the Regulations.

All potential I&APs are afforded the opportunity (within a 30 day period) to register for the project. All registered I&APs will be informed of further activities regarding the project.

Proof of all notifications provided to I&APs are provided in Appendix C.

Public Meetings, Workshops and Pre-application Meetings

No public meetings, workshops and pre-application meetings have been held thus far. The need for public meetings, workshops and pre-application meetings will be determined during the course of the public participation process as and if requested by I&APs and key departments.

No public meetings have been requested thus far

Availability of the Draft Scoping and Final Scoping Report

As per the requirements of Regulation 43 of GN R982, the Draft Scoping Report was made available to all relevant state departments and all registered I&APs for a 30 day commenting period.

The Draft Scoping Report was included for statutory comment with the written notice as sent to the commenting organs of state for a 30 day commenting period. Electronic copies (CDs) were made available to any department or I&AP on request.

The Draft Scoping Report was sent to the following Key Departments for consideration/comments:

- Breede-Gouritz Catchment Management Agency (also commenting on behalf of Department of Water and Sanitation)
- CapeNature Scientific Services
- DEA&DP: Land Management
- DEA&DP: Pollution & Chemical Management
- DEA&DP: Waste Management
- Department of Agriculture
- Eden District Municipality

- Heritage Western Cape: A Notice of Intent to Develop to be submitted to HWC.
- Hessequa Municipality
- Decision making authority – Department of Mineral Resources

Following the closure to the draft scoping report 30 day commenting phase the Final Scoping Report was included sent to all key department and registered I&APs for another 30 day commenting period. Electronic copies (CDs) were made available to any department or I&AP on request.

Proof of postage/delivery is included in this Appendix C.

Comments received were responded to in the Scoping Report as per the requirements of regulations. The comments and response report as well as all comments received are included in the Scoping Report and Appnedix C.

The previous application [under Ref Nrs: SAMRAD 170222 - (WC) 30/5/1/2/2/10097MR] lapsed due to failure to submit the final Scoping Report within the stipulated timeframe, therefore a new EA Application was submitted and all registered key departments/organ of state and I&APs were afforded another 30 day commenting period on the draft scoping report under the new application reference number. All comments received were recorded and the EAP (specialists) responded to the comments and compiled the comments and response report as part of the Final Scoping Report where after it was submitted to DMR for acceptance or rejection. The scope of the proposed project has however not changed and therefore all previous public participation conducted under the old reference number are still relevant and therefore included as such for consideration in the report. Proof of the draft scoping report sent out for another 30 day commenting period is provided in Appendix C.

Public Participation during the EIR

Registered Interested and Affected Parties and key departments are afforded a 30 day comment period on the Draft Scoping Report. The comments are recorded and the EAP (specialists) respond to the comments and compile the comments and response report as part of the Final Scoping Report where after it is submitted to DMR for acceptance or rejection.

Once the scoping report has been accepted by the DMR the public participation during the EIA phase involves submitting the draft EIR to the registered I&AP's and Key Departments for a 30 day period to comment on the findings of the report. Once all comments have been received, the EIR will be finalised taking into account the comments received and thereafter submitted to DMR for a decision.

The final scoping report was accepted by the DMR on 01/06/2018. See proof thereof as attached to Appendix C.

Decision and Appeal Period

Once the DMR have reviewed the Final EIR and are satisfied that it contains sufficient information to make an informed decision, the DMR will use the information contained within the EIR to determine the environmental acceptability of the proponent's preferred

options. A decision on the applications and associated reports will be made by the DMR based on the findings of the EIR.

Following the issuing of the decision, all key department and registered I&APS will be notified and afforded the opportunity to appeal the decision to the MEC of the DMR in terms of the NEMA.

Proof of the Public Participation Process to be conducted will be attached to the Final EIR.

TABLE 1: LIST OF IDENTIFIED KEY DEPARTMENTS AND POTENTIAL I&APs

STAKEHOLDER	CONTACT & REF NR	TELEPHONE	FAX	EMAIL
Department: Mineral Resources Private Bag X 09 Roggebaai 8012	Elise Steenkamp	021 427 1015	021 427 1046	Elise.Steenkamp@dmr.gov.za
CapeNature Scientific Services: Land Use Advice Private Bag X6546 George 6530	Colin Fordham	044 802 5329	086 554 4165	cfordham@capenature.co.za
DEA&DP: Development Management Private Bag X 6509 George 6530	Shireen Pullen Ref: 16/3/3/6/4/2/2/D5/7/0172/17	044 805 8600		Shireen.Pullen@westerncape.gov.za
DEA&DP: Planning Private Bag X 6509 George 6530	Stiaan Carstens Ref: 16/3/3/6/4/2/2/D5/7/0172/17	-		Stiaan.Carstens@westerncape.gov.za
DEA&DP: Development Facilitation Private Bag X9086 Cape Town 8000	Adri La Meyer	021 483 2887	021 483 4185	Adri.LaMeyer@westerncape.gov.za
DEA&DP: Pollution & Chemicals Management Private Bag X9086 Cape Town 8000	Ms Nicole Garcia/Ms Shehaam Brinkhuis	021 483 8352/8309		Nicole.Garcia@westerncape.gov.za Shehaam.Brinkhuis@westerncape.gov.za
DEA&DP: Waste Management Private Bag X9086 Cape Town 8000	Mr Gary Arendse/Ms Hadjira Peck Ref: 19/2/5/3/D5/7/WL0088/17 19/2/5/3/D5/7/WL0070/18	021 483 3713/3003		Gary.Arendse@westerncape.gov.za Hadjira.Peck@westerncape.gov.za
DEA&DP: Air Quality Management	Mr Peter Harmse	021 483 4383		Peter.Harmse@westerncape.gov.za

Private Bag X9086 Cape Town 8000	Ref: 19/4/4/BH1/Uitspanskraal			
Department of Agriculture Private Bag X1 Elsenburg 7606	Cor van der Walt Ref: 20/9/2/4/4/036	021 808 5099	021 808 5092	Landuse.Elsenburg@elsenburg.com
Breede Gouritz Catchment Management Agency (also commenting on behalf of Department of Water and Sanitation) PO Box 1205 George 6530	Mr M Mthimkhulu Ref: 4/10/2/H80C/UITSPANSKRAAL	023 346 8000		mmthimkhulu@bgcma.co.za
Heritage Western Cape Private Bag X9067 Cape Town 8000	Mr Andrew September Ref: 17091923ASS0922E	021 483 9543		Andrew.September@westerncape.gov.za
Hessequa Municipality P.O. Box 29 Riversdale 6670	Municipal Manager or Mr. Shagon Carelse Head: Environmental Services	028 713 8000	0287133146	shagon@hessequa.gov.za mm@hessequa.gov.za
Eden District Municipality Disaster Risk Reduction and Climate Change Adaptation Practitioner P.O. Box 12 George 6530	Ms Nina Viljoen	044 803 1529	086 587 7145	nina@edendm.gov.za

LANDOWNER AND NEIGHBOURS NOTIFIED

Landowner

Adriaan Johannes Keyser
PO Box 225
Klein Braak Rivier

6503

Neighbours

Weideland Boerdery Pty Ltd

PO Box 150
Heidelberg
6665

Stephen Keyser Familie Trust
PO Box 100
Heidelberg
6665

MJ & M Badenhorst Familie Trust
PO Box 44
Heidelberg, 6665

MJ & M Badenhorst Familie Trust
PO Box 44
Heidelberg
6665

WJ Wessels
PO Box 44
Heidelberg
6665

George Rall Family Trust
PO Box 217
Heidelberg
6665

Steyn Familie Trust-Doornkraal
PO Box 60
Heidelberg
6665

Kleynhans Familie Trust
PO Box 32
Heidelberg
6665

GJ Willemse
PO Box 127

Heidelberg
6665

Klipdrift Boere Trust
PO Box 123
Suurbrak
6743

NOTICE SENT TO NEIGHBOURS AND PROOF OF POSTAGE

APPLICATION TO MINE ZEOLITE AND BENTONITE ON REMAINING EXTENT OF FARM UITSPANSKRAAL NO 585, HEIDELBERG, WESTERN CAPE DMR SAMRAD REFERENCE NO: 170222

Notice is given of the public participation process commenced by Imerys Refractory Minerals South Africa t/a Cape Bentonite Mine to conduct zeolite and bentonite mining activities on a 151ha area of cultivated agricultural land on Remaining Extent of Farm Uitspanskraal no 585, Heidelberg, Western Cape.

Location: The property is situated approximately 4km northwest of the town Heidelberg in the Western Cape and can be accessed via the R322 towards Barrydale/Suurbraak.

Listed Activities:

Government Notice R. 983 Activity No(s):	Describe the relevant Basic Assessment Activity(ies) in writing as per Listing Notice 1 (GN No. R. 983)	Describe the portion of the development as per the project description that relates to the applicable listed activity
12	The development of- (xii) infrastructure (<i>mining activities</i>) or structures with a physical footprint of 100 square metres or more; where such development occurs- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;	Mining activities proposed within 32m from the edge of secondary non-perennial drainage lines as present on site.
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.	Mining closure. The decommissioning of the 151ha mine area
28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (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.	Mining activities as proposed on cultivated agricultural land of 151ha

Government Notice R. 984 Activity No(s):	Describe the relevant Scoping and Environmental Impact Assessment Activity(ies) in writing as per Listing Notice 2 (GN No. R. 984)	Describe the portion of the development as per the project description that relates to the applicable listed 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 associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	Proposed bentonite and zeolite mining right application.
21	Any activity including the operation of that activity associated with the primary processing of a mineral resource including winning, reduction, extraction, classifying, concentrating, crushing, screening and washing but excluding the smelting, beneficiation, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.	Winning/extraction of bentonite and zeolite as proposed.

Exemption: No application for any exemption is sought.

Opportunity to participate: Interested and Affected Parties are invited to register interest within the process, or provide written comments to Eco Impact within 30 days of this notice. The project title, your full name, contact details, plus indication of any direct business, financial, personal or other interest you may have in this application must please be provided and fully described.

Each landowner must please ensure that all persons residing on his/her property are informed of the notice for mining right application.

Contact: Johmandie Pienaar
PO Box 45070, Claremont, 7735
Tel: 021 671 1660
Fax: 021 671 9976
Email: admin@ecoimpact.co.za



Date: 30 January 2017

**MAILING LIST: UITSPANSKRAAL MINING RIGHT APPLICATION- NOTICES TO
NEIGHBOURS**

Stephen Keyser Family Trust
P.O. Box 225
Klein Braak Rivier
6503

REGISTERED LETTER
(with a domestic insurance option)
RC230530787ZA
A BOOK COPY

Weideland Boerdery Pty Ltd
P.O. Box 150
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530705ZA
A BOOK COPY

Stephen Keyser Family Trust
P.O. Box 100
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530651ZA
A BOOK COPY

MJ & M Badenhorst Family Trust
P.O. Box 44
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530532ZA
A BOOK COPY

WJ Wessels
P.O. Box 44
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530594ZA
A BOOK COPY

George Rall Family Trust
P.O. Box 60
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530395ZA
A BOOK COPY

Steyn Family Trust – Doornkraal
P.O. Box 60
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530444ZA
A BOOK COPY

Kleynhans Family Trust
P.O. Box 32
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530387ZA
A BOOK COPY

GJ Willemse
P.O. Box 127
Heidelberg
6665

REGISTERED LETTER
(with a domestic insurance option)
RC230530775ZA
A BOOK COPY

Klipdrift Boere Trust
P.O. Box 123
Suurbrak
6743

REGISTERED LETTER
(with a domestic insurance option)
RC230530719ZA
A BOOK COPY



M. H. Wessels

(10)

NOTICE PLACED ON APPLICABLE PROPERTY BOUNDARIES AND PHOTOGRAPHIC PROOF THEREOF

**APPLICATION TO MINE ZEOLITE AND BENTONITE ON REMAINING EXTENT OF FARM
UITSPANSKRAAL NO 585, HEIDELBERG, WESTERN CAPE
DMR SAMRAD REFERENCE NO: 170222**

Notice is given of the public participation process commenced by Imerys Refractory Minerals South Africa t/a Cape Bentonite Mine to conduct zeolite and bentonite mining activities on a 151ha area of cultivated agricultural land on Remaining Extent of Farm Uitspanskraal no 585, Heidelberg, Western Cape.

Location: The property is situated approximately 4km northwest of the town Heidelberg in the Western Cape and can be accessed via the R322 towards Barrydale/Suurbraak.

Listed Activities:

Government Notice R. 983 Activity No(s):	Describe the relevant Basic Assessment Activity(ies) in writing as per Listing Notice 1 (GN No. R. 983)	Describe the portion of the development as per the project description that relates to the applicable listed activity
12	The development of- (xii) infrastructure (<i>mining activities</i>) or structures with a physical footprint of 100 square metres or more; where such development occurs- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;	Mining activities proposed within 32m from the edge of secondary non-perennial drainage lines as present on site.
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.	Mining closure. The decommissioning of the 151ha mine area

28	<p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>Mining activities as proposed on cultivated agricultural land of 151ha</p>
Government Notice R. 984 Activity No(s):	<p>Describe the relevant Scoping and Environmental Impact Assessment Activity(ies) in writing as per Listing Notice 2 (GN No. R. 984)</p>	<p>Describe the portion of the development as per the project description that relates to the applicable listed activity</p>
17	<p>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 associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</p>	<p>Proposed bentonite and zeolite mining right application.</p>
21	<p>Any activity including the operation of that activity associated with the primary processing of a mineral resource including winning, reduction, extraction, classifying, concentrating, crushing, screening and washing but excluding the smelting, beneficiation, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.</p>	<p>Winning/extraction of bentonite and zeolite as proposed.</p>

Exemption: No application for any exemption is sought.

Opportunity to participate: Interested and Affected Parties are invited to register interest within the process, or provide written comments to Eco Impact within 30 days of this notice. The project title, your full name, contact details, plus indication of any direct business, financial, personal or other interest you may have in this application must please be provided and fully described.

Contact: Johmandie Pienaar
PO Box 45070, Claremont, 7735
Tel: 021 671 1660
Fax: 021 671 9976
Email: admin@ecoimpact.co.za



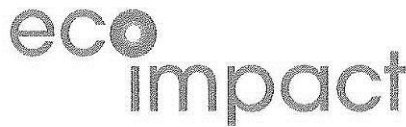
Date: 19 September 2017





**PROOF OF 1st DRAFT SCOPING REPORT SENT TO KEY DEPARTMENTS AND REGISTERED
I&APs DURING SEPTEMBER 2017**

PROOF .



Environmental Health & Safety Legal Consulting

22 September 2017

Heritage Western Cape
9 Wale Street
Cape Town
8000

Attention: Mr Andrew September

**APPLICATION TO MINE ZEOLITE AND BENTONITE ON REMAINING EXTENT OF FARM
UITSPANSKRAAL NO 585, HEIDELBERG, WESTERN CAPE
HWC CASE NUMBER: 17091923
PREVIOUS HWC CASE NUMBER: 17020216**

Good day Mr September

An HWC NID for the above mentioned was submitted to HWC on 09 February 2017 (HWC case number: 17020216) and HWC responded on 24 February 2017. Please see attached a copy of the response received from HWC.

The mining area applied for has increased and as a result the HWC NID has been amended. Please find attached FOUR printed copies and a CD copy of the amended application as well as proof of payment of the R330.00 application fee.

Should you have any queries please contact the project EAP, Mrs Johmandie Pienaar at the details provided below.

Kind Regards,

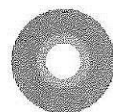
A handwritten signature in black ink, appearing to read 'NZ LOEBENBERG'.

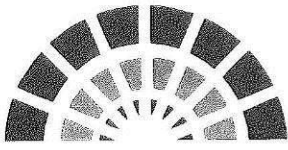
NZ Loebenberg (MS)
EIA Administration

Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za





ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

10119

HWC Receipt 22 / 09 / 2017

For office use only

Initial the box if checked				
	1	2	3	4
Proof of payment	<input checked="" type="checkbox"/>			
Correct reference number	<input checked="" type="checkbox"/>			
Required forms / document submitted				
Correct amount paid	<input checked="" type="checkbox"/>			
Application complete				
Total amount paid	R330			

APPLICANT INFORMATION:	
Contact Person:	Yolanda Henstock
Contact Number:	021 671 1660
SITE INFORMATION:	
Site address:	REM EXTENT OF FARM UITSPANSKRAAL 585
Erf:	
Case no:	17091923
Received by:	P. HINDWE
NOTE:	
• No telephone calls or other queries will be accepted or responded to until 10 working days have elapsed since delivery.	
Application	

PROOF



Environmental Health & Safety Legal Consulting

29 September 2017

DEA&DP: Waste Management
Private Bag X 9086
Cape Town
8000

Attention: Ms Adri La Meyer



MINING RIGHT ON RE EXTENT OF FARM UITSPANSKRAAL No. 585, HEIDELBERG

Enclosed please find a CD copy of the Draft Scoping Report for the above mentioned mining application. Your comments would be appreciated within the regulatory 30 day commenting period or by 30 October 2017.

Kind regards

NZ Loebenberg (Ms)
EIA Administration and Compliance Monitoring

Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za



29 September 2017

DEA&DP: Air Quality & Pollution & Chemicals Management
Private Bag X 9086
Cape Town
8000

Attention: Ms Adri La Meyer

MINING RIGHT ON RE EXTENT OF FARM UITSPANSKRAAL No. 585, HEIDELBERG

Enclosed please find a CD copy of the Draft Scoping Report for the above mentioned mining application. Your comments would be appreciated within the regulatory 30 day commenting period or by 30 October 2017.

Kind regards



NZ Loebenberg (Ms)
EIA Administration and Compliance Monitoring



Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za



proof.



Environmental Health & Safety Legal Consulting

29 September 2017

DEA&DP Development Facilitation
Private Bag X9086
Cape Town
8000

Attention: Ms Adri La Meyer



MINING RIGHT ON RE EXTENT OF FARM UITSPANSKRAAL No. 585, HEIDELBERG
SAMRAD FILE REFERENCE NUMBER: 170222

Enclosed please find ONE printed copy and THREE CD copies of the Draft Scoping Report for the above mentioned mining application. Comments from the Department would be appreciated within the regulatory 30 day commenting period or by 30 October 2017.

Please note that a printed copy and a CD copy of the Scoping Report were sent directly to DEA&DP Development Management- George for comment.

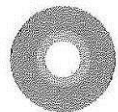
Kind regards

NZ Loeenberg (Ms)
EIA Administration and Compliance Monitoring

Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za



PROOF



Environmental Health & Safety Legal Consulting

29 September 2017

Department of Mineral Resources
Private Bag X09
Roggebaai
8012

Attention: Ms Elise Steenkamp-Liberty

MINING RIGHT ON RE EXTENT OF FARM UITSPANSKRAAL No. 585, HEIDELBERG
SAMRAD FILE REFERENCE NUMBER: 170222

Good day Elise

We write to inform the Department that the Draft Scoping Report for the above mentioned mining right application was sent to Key Departments and the landowner for a regulatory 30 day commenting period on 30 October 2017. Refer to Appendix C for a list the Key Departments to which the Draft Report was sent.

Kind regards

NZ Loebenberg (Ms)
EIA Administration and Compliance Monitoring



Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za



MAILING LIST: UITSPANSKRAAL DRAFT SCOPING REPORT

Deciding Authority *B/H*
Department: Mineral Resources
Attention: Elise Steenkamp
Private Bag X 09
Roggebaai
8012

CapeNature
Scientific Services: Land Use Advice
Attention: Colin Fordham
Private Bag X6546
George
6530

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 779 698 863 ZA
CUSTOMER COPY 301016

DEA&DP: Development Management
Attention: Francois Naudé
Private Bag X6509
George
6530

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 807 970 426 ZA
CUSTOMER COPY 301016

DEA&DP: Development Facilitation
Attention: Adri La Meyer *B/H*
Private Bag X9086
Cape Town
8000

Department of Agriculture
Attention: Brandon Layman
Private Bag X1
Elsenburg
7606

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 779 698 758 ZA
CUSTOMER COPY 301016

BGCMA (commenting on behalf of DWS)
Attention: Fabion Smith
PO Box 1205
George
6530

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 779 698 744 ZA
CUSTOMER COPY 301016

Heritage Western Cape
Attention: Mr Andrew September
Private Bag X9067
Cape Town
8000

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0800 111 502 www.sapo.co.za
RC274859551ZA
CUSTOMER COPY 301028R

Hessequa Municipality
Attention: Municipal Manager, Mayor & WC
Mr. Shagon Carelse
P.O. Box 29
Riversdale
6670

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 776 495 314 ZA
CUSTOMER COPY 301016

Eden District Municipality
Biodiversity and Coastal Management
Environmental Management
Attention: Mr Vernon Gibbs
P.O. Box 12
George
6530

ORDINARY PARCEL
ShareCall 0800 111 502 www.sapo.co.za
PE 779 698 850 ZA
CUSTOMER COPY 301016

Landowner
AJ Keyer
PO Box 225
Klien Brakrivier
6503

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0800 111 502 www.sapo.co.za
RC274859534ZA
CUSTOMER COPY 301028R

Eco Impact
P.O. Box 45070
CLAREMONT
7735

MHewit

**PROOF OF COMMENTS RECEIVED FROM KEY DEPARTMENTS AND REGISTERED I&APs
DURING 1st DRAFT SCOPING REPORT 30 DAY COMMENTING PHASE**

Our Ref: HM/EDEN/HESSEQUA/REMAINDER EXTENT OF FARM UITSPANSKRAAL 585
Case No.: 17091923ASS0922E
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel: 021 483 9543
Date: 13 October 2017

NZ Loebenberg
PO Box 45070
Claremont
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**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED ZEOLITE AND BENTONITE MINE ON THE REMAINDER
EXTENT OF FARM UITSPANSKRAAL 585, HEIDELBERG, SUBMITTED IN TERMS OF SECTION 38(8) OF THE
NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

CASE NUMBER: 17091923ASS0922E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 22 September 2017.

You are hereby notified that, since there is no reason to believe that the proposed zeolite and bentonite mine will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


.....
Mr Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceheritage@westerncape.gov.za

Straatadres: Protea Assuransie gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Privaatsak X9067, Kaapstad, 8001



SCIENTIFIC SERVICES

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physical 4th Floor, York Park, Building,
York Street, George, 6530
website www.capenature.co.za
enquiries Colin Fordham
telephone +27 44 802 5328 fax +27 44 802 5313
email cfordham@capenature.co.za
reference 14/2/6/1/6/5_HESS/585/REM_2017/CF128
date 9th November 2017

EcoImpact Legal Consulting (Pty) Ltd
P.O. Box 45070
Claremont Tel.: 021 671 1660
7735 Fax: 088 21671 1660

admin@ecoimpact.co.za

Attention: Nicole Loebenberg

CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT No. 28 OF 2002) AND THE NEMA FOR EVALUATION OF AN DRAFT SCOPING REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT FOR THE PROPOSED ESTABLISHMENT OF A BENTONITE MINE ON FARM UITSPANSKRAAL No. 585 REMAINDER, HEIDELBERG, HESSEQUA MUNICIPAL AREA

DMR reference #: 170222

CapeNature, as custodian of biodiversity in the Western Cape¹, would like to thank you for the opportunity to comment on the application for a mining right on Farm Uitspanskraal No. 585 Remainder Heidelberg (received on the 9th October 2017) and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The applicant would like to establish several open cast mining pits on the Farm Uitspanskraal No. 585 Remainder. The location of the pits will be on existing agricultural lands with no mining proposed within 8m of any indigenous vegetation (only access roads are proposed to pass through such areas). Rehabilitation is proposed to be undertaken via an ongoing process.

According to Mucina and Rutherford² and the Western Cape Biodiversity Spatial Plan (WCBSP 2017)³, the vegetation units affected on the property are the **Critically Endangered** Eastern Rûens Shale Renosterveld (Hardly Protected), the **Critically Endangered** Cape Lowlands Alluvial (Hardly Protected) and the **Endangered** (listed as Vulnerable in terms of NBA 2011) Swellendam Silcrete Fynbos (Poorly Protected), (Figure 1). All vegetation units are listed as

¹ Section 9, Western Cape Nature Conservation Board Act 15 of 1998

² Mucina, L. & Rutherford, M. C. (EDS) 2006. The Vegetation of South Africa, Lesotho and Swaziland. Strelitzia 19. South African National Biodiversity Institute, Pretoria. (revised 2012)

³ Pence, G.Q.K. 2017. The Western Cape Biodiversity Spatial Plan: Technical Report. In Prep. Western Cape Nature Conservation Board (CapeNature), Cape Town.

threatened ecosystems in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA).

The Eastern Rûens Shale Renosterveld contains 49 threatened plant species and fifteen endemic plant species with <1% formally conserved and with 14% of the original extent remaining in a natural condition. The conservation target for the Eastern Rûens Shale Renosterveld vegetation unit is listed as 27% of its original extent. The Cape Lowland Alluvial Vegetation contains 10 red listed plant species with <1% formally conserved and with 33% of the original extent remaining in a natural condition. The conservation target for the Cape Lowland Alluvial vegetation unit is listed as 31% of its original extent. Lastly the Swellendam Silcrete Fynbos vegetation unit has 23 red data plant species and fourteen endemic plant species with 4% formally conserved and 49% of the original extent remaining in a natural condition. The conservation target for the Swellendam Silcrete Fynbos vegetation unit is listed as 30% of its original extent.

In addition to the vegetation found on site there are several cultivated fields as per the Department of Agriculture Fisheries and Forestry (DAFF) 2013 data. It is primarily these areas that have been targeted for mining operations. In addition to which, there are several non-perennial drainage lines and National Freshwater Ecosystem Priority Area (NFEPA) ⁴ wetlands adjacent to the proposed mine areas (Figure 1).

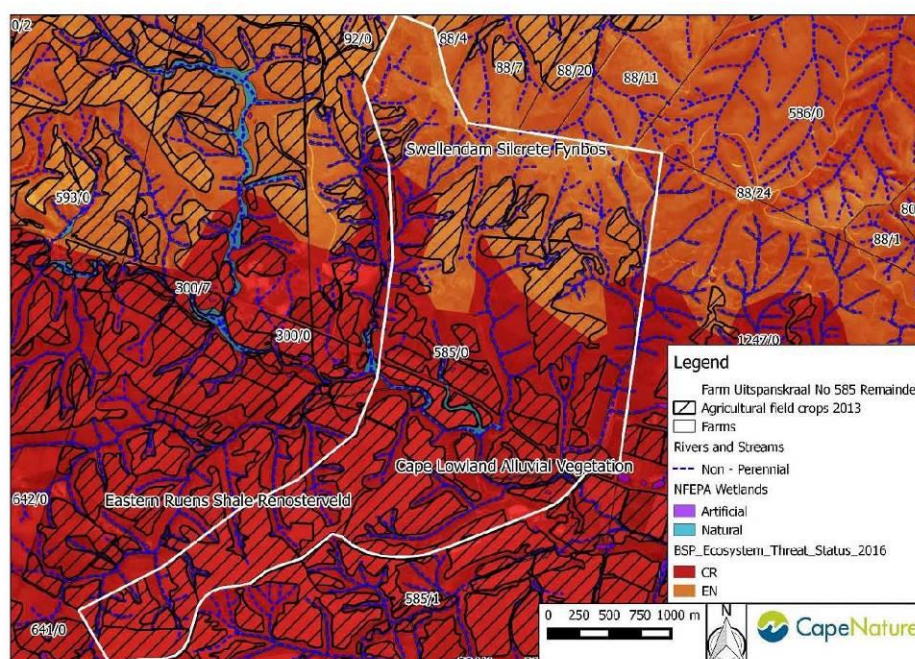


Figure 1: Map showing location of the DAFF fields, relative to farm boundaries, vegetation units, NFEPA wetlands and locations of known streams and rivers.

⁴ Nel, J.L., Murray, K.M., Maherry, A.M., Petersen, C.P., Roux, D.J., Driver, A., Hill, L., Van Deventer, H., Funke, N., Swartz, E.R., Smith-Adao, L.B., Mbona, N., Downsborough, L. & Nienaber, S. (2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801.

According to the WCBSP and the DAFF (2013) data, the majority of the proposed mine area is located on No Natural remaining areas with the exception of some Ecological Support Area 2 regions (Figure 2).

ESA 2 areas are defined as: "Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services."

ESA 2 objectives are: "Restore and/or manage to minimize impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement."

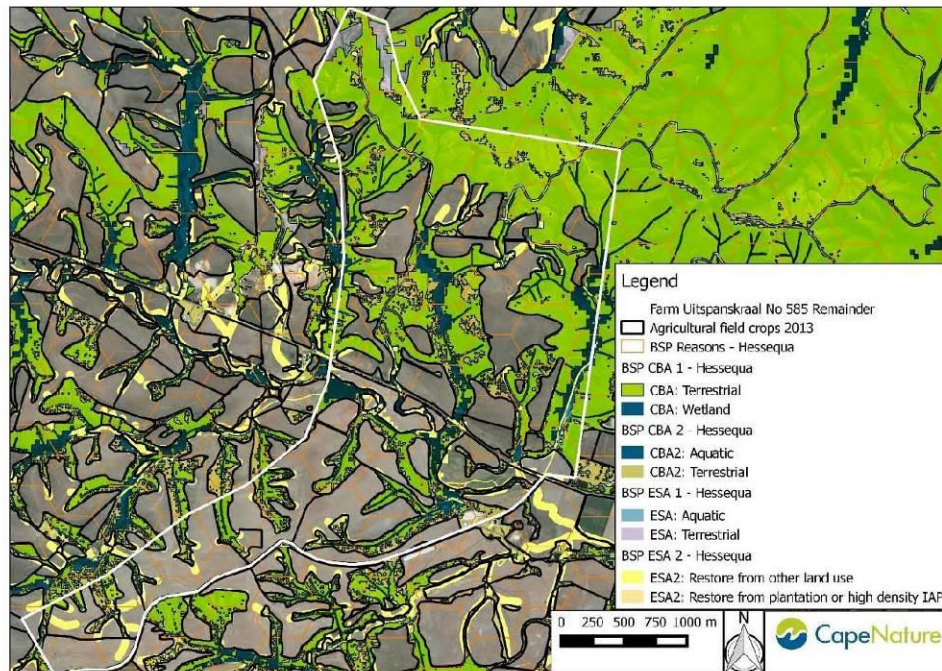


Figure 2: Map showing location of mine relative to farm boundaries, DAFF registered fields and WCBSP (2017) data.

Following a review of the Draft Scoping Report, Environmental Management Programme Report (EMPr) and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations:

1. Prior to the commencement of mining activities on the property, the number livestock grazing the farm must be reduced accordingly and records of such activities submitted to relevant authorities. This is to prevent overgrazing of stock within the sensitive CBA and Critically Endangered vegetation units due to mining activities removing vegetation and therefore changing livestock carrying capacity of the farm.

The Western Cape Nature Conservation Board trading as **CapeNature**

Page 3 of 5

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack

2. WCBSP (2017) ESA 2 regions are areas delineated that require restoration from other land-uses to support sensitive areas that are designed to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. As stipulated in the Land Use Advice (LUA) Handbook (Pool-Stanvliet *et al.* 2017)⁵ although the mine area selected may have undergone a level of disturbance via agricultural practices, this cannot be used as motivation for establishing of mining activities within ESA 2. It is therefore recommended that these regions be excluded from the mining operations as mining of these regions could compromise the ecosystem functionality of the CBA regions present on the property.
3. According to the *Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape* (de Villiers *et al.* 2016)⁶: “All core renosterveld conservation areas should be buffered by an area of natural habitat of at least 30 m breadth. It is especially important to establish buffers when renosterveld patches are adjacent to agricultural lands.” It is therefore recommended that the EAP and Ecologist buffer all of the identified sensitive regions accordingly informing the mine layout accordingly.
4. The No-Go area map should be compiled by the ecologist and appended to the Operational EMPr. This would act as a reminder to the applicant of the location of sensitive regions on the property. It is also recommended that the extent of the mining footprint be fenced off prior to mining activities taking place.
5. The location of all proposed haulage and mine access roads should be illustrated on an appropriately scaled map. It is especially important to illustrate how and where existing farm tracks would need to be upgraded and the sizes of these roads given. The impact of these would have on the neighbouring sensitive habitat should also be suitably assessed.
6. The rehabilitation and closure plan does not list the plant species proposed to be used in the rehabilitation process. Greater botanical detail regarding the proposed implementation of the rehabilitation plan is also required.
7. A suitably qualified Environmental Control Officer (ECO) must be appointed during the operational phase of the mine to ensure that rehabilitation measures are being implemented as per the mining plan. Given the nature of the proposed mine plan, the applicant should be restricted from continuing to mine neighbouring sections, without the competent authority approving the extent of rehabilitation measures undertaken on mined areas.
8. It should be noted that no mining activities may occur, prior to the completion of the relevant Hessequa Municipality town planning application processes for the mine on the property.

CapeNature may provide additional comment on any required further applications and reserves the right to revise initial comment and request further information based on any additional information that may be received.

⁵ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. (2017). *The Western Cape Biodiversity Spatial Plan Handbook*. Stellenbosch: CapeNature.

⁶ De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). *Ecosystem Guidelines for Environmental Assessment in the Western Cape*, Edition 2. Fynbos Forum, Cape Town

Yours sincerely



Colin Fordham
For: Manager (Scientific Services)

Copies to:

- (1) Mr C. van der Walt (WCG: Department of Agriculture: Land Management)**
- (2) Mr P. Louw (Hessequa Local Municipality)**
- (3) Mr D Swanepoel (DEA&DP)**

PROOF OF FINAL SCOPING REPORT SENT TO KEY DEPARTMENTS AND REGISTERED I&As
DURING DECEMBER 2017

MAILING LIST – UITSPANSKRAAL MINING RIGHT APPLICATION
FINAL SCOPING REPORT

Department: Mineral Resources BH
Att: Elise Steenkamp
Private Bag X 09
Roggebaai
8012

Cape Nature
Att: Colin Fordham
Private Bag X 6546
George
6530

ORDINARY PARCEL
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A BOOK COPY

DEA&DP: Pollution & Chemical Management
Att: W. Kloppers BH
Private Bag X 9086
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DEA&DP: Development Management
Att: Francois Naude
Private Bag X 6509
George
6530

ORDINARY PARCEL
PE 776 495 308 ZA
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DEA&DP: Waste Management
Att: Eddie Hanekom BH
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Cape Town
8000

Department of Agriculture
Att: Brandon Layman
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BGCMA
Att: Fabion Smith
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George
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Heritage Western Cape BH
Att: Andrew September
Private Bag X9067
Cape Town
8000

Hessequa Municipality
Att: Municipal Manager, Mayor & WC
P.O. Box 29
Riversdale
6670

ORDINARY PARCEL
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Eden District Municipality
Att: Vernon Gibbs
P.O. Box 12
George
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ORDINARY PARCEL
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Eco Impact
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6
W. Steenkamp

PROOF OF COMMENTS RECEIVED FROM KEY DEPARTMENTS AND REGISTERED I&APs
DURING FINAL SCOPING REPORT 30 DAY COMMENTING PHASE

BREDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla nokungqongileyo

P.O Box 1205 / 101 York Street
George, 6530

✉: Mr.M Mthimkhulu
✉: mmthimkhulu@bgcma.co.za

☎: 023-346 8000
📄: 4/10/2/H80C/ UITSPANSKRAAL

ECO IMPACT
P.O. Box 45070
Claremont
7735

Attention: Ms Y Henstock

Dear Madam

**COMMENTS ON ENVIRONMENTAL MANAGEMENT PLAN FOR PROPOSED
MINING RIGHT ON REMAINING EXTENT OF FARM UITSPANSKRAAL NR
585 HEIDELBERG, WESTERN CAPE**

The above mentioned report, SAMRAD reference number: 170222 for the above mentioned activity has reference.

The Breede-Gouritz Catchment Management Agency (BGCMA) has the following comments:

1. No operation is allowed within 100m of a water resource or 1:100 year floodline whichever is the greatest. If the proposed activity falls within these criteria, you need to apply for water use license to ensure that the riparian ecological status of the water resource will not be negatively impacted. It is advisable to consider an alternative site.
2. Please note that any development within 500m from the boundary of any wetland requires a water use licence according to National Water Act (NWA) 1998 (Act No. 36 of 1998).
3. No water maybe abstracted from any surface water body and groundwater unless authorized by this Agency.
4. Where solid waste disposal is to take place on site, ensure that only non-toxic materials which have no risk of polluting the groundwater, are buried in designated approved areas at acceptable depths below ground level.
5. No surface, ground or storm water may be polluted as a result of any activities on the site.

Page 1 of 2

6. The rehabilitation of the site must ensure that the final conditions of the site is environmentally acceptable and that there will be no adverse long term effects on the surrounding environment especially the water resources.
7. Please note that all requirements as stipulated in the National Water Act (NWA) 1998(Act No. 36 of 1998) must be adhered to.
8. Please note that this Agency reserves the right to amend and / or add to the comments made above in the light of subsequent information received.

If you have any questions please don't hesitate to contact the official at the above mentioned details.

Kind Regards

JAN VAN STADEN



CHIEF EXECUTIVE OFFICER (ACTING)

DATE: 10/01/2018



REFERENCES:

16/3/3/6/4/2/2/D5/7/0172/17 (Development Management)
19/2/5/3/D5/7/WL0088/17 (Waste Management)
19/4/4/BH1/Uitspanskraal (Air Quality Management)

DATE: 30 October 2017

The Board of Directors
Eco Impact Legal Consulting (Pty) Ltd
P.O. Box 45070
CLAREMONT
7735

For attention: Ms NZ Loebenberg

Tel: (021) 671 1660
E-mail: nicole@ecoimpact.co.za

PER E-MAIL

Dear Madam

COMMENT ON THE DRAFT SCOPING REPORT FOR THE PROPOSED MINING OF BENTONITE AND ZEOLITE BY CAPE BENTONITE MINE ON THE REMAINING EXTENT OF THE FARM UITSPANSKRAAL NO. 585, HEIDELBERG (SAMRAD FILE REFERENCE: 170222)

1. The Draft Scoping Report ("DSR") dated September 2017 as received by the Department on 2 October 2017 refers. Please find the Department's collated comments on the DSR.
2. Directorate: Development Management (Region 3) – Ms Shireen Pullen (Shireen.Pullen@westerncape.gov.za; Tel: (044) 805 8600):
 - 2.1 It is understood that the proposal entails the mining of bentonite and zeolite on 151 hectares ("ha") of transformed agricultural land. The mining activities will take place in phases and the total size of the mining areas will encompass a total quarry size of 38.32ha. Page 10 of the DSR however states that 15.2ha is proposed for the mining activities area, which contradicts page 5 and 6, which refer to a mining application area of 151ha. Furthermore, page 10 of the DSR states that "*Mining operations on the 2.2ha applicable areas is expected to take approximately nine years.*" Please provide clarity on the discrepancies indicated.

- 2.2 This Directorate is satisfied that the proposed layout is designed to avoid Critical Biodiversity Areas and Ecological Support Areas, which also considers the recommendations made in the Ecological Baseline Assessment dated September 2017 compiled by Eco Impact Legal Consulting. Although it is motivated that areas sensitive to physical disturbance will be avoided, this Directorate however remains concerned about the cumulative impact of the anticipated negative ecological impacts on the surrounding remnants of indigenous vegetation. It is therefore important that the anticipated cumulative impacts be identified and described in the Final Scoping Report ("FSR") and be assessed during the environmental impact assessment ("EIA") phase, or at least describe how these impacts will be addressed.
- 2.3 Further, all mining activities should be restricted to the areas already disturbed by agricultural activities and be kept away from watercourses or drainage lines.
- 2.4 Consideration should also be given to the need and desirability of the proposal and to what extent the proposed mining activities will impact on the current land use (e.g. the agricultural potential of the portion of land earmarked for the proposed mining activities), as well as the socio-economic viability of the land. It is not clear which specialist study or report supports the concluding statement in the DSR that *"the socio-economic benefits of the proposed bentonite mining outweigh the potential negative impact on the environment if specialist and EMP recommendations are effectively implemented."* The FSR and Draft EIA Report should clearly specify which aspects of the environment will be outweighed, as it is not clear which findings inform this concluding statement. Considering the latter, inputs from the Department of Agriculture will critically inform the need for a Soil Potential Study to weigh the potential benefits of the proposed mining activities against the agricultural potential and benefits of the land from an agricultural perspective. If a Soil Potential Study is required by the Department of Agriculture, then the Plan of Study for EIA must be amended to include the specialist study.
- 2.5 In terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) a holder *"in relation to a prospecting right, mining right, mining permit, retention permit, exploration right, production right, reconnaissance permit or technical co-operation permit, means the person to whom such right or permit has been granted or such person's successor in title."* Therefore, the holder of the mining right will ultimately be responsible for the rehabilitation of the mining right area. The Mine Closure/ Rehabilitation Plan dated September 2017 compiled by Eco Impact Legal Consulting must clearly articulate the financial provision that has been made for each stage/ phase of rehabilitation.
- 2.6 Rehabilitation of the mining right area must be focussed on restoring the topography (land form) and no significant depression should be left in the landscape. Local, indigenous vegetation should be reintroduced during the rehabilitation process. Where re-vegetation work will be done on the disturbed areas, only suitable vegetation must be used that naturally occurs in the immediate area and no alien plant species should be introduced into the area.

- 2.7 All road tracks that will be created because of vehicle movement over undisturbed veld must be rehabilitated as close as possible to the former state, and erosion-preventative measures must be implemented to mitigate potential erosion of loose soil, both from vehicle paths and the mined areas.
- 2.8 Please be advised that the Planning Component of the Directorate: Development Management (Region 3) of this Department (Stiaan Carstens, e-mail: Stiaan.Carstens@westerncape.gov.za) should also be included in the list of potential interested and affected parties/ state Departments to be consulted on the development proposal.
- 2.9 Please be advised that the EIA Regulations, 2014 and its listing notices were amended on 7 April 2017 and came into effect on the same day. It is noted that Activity 21 of Government Notice ("GN") No. R. 984 of 4 December 2014 (as amended) has been applied for. Please note that said activity has been repealed and authorisation for the activity is therefore no longer required.
- 2.10 All specialist reports must comply with all the relevant information requirements stipulated in Appendix 6 of the EIA Regulations, 2014 (as amended). Similarly, the Environmental Management Programme ("EMPr") should comply with all the relevant information requirements stipulated in Appendix 4 of the EIA Regulations, 2014 (as amended).
3. Directorate: Pollution and Chemicals Management – Ms Nicole Garcia (Nicole.Garcia@westerncape.gov.za; Tel: (021) 483 8352):
- 3.1 It is noted that the proposed mining areas will be rehabilitated to its previous state once mining operations have ceased. Storing of topsoil is likely to decrease the agricultural land value and the applicant must indicate what the return value of the land would be after the rehabilitation process is completed (i.e. what percentage of the mining area will not be able to be reused for agricultural purposes?).
- 3.2 The Ecological Baseline Assessment states that the drainage lines of the site feed into the lower lying man-made farm dams and the Duiwenhoks River. The Storm Water Management Plan attached as Appendix G2 of the DSR must be included in the Draft EIA Report. Pollution of the farm dams must be prevented to create a situation where it becomes unsuitable for irrigation purposes. Furthermore, natural water resources (i.e. the Duiwenhoks River and groundwater resources) may not be polluted due to mining operations.
- 3.3 It is noted that a 1st Draft EMPr was included as an appendix to the DSR. Please be advised that an EMPr should be submitted with the EIA Report, as per Regulation 23 of the EIA Regulations, 2014 (as amended). Notwithstanding this, the EMPr must be amended to address the following recommendations:
- 3.3.1 Where possible, all haulage vehicles exiting the site must be suitably covered when transporting materials to minimise the impact of windblown dust;
- 3.3.2 Overloading of vehicles carrying minerals must not be allowed; and
- 3.3.3 A wheel washing facility should be installed and used.

4. Directorate: Waste Management – Mr Gary Arendse (Gary.Arendse@westerncape.gov.za; Tel: (021) 483 3713):
- 4.1 Waste which is temporarily stored at the mining site may not be stored for a period longer than 90 days. Please be advised that storage of hazardous and/or general waste of more than 80m³ and 100m³ respectively, excluding the storage of waste in lagoons or the temporary storage of such waste, would require the applicant to comply with GN No. 926 of 29 November 2013: National Norms and Standards for the Storage of Waste.
- 4.2 Page 63 of the 1st Draft EMPr indicates that various waste types will be disposed of by the mine operator. Please note that where hazardous waste is mixed with general waste, the entire volume of waste will be regarded as hazardous. Hazardous and general waste should therefore be stored in separate containers. Schedule 3 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) defines and identifies categories and waste types and should be consulted to determine which wastes types are classified as hazardous waste.
5. Directorate: Air Quality Management – Mr Peter Harmse (Peter.Harmse@westerncape.gov.za; Tel: (021) 483 4383):
- 5.1 The DSR indicates that the proposed mining activities may result in noise and dust impacts during the operational and decommissioning phases. It is noted that the 1st Draft EMPr provide mitigation measures to address the mentioned impacts. This Directorate awaits the Draft EIA Report with associated EMPr for further comment.
6. Please direct all enquiries to the officials indicated in this correspondence should you require any clarity on any of the comments provided.
7. The Department reserves the right to revise or withdraw initial comments and request further information based on any information received.

Yours faithfully



pp HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



**Western Cape
Government**

Agriculture

Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/4/036
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Eco Impact
PO Box 45070
CLAREMONT
7735

Att: NZ Loebenberg

MINING RIGHT APPLICATION: DIVISION HEIDELBERG
FARM UITSPANSKRAAL NO 585

Your application of 29 September 2017 has reference.

It is noted that no Agricultural Impact Assessment Report (AIAR) is furnished.

Please furnish this office with an AIAR from an expert Soil Scientist (preferred SACNASP registered) to advise on the impact the mine has on the potential of the agricultural land, the best way of rehabilitation from an agricultural perspective (soil fertility, drainage of the area, prevention of saturation etc.) as well as the impact this has on the farmer and loss of production.

Please note that this application also triggers a Section 53 (LUPA) application.

Please also note:

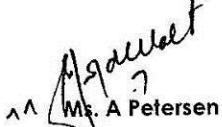
- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

www.elsenburg.com

www.westerncape.gov.za

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely


Ms. A Petersen

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2018-01-08

Copies:

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Department of Environmental Affairs & Development Planning (George)
Private Bag X 6509
George
6530

Department of Agriculture: LandCare Riversdal (Mr. W Filmalter)
PO Box 33
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6670

Cape Nature George
Private Bag X6546
GEORGE
6530

Hessequa Municipality
PO Box 29
RIVERSDAL
6670



From:

To:00216719976

31/01/2018 14:29

#822 P.001/003



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER

Development Management
(Region 3)

REFERENCE: 16/3/3/6/4/2/2/D5/7/0172/17
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2018 -01- 31

The Regional Manager
Department of Mineral Resources
Private Bag X9
ROGGE BAY
8012

Attention: Tuwani Monyai

Tel: (021) 427 1000
Fax: (021) 427 1046

Dear Sir

COMMENT ON THE FINAL SCOPING REPORT FOR LISTED ACTIVITIES ASSOCIATED WITH A MINING RIGHT ON REMAINING EXTENT OF FARM UITSPANSKRAAL NO. 585, HEIDELBERG, WESTERN CAPE

1. The final Scoping Report (dated 4 December 2017) but only received by this Department on 11 December 2017 refers.
2. It is uncommon for the Final Scoping Report to be subject to a 30-day commenting period, it is unclear which enabling provision has been implemented to do so. Nonetheless, it is not clear whether this Department's written comment on the draft Scoping Report was taken into account as the inputs do not reflect in the comments and responses report contained in the final Scoping Report. Thank you for the opportunity to provide comment on the proposed development.

In light of the report only being received on 11 December 2017, the 30-day comment period is calculated to end on **31 January 2018**.

3. Please consider the following comments:
 - 3.1. It is understood that the proposal entails the mining of bentonite and zeolite on 151 hectares (quarry extent 38.32 hectares) of transformed agricultural land. The mining activities will take place in phases and the total size of the mining areas will encompass a quarry size of 32,32 hectares.
 - 3.2. This Department is satisfied that the proposed development is designed to avoid Critical Biodiversity Areas (CBA's) and Ecological Support Areas (ESAs) and takes into account all recommendations made by specialists.
 - 3.3. The cumulative impacts identified in the Final Scoping Report must be assessed during the environmental impact phase or at least be described how these will be addressed.

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- 3.4. Further, all mining activities should be restricted to the areas already disturbed by Agricultural activities and be kept away from water courses or drainage lines.
- 3.5. Rehabilitation of the prospecting area must be focussed on restoring the topography (land form), and no significant depression should be left in the landscape. Indigenous vegetation should be reintroduced during the rehabilitation process.
- 3.6. Where re-vegetation work will be done on the disturbed areas, only suitable and locally indigenous vegetation must be used that occurs naturally in the immediate area.
- 3.7. All road paths that will be created as a result of vehicle movement over undisturbed veld must be rehabilitated as close as possible to the former state and erosion-preventative measures must be implemented to mitigate potential erosion of loose soil, both from vehicle paths and the drilled sites.
- 3.8. Consideration, should also be given to the need and desirability of the proposal and to what extent the proposed mining activities will impact on the current land use (e.g. the agricultural potential of the piece of land earmarked for proposed mining activities), as well as the socio-economic viability of the land. It is not clear which specialist study or report findings support the concluding statement in the Draft Scoping Report that; *"the socio-economic benefits of the proposed bentonite mining outweigh the potential negative impact on the environment if specialist and EMP recommendations are effectively implemented."* The Scoping Report should clearly specify, which aspects of the environment will be outweighed, as it is not clear which findings inform this concluding statement. In light of the latter, inputs from the Department of Agriculture will critically inform the need for a Soil Potential Study to weigh the potential benefits of the proposed mining activities against the agricultural potential and benefits of the land from an agricultural perspective.
- 3.9. Further to the above, it is noted from the mining method that overburden will be mined in benches up to the point where the bentonite is intersected. After the bentonite is mined, the overburden will be backfilled into the quarry as mining is advancing, until completed. After landscaping of the overburden, the topsoil will be returned and spread evenly.

The information in the Scoping Report is unclear on the--

3.9.1. Landform / Topography of the site post decommissioning.

The difference in the current ground level and the expected level after the backfill and landscaping (decommissioning) is completed is unclear. As it is not stated that material will be imported to reinstate the decommissioned mine to the current ground level, the mined area is expected to lead to depressions in the landscape. The depth of the depressions is unknown at this point, however, it is expected that this will influence the future land use.

All decommissioned sites must be free flowing and the end-use of the mine may not constitute a storage dam or water detention facility.

It is noted that during the mining operation stormwater will be diverted around the excavations. It is unclear whether the stormwater flow will be restored to a natural system. This aspect should be clarified and dealt with in the EIR.

- 3.9.2. dimensions of the landscaped area (i.e. slope between current ground level and floor of mined area). The slope should not be more than 1:5.

Rehabilitation of the mining area must be focussed on restoring the topography (land form), and no significant depression should be left in the landscape. Locally indigenous vegetation should be reintroduced during the rehabilitation process where the sites will not be prepared for an agricultural end land-use. The cut face slopes of the mining area must be rehabilitated to a slope of preferably 1:6 but not exceeding a gradient of 1:5 (v:h);

- 3.9.3. Impact Management Outcome regarding the future land use is vague and needs clarity.

- 3.10. All Specialist Reports submitted with the Environmental Impact Assessment Report must comply with all the relevant information requirements stipulated in Appendix 2 of the EIA Regulations, 2014 (as amended).

- 3.11. The Environmental Management Programme submitted with the Environmental Impact Assessment Report must comply with all the relevant information requirements stipulated in Appendix 4 of the EIA Regulations, 2014 (as amended).

- 3.12. You are also reminded that the planning component of the Directorate: Development Management (Region 3) of this Department should also be included in the list of interested and affected parties to comment on the proposal.

- 4 This Department will review the Draft Environmental Impact Report once received. It is trusted that the issues and concerns raised above will be adequately addressed before a decision is made on the application.

Yours Faithfully

HEAD OF COMPONENT: EIMS (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

Ms. Y. Henstock - Eco Impact Legal Consulting (Pty) Ltd.

Fax: 021 671 9976

E-mail: admin@ecoimpact.co.za

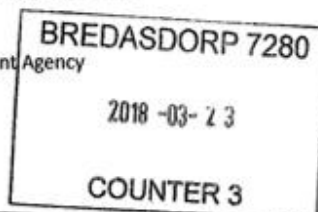
Ms Adri LaMeyer (DEA&DP: DDF)

E-mail: Adri.LaMeyer@westerncape.gov.za

PROOF OF 2nd DRAFT SCOPING REPORT SENT TO KEY DEPARTMENTS AND REGISTERED I&APs DURING MARCH 2018

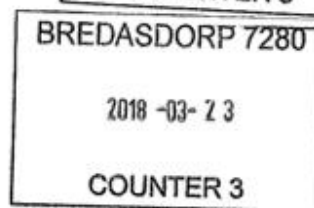
**PROOF OF DRAFT SCOPING REPORT SENT TO KEY DEPARTMENTS AND/OR REGISTERED I&APs FOR
PROPOSED MINING RIGHT APPLICATION ON REMAINING EXTENT OF FARM UITSPANSKRAAL NR
585, HEIDELBERG, WESTERN CAPE
DMR REFERENCE NUMBER: WC30/5/1/2/2/10098MR**

Breede Gouritz Catchment Management Agency
PO Box 1205
101 York Street
George
6530
Att: Mr M. Mthimkhulu



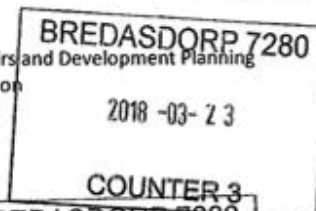
ORDINARY PARCEL
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CUSTOMER COPY 301016

CapeNature
Scientific Services
Private Bag X6546
101 York Street
George
6530
Att: Mr Colin Fordham



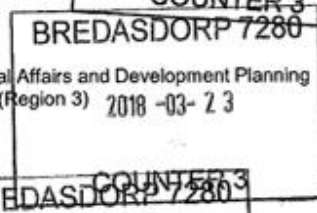
ORDINARY PARCEL
ShareCaf 0800 111 002 www.scap.co.za
PE 927 961 029 ZA
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Department of Environmental Affairs and Development Planning
Directorate: Development Facilitation
Private Bag X9086
Cape Town
8000
Att: Adri La Meyer



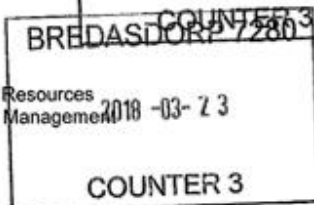
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Department of Environmental Affairs and Development Planning
Development Management (Region 3)
Private Bag X6509
George
6530
Att: Shireen Pullen



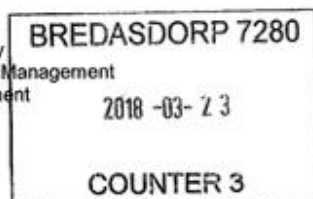
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CUSTOMER COPY 301016

Department Mineral Resources
Mine Environmental Management
Private Bag X09
Roggebaai
8001
Att: Mr T.P. Monyai



ORDINARY PARCEL
ShareCaf 0800 111 002 www.scap.co.za
PE 927 960 403 ZA
CUSTOMER COPY 301016

Eden District Municipality
Biodiversity and Coastal Management
Environmental Management
PO Box 12
George
6530
Att: Mr Vernon Gibbs



ORDINARY PARCEL
ShareCaf 0800 111 002 www.scap.co.za
PE 927 960 845 ZA
A BOOK COPY

Hessequa Municipality
PO Box 29
Riversdale
6670
Att: Mr Shagon Carelse

BREDASDORP 7280

2018 -03- 23

COUNTER 3

BREDASDORP 7280

ORDINARY PARCEL
ShareCall 0800 111 882 www.napra.co.za
TE 927 960 964 ZA
CUSTOMER COPY 301016

Heritage Western Cape
Private Bag X9067
Cape Town
8000
Att: Andrew September

2018 -03- 23

COUNTER 3

BREDASDORP 7280

ORDINARY PARCEL
ShareCall 0800 111 882 www.napra.co.za
TE 927 960 902 ZA
CUSTOMER COPY 301016

Western Cape Government
LandUse Management
Private Bag X1
Eisenburg
7606
Att: Cor van der Walt

2018 -03- 23

COUNTER 3

ORDINARY PARCEL
ShareCall 0800 111 882 www.napra.co.za
TE 927 960 522 ZA
CUSTOMER COPY 301016

PROOF OF COMMENTS RECEIVED FROM KEY DEPARTMENTS AND REGISTERED I&APs
DURING 2nd DRAFT SCOPING REPORT 30 DAY COMMENTING PHASE

From: Makhosi Mthimkhulu [mailto:MMthimkhulu@bgcma.co.za]

Sent: Monday, April 9, 2018 3:50 PM

To: Johmandie

Cc: Andiswa Sam

Subject: RE: Comments on BAR Uitspanskraal

Good day

We have received your report for the above mentioned activity.

As per our telephonic conversation we are satisfied with your response (page 19 of 102 in your report), and keeping to the specialist recommendation of the buffer zone.

We have no further comments.

Kind Regards

M.U Mthimkhulu

✉:mmthimkhulu@bgcma.co.za

P.O Box 1205 / 101 York Street

George, 6530

BREEDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla nokungqongileyo



**Western Cape
Government**
Environmental Affairs and
Development Planning

BETTER TOGETHER.

ENQUIRIES:

Ms Shireen Pullen (Directorate: Development Management)
Ms Nicole Garcia/ Ms Shehaam Brinkhuis (Directorate: Pollution and
Chemicals Management)
Ms Hadjira Peck (Directorate: Waste Management)
Mr Peter Harmse (Directorate: Air Quality Management)

REFERENCES:

16/3/3/6/4/2/2/D5/7/0172/17 (Development Management)
19/2/5/3/D5/7/WL0070/18 (Waste Management)
19/4/4/BH1/Uitspanskraal (Air Quality Management)

DATE: 24 April 2018

The Board of Directors
Eco Impact Legal Consulting (Pty) Ltd
P.O. Box 45070
CLAREMONT
7735

For attention: Ms Johmandie Pienaar

Tel: (021) 671 1660

E-mail: johmandie@ecoimpact.co.za

PER E-MAIL

Dear Madam

COMMENT ON THE NEW DRAFT SCOPING REPORT FOR THE PROPOSED MINING OF BENTONITE AND ZEOLITE BY CAPE BENTONITE MINE ON THE REMAINING EXTENT OF THE FARM UITSPANSKRAAL NO. 585, HEIDELBERG (DMR REFERENCE: WC30/5/1/2/2/10098MR)

1. The Draft Scoping Report ("DSR") dated March 2018 as received by the Department on 28 March 2018 refers. The Department notes that the previous application (DMR reference: WC30/5/1/2/2/10097MR) has lapsed due to the failure to submit the Final Scoping Report to the competent authority within the legislated timeframe. The Department provided comment on the previous DSR dated September 2017 and notes that the Department's comments dated 30 October 2017 on the previous DSR were incorporated and addressed in the new DSR. The Department further notes that the comments issued on 31 January 2018 by the Directorate: Development Management (Region 3) on the Final Scoping Report dated December 2017, were incorporated in the new DSR.

Please find the Department's collated comments on the new DSR.

11th Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 2887 fax: +27 21 483 4185

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

2. Directorate: Development Management (Region 3) – Ms Shireen Pullen (Shireen.Pullen@westerncape.gov.za; Tel: (044) 805 8600):
- 2.1 This Directorate notes that its comments on the previous application (dated 30 October 2017 and 31 January 2018) were captured correctly and responded to in the new DSR. This Directorate has no new comments on the DSR, but reiterates that the Planning Component of this Directorate (attention: Mr Stiaan Carstens) should be consulted on the development proposal during the Environmental Impact Assessment ("EIA") Reporting phase of the application. Kindly notify the Directorate: Development Facilitation (Adri.LaMeyer@westerncape.gov.za) when such request is made to Mr Carstens to ensure that the comments from the Planning Component are included in this consolidated Department's comments on the Draft EIA Report.
3. Directorate: Pollution and Chemicals Management – Ms Nicole Garcia/ Ms Shehaam Brinkhuis (Nicole.Garcia@westerncape.gov.za; Shehaam.Brinkhuis@westerncape.gov.za; Tel: (021) 483 8352/ 8309):
- 3.1 Regarding the 3rd Draft Environmental Management Programme ("EMPr") attached as Appendix H of the new DSR, the following preliminary comment is offered for inclusion in the EMPr to be submitted with the EIA Report:
- 3.1.1 The sections on hydrocarbon spillage and leakage of hazardous substances must be expanded to include the reporting mechanisms of such incidences to all the relevant authorities (including to this Directorate) in accordance with section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").
- 3.1.2 When used as a liquid absorber, bentonite waste could be disposed of with other non-toxic and inactive materials at a suitably licenced waste disposal facility. This recommendation is only allowed for bentonite waste disposal consistent with the prescribed regulations and only if used for non-toxic waste mitigation purposes.
- 3.1.3 The EMPr should include a responsible chemicals management plan for chemicals (including hazardous materials such as fuels) used during the proposed development. All chemicals must be handled, stored, transported and disposed of in a responsible and environmentally safe manner.
4. Directorate: Waste Management – Ms Hadjira Peck (Hadjira.Peck@westerncape.gov.za; Tel: (021) 483 3003):
- 4.1 As per paragraph 3.1.1 above, incident management includes the reporting, containment and clean-up procedure of such incident and the remediation of the affected area. Containment, clean-up and remediation of incidents identified in section 30 of the NEMA, 1998 must commence immediately, and all the necessary documentation must be completed and submitted within the prescribed timeframes.

5. Directorate: Air Quality Management – Mr Peter Harmse (Peter.Harmse@westerncape.gov.za; Tel: [021] 483 4383):
- 5.1 This Directorate notes that the 3rd Draft EMPr provides mitigation measures to address noise and dust impacts during the construction, operation and decommissioning phases of the proposed development. This Directorate awaits the Draft EIA Report with updated EMPr for further comment.
6. Please direct all enquiries to the officials indicated in this correspondence should you require any clarity on any of the comments provided.
7. The Department reserves the right to revise or withdraw initial comments and request further information based on any information received.

Yours faithfully



pp **HEAD OF DEPARTMENT**

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



From:

To:00216719576

23/04/2018 09:51 #943 P.001/001

JP



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER

Development Management
(Region 3)

REFERENCE: 16/3/3/6/4/2/2/D5/7/0172/17
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2018-04-20

The Regional Manager
Department of Mineral Resources
Private Bag X9
ROGGE BAY
8012

Attention: Tuwani Monyai

Tel: (021) 427 1000

Fax: (021) 427 1046

Dear Sir

COMMENT ON THE DRAFT SCOPING REPORT FOR LISTED ACTIVITIES ASSOCIATED WITH A MINING RIGHT ON REMAINING EXTENT OF FARM UITSPANSKRAAL NO. 585, HEIDELBERG, WESTERN CAPE

1. The draft Scoping Report received by the Directorate: Development Management Region 3 (hereinafter referred to as "this Directorate") on 28 March 2018 refers.
2. It is noted that the previous application with the Department of Mineral Resource lapsed due to the fact that the final Scoping Report was not received within the legislated timeframe.
3. It is also noted that the proposal has not changed and therefore this Directorate has no additional comment at this stage. All comments provided during the previous round of Public Participation is still valid.
4. This Directorate will review the Environmental Impact Report once received. It is trusted that the issues and concerns raised during the previous round of PPP will be adequately addressed before a decision is made on the application.

Yours Faithfully

FOR: HEAD OF COMPONENT: EIMS (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copies:

Ms. Y. Henstock

Eco Impact Environmental Health and Safety Legal Consulting

Fax: 021 671 9976

Email: admin@ecoinpact.co.za

4th floor, York Park Building,
93 York Street, George, 6529
Tel: +27 44 805 8600 fax: +27 44 874 2423

Private Bag X6509, George, 6530
www.westerncape.gov.za/eadp

NAVRAE: N VILJOEN
ENQUIRIES:
KONTAKNR: 044 803 1529
CONTACT NO



VERW: 18/3/4/4
REF:
KANTOOR: GEORGE
OFFICES:
DATUM: 24 April 2018
DATE

Me J. Pienaar
Eco Impact Legal Consulting
PO Box 45070
Claremont
7735

Dear Me J. Pienaar

**PROPOSED MINING RIGHT APPLICATION ON REMAINING EXTENT OF FARM
UITSPANKRAAL NR 585, HEIDELBERG, WESTERN CAPE (DMR REF NO
WC30/5/1/2/210098MR)**

The Eden District Municipality would like to thank you for providing this Department with the mining right application for Farm Uitspankraal Nr 585, Heidelberg, and would like to provide the following comments:

The Municipality has no objection to the proposed development provided that:

- o The mitigation measures as indicated in the Report be adhered to;
- o No mining activities may occur prior to the completion of the relevant Hessequa Municipality town planning application processes for the mine on the property;
- o It be explained in more detail the dust pollution mitigation methodologies to be implemented;
- o It be explain what sources of non-potable water will be used to dampen bare soil to mitigate windblown dust, as mentioned in your Report.

The Eden District Municipality reserves the right to provide comment or to amend initial comments.

Yours sincerely,

**(pp) M STRATU
MUNICIPAL MANAGER**

YORKSTRAAT 54 YORK STREET 12 GEORGE 6530

☎ (044) 803 1300 📠 (044) 874 6626 E-POSB/E-MAIL: rekords@edendm.co.za WEBSITE : www.edendm.co.za

**PROOF OF FINAL SCOPING REPORT ACCEPTANCE BY THE DEPARTMENT OF MINERAL
RESOURCES**



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Roggebaai, 8012, Tel: 021 427 1000, Fax: 021 427 1046
Atterbury House, 09 Riebeeck Street, Cape Town, 8000

Enquiries: Mr. Monyai T.P. **Ref:** WC 30/5/1/2/2/10098MR
E-Mail Address: Tuwani.Monyai@dmr.gov.za **Sub-Directorate:** Mine Environmental
Management

BY REGISTERED MAIL

Imerys Refractory Minerals South Africa
P O Box 8118
Centurion
0046

Attention : Mr. X. Mvinjelwa.
Fax : 012 643 1966
Tel : 012 643 5880
Email : Xolisa.Mvinjelwa@samrec.com

**ACCEPTANCE OF THE SCOPING REPORT WITH RESPECT TO AN APPLICATION
FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF
NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS
AMENDED, READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT
ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, FOR MINING RIGHT
APPLICATION FOR BENTONITE AND ZEOLITE MINING ACTIVITIES ON PORTION OF
THE REMAINING EXTENT OF FARM UITSPANKRAAL 585, IN THE MAGISTERIAL
DISTRICT OF HEIDELBERG: WESTERN CAPE REGION**

The Scoping Report (SR) and Plan of Study for Environmental Impact Assessment received
by the department on **04 May 2018** refer.

1. The department has evaluated the submitted SR and Plan of Study for Environmental Impact Assessment received on **04 May 2018** and is satisfied that the documents comply with the minimum requirements of Appendix 2(2) of National Environmental Management Act, 1998 (as amended) (NEMA) Environmental Impact Assessment (EIA) Regulations, 2014 as amended. The SR is hereby accepted by the department in terms of regulation 22(a) of the NEMA EIA Regulations, 2014 as amended.
2. You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the NEMA EIA Regulations, 2014 as amended.
3. In accordance to Regulation 23(1) *"The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority-*

(a) an environmental impact report inclusive of any specialist reports, and an EMPr, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or (b) a notification in writing that the environmental impact report inclusive of any specialist reports, and an EMPr, will be submitted within 156 days of acceptance of the scoping report by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact report or EMPr, which changes or information was not contained in the reports consulted on during the initial public participation process contemplated in sub regulation (1)(a), and that the revised environmental impact report or EMPr will be subjected to another public participation process of at least 30 days". The environmental impact report inclusive of any specialist reports, and an EMPr must be submitted on/or before the **08 October 2018** and it must be in accordance to Appendix 3, 4 and 6 of the 2014 EIA Regulations as amended.

4. Public participation must be conducted in accordance to Chapter 6 of the 2014 Environmental Impact Assessment Regulations as amended.
5. Please ensure that comments from all relevant stakeholders are submitted to the department with the Environmental Impact Assessment Report (EIAR). This includes but is not limited to the Provincial Heritage Resources Authority (Heritage Western Cape), Cape Nature, Department of Environmental Affairs and Development Planning (DEA&DP), Department of Agriculture, Forestry and Fisheries (DAFF), Department of Water and Sanitation (DWS) and the local municipality. Proof of correspondence with the various stakeholders must be included in the EIAR. Comments received from all the interested and affected parties (including state organs) must be presented in a tabular format that includes the EAP's response to all the issues raised. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments must be enclosed in the EIAR to be submitted to the department.
6. The EAP is also advised to take into consideration comments and issues raised during scoping phase when preparing the EIAR and EMPr.
7. In terms of Regulation 7(2) *"the competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation"*.

8. The EAP is therefore requested to consult environmental impact report inclusive of specialist reports, and an EMPr/closure Plan with every organ of state that administers a law relating to a matter affecting the environment as stipulated on regulation 7(2) of 2014 EIA Regulations as amended and to notify the Department of Mineral Resources of such consultation with the organ of state.
 9. In addition, the following additional information are required for the EIAR:
 - a) Details of the future land use for the site and infrastructure after decommissioning or closure.
 - b) Mine layout plan with the mining area subdivided into blocks or phases.
 - c) Closure plan in accordance to appendix 5 of the NEMA EIA Regulations, 2014 as amended.
 - d) Should a Water Use License be required, proof of application for a license needs to be submitted.
 - e) The total footprint and depth of the proposed development should be indicated.
 - f) Possible impacts and effects of the development on the surrounding environment.
 - g) Information on services required on the site during mining activities, e.g. sewage, refuse removal, water and electricity. Who will supply these services and has an agreement and confirmation of capacity been obtained?
 - h) A construction and operational phase EMPr to include mitigation and monitoring measures.
 - i) Should blasting be required, appropriate mitigation measures should be provided.
 10. The applicant is hereby reminded to comply with the requirements of Regulation 3 of the NEMA EIA Regulations, 2014 as amended with regards to the time period allowed for complying with the requirements of the Regulations.
 11. Please ensure that the EIAR includes the A3 size locality maps of the area and illustrates the exact location of the proposed development. The maps must be of acceptable quality and as a minimum, have the following attributes:
 - Maps relatable to one another;
 - Co-ordinates;
 - Legible legends;
 - Scale of 1:50000;
 - Indication of alternatives and sensitive environmental features;
 - Vegetation types of the study area; and
 - Access road to proposed mining area.
-

12. Further, it must be reiterated that, should an application for Environmental Authorisation be subjected to any permits or authorisations in terms of the provisions of any Specific Environmental Management Acts (SEMAs) and other legislations, proof of such application will be required.
13. You are requested to upload the EIAR and EMPr onto SAMRAD and submit two (2) hard copies of the EIAR and EMPr including a CD to this Regional Office.
14. Your attention is brought to Section 24F of the NEMA which stipulates "that no activity may commence prior to an environmental authorisation being granted by the competent authority".

NB: Regulation 45 of 2014 EIA Regulations as amended stipulates that "an application in terms of these Regulations lapses and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of regulation 3(7)."

Yours faithfully



REGIONAL MANAGER: MINERAL REGULATION

WESTERN CAPE REGION

DATE: 1/6/2018

**PROOF OF 1st DRAFT EIA REPORT SENT TO KEY DEPARTMENTS AND REGISTERED I&APs
DURING JULY-AUG 2018**



PROOF

27 July 2018

Department of Mineral Resources
Private Bag X09
Roggebaai
8012

Attention: Ms Elise Steenkamp-Liberty

**PROJECT TITLE: MINING RIGHT ON RE EXTENT OF FARM UITSPANSKRAAL No. 585,
HEIDELBERG, WESTERN CAPE
DMR REFERENCE NUMBER: WC30/5/1/2/2/10098MR**

Good day Elise

We write to inform the Department that the Draft EIA Report for the above mentioned mining right application was sent to Key Departments for a regulatory 30 day commenting period. Refer to Appendix C for a list the Key Departments to which the Draft Report was sent.

Kind regards

A handwritten signature in black ink, appearing to read 'Yolandie Henstock', is written over the typed name.

Yolandie Henstock
Administration



eco impact Legal Consulting (Pty) Ltd
010/015546/07
Contactors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 450/0
Claremont
South Africa
7735

Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
Email: admin@ecoimpact.co.za
Web: www.ecoimpact.co.za



PROOF



Environmental Health & Safety Legal Consulting

27 July 2018

DEA&DP: Development Facilitation
Private Bag X 9086
Cape Town
8000

Attention: Adri La Meyer

**PROJECT TITEL: MINING RIGHT ON REMAINING EXTENT OF FARM UITSPANSKRAAL NR 585,
HEIDELBERG, WESTERN CAPE
DMR REFERENCE NUMBER: WC30/5/1/2/2/10098MR**

Good day,

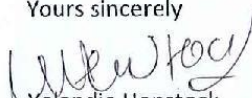
Herewith please find 3 CD copies of the Draft BAR for the proposed mining right permit application. Kindly distribute the CD copies to the following departments.

1. DEA&DP: Waste Management.
2. DEA&DP: Air Quality Management.
3. DEA&DP: Pollution & Chemical Management.

An electronic copy of the Draft BAR is also available on our website at www.ecoimpact.co.za/public-participation

Your comments would be appreciated within the regulatory 30-day commenting period or by 28 August 2018.

Yours sincerely


Yolande Henstock
Administration



Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
Directors: Mark Duckitt
Nicolaas Hanekom
Daniel Weber

Postal Address:
PO Box: 45070
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Office: +27 (0) 21 671 1660
Fax: +27 (0) 21 671 9976
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Web: www.ecoimpact.co.za



MAILING LIST – DRAFT BAR
UITSPANSKRAAL MINING RIGHT APPLICATION

Department: Mineral Resources -BH
Att: Elise Steenkamp
Private Bag X09
Roggebaai
8012

DEA&DP: Development Management
Att: Shiren Pullen
Private Bag X 6509
George
6530

ORDINARY PARCEL
ShareCall 0800 111 502 www.sagm.co.za
PE 927 972 504 ZA
A BOOK COPY

DEA&DP: Development Planning -BH
Att: Adri La Meyer
Private Bag X 9086
Cape Town
8000

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Cape Nature
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Department of Agriculture
Att: Cor van der Walt
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Eco Impact
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M. K. Steen

**PROOF OF COMMENTS RECEIVED FROM KEY DEPARTMENTS AND REGISTERED I&APs
DURING 1st DRAFT EIA REPORT 30 DAY COMMENTING PHASE**



SCIENTIFIC SERVICES

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reference 14/2/6/1/6/5_HESS/585/REM_2017/CF128
date 31st August 2018

EcoImpact Legal Consulting (Pty) Ltd
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admin@ecoimpact.co.za

Attention: Nicole Loebenberg

CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT No. 28 OF 2002) AND THE NEMA FOR EVALUATION OF AN DRAFT ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT FOR THE PROPOSED ESTABLISHMENT OF A BENTONITE MINE ON FARM UITSPANSKRAAL No. 585 REMAINDER, HEIDELBERG, HESSEQUA MUNICIPAL AREA

DMR reference #: 170222

CapeNature, as custodian of biodiversity in the Western Cape¹, would like to thank you for the opportunity to comment on the application for a mining right on Farm Uitspanskraal No. 585 Remainder Heidelberg (received on the 31st of July 2018) and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature previously commented on the Draft Scoping Report, (which was withdrawn and resubmitted) on the 9th of November 2017 (Ref#: 14/2/6/1/6/5_HESS/585/REM_2017/CF128). Since that comment the proposed scope of works and literature sensitivity of the site has not changed so CapeNature sees no need to repeat that information within this comment.

Following a review of the Draft Environmental Impact Report (DEIR), Environmental Management Programme Report (EMPr) and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations:

¹ Section 9, Western Cape Nature Conservation Board Act 15 of 1998

1. The following comments relate directly to the Ecological Baseline Assessment Report:
 - 1.1. The consultant may have misunderstood CapeNature's comment regarding fencing. CapeNature recommends that the mine area be fenced off, not the indigenous vegetation being fenced off. Although fencing off of the mining areas will result in a form of habitat fragmentation, the risk the mining operation has to fauna and livestock should be minimised where possible. This fence will also form a physical barrier which will reduce the risk of encroachment into the No-Go areas.
 - 1.2. Although the specialist did compile a No-Go Map, a vegetation habitat community map is also of importance in determining where specific communities are located relative to the mine footprint. This map provides additional information in relation to how some habitat (even if degraded), could be of importance relative to the proposed new surrounding land use. It is also recommended that for rehabilitation purposes, that the specialist recommend what vegetation community should have been growing in all areas, even those that are transformed or severely degraded. This map is also important from a faunal perspective as it will allow for decision makers to note where freshwater habitat is located. Such habitat is especially relevant for both terrestrial and aquatic fauna, as even if significantly degraded, these habitat can form important refugia for all fauna, especially when mining operations commence. The impact of mining near these habitat should be assessed and mitigated for accordingly.
 - 1.3. The aforementioned habitat vegetation habitat community map will also assist the ECO in terms of rehabilitation guidelines. Should the applicant illegally transgress this map serves as a reference point for all competent authorities. It informs authorities of by how much the applicant transgressed, and where and what was exactly removed and how best to rehabilitate the region. This map should be cross referenced with an applicable species list by the specialist. The specialist should provide a list of plants to be used for rehabilitation purposes for by the ECO, depending on the habitat impacted.
2. Within the rehabilitation plan, mention is made as to how silt can be removed from farm dams to be used in the rehabilitation process. This impact was not considered in any specialist studies and CapeNature did not note if applicable listing notice activities for such activity were applied for. In addition to which, should this be considered, it is recommended that specific dams be identified to be used for such purposes. The relevant impacts both on the dam itself and downstream impacts of increasing the capacity of such dams should also be assessed and the BGCMA should also comment regarding these proposed activities, as it is likely these will require approval in terms of the NWA.
3. The statement that the number of livestock cannot be reduced in line with the potential loss of grazing is concerning and should have been assessed in the Ecological Baseline Report as an indirect operational phase impact. If mining occurs no grazing will be allowed in the mine area, therefore it stands to reason that the surrounding vegetation in the No-Go areas will be impacted to a greater degree. If the farmer refuses to do reduce the number of livestock, then the impact should be assessed as such, or mitigation measures implemented accordingly (such as for example the mine providing additional feed for the livestock). Depending on the current stocking rates (and a variety of other factors), this impact could be minimal or extensive. This has potential direct ecological impacts on the remaining habitat. Ideally the stocking density of the farms should have been quantified and comment obtained

Page 2 of 3

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Bond-Smith, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

from DAFF or applicable research presented regarding if the stocking density is in line with relevant guidelines and standards for the area. The specialist should also be able to determine how much of an impact this would have on the No-Go vegetation, without simply dismissing the comment.

To conclude there is **insufficient information** to allow for CapeNature to make an informed decision regarding the proposed project. CapeNature may provide additional comment on any required further applications and reserves the right to revise initial comment and request further information based on any additional information that may be received.

Yours sincerely



Colin Fordham
For: Manager (Scientific Services)

Copies to:

- (1) Mr C. van der Walt (WCG: Department of Agriculture: Land Management)**
- (2) Mrs S Pullen (DEA&DP)**



**Western Cape
Government**
Environmental Affairs and
Development Planning

BETTER TOGETHER.

ENQUIRIES:

Mr Malcolm Fredericks / Ms Shireen Pullen (Directorate: Development Management)
Ms Hadjira Peck (Directorate: Waste Management)
Mr Peter Harmse (Directorate: Air Quality Management)

REFERENCES:

16/3/3/6/4/2/2/D5/7/0172/17 (Development Management)
19/2/5/3/D5/7/WL0070/18 (Waste Management)
19/4/4/BH1/Uitspanskraal (Air Quality Management)

DATE: 2018-08-28

The Board of Directors
Eco Impact Legal Consulting (Pty) Ltd
P.O. Box 45070
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For attention: Ms Johmandie Pienaar

Tel: (021) 671 1660

E-mail: johmandie@ecoimpact.co.za

PER E-MAIL

Dear Madam

COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR LISTED ACTIVITIES ASSOCIATED WITH A MINING RIGHT ON THE REMAINING EXTENT OF THE FARM UITSPANSKRAAL NO. 585, HEIDELBERG (DMR REFERENCE: WC30/5/1/2/2/10098MR)

1. The previous Draft Scoping Report ("DSR") dated September 2017, the Department's comments thereto dated 30 October 2017, the Final Scoping Report ("FSR") dated December 2017, comments thereto dated 31 January 2018, the new DSR dated March 2018, the Department's comments thereto dated 24 April 2018 and the Draft Environmental Impact Assessment ("EIA") Report dated July 2018 that was received by the Department on 27 July 2018, refer.
2. It is understood that the proposal entails the mining of bentonite and zeolite on 151 hectares of transformed agricultural land. The mining activities will take place in phases and the total size of the mining areas will encompass a quarry size of 38.32 hectares. It is also understood from the Draft EIA Report that no new roads will be constructed to provide access to the proposed site and there would be no site buildings located at the mining site. Site infrastructure would be restricted to a chemical toilet and waste bin.

Please find the Department's comments on the Draft EIA Report.

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3. Directorate: Development Management (Region 3) – Mr Malcolm Fredericks / Ms Shireen Pullen (Malcolm.Fredericks@westerncape.gov.za; Tel: (044) 805 8600):

3.1 Impact on current land use/agricultural potential of soils

- 3.1.1 It is evident from the findings of the Agricultural Impact Assessment dated July 2018 that the soils are particularly sensitive to disturbance and that their agricultural potential can be drastically reduced by the mining process, if not well rehabilitated.
- 3.1.2 The agricultural specialist and Draft EIA Report further confirms that without proper rehabilitation mitigation, the significance of the impact will be high.
- 3.1.3 According to the Draft EIA Report, the potential negative impact of reduction in soil potential can be completely mitigated through effective rehabilitation.
- 3.1.4 As such, this Directorate strongly emphasizes and advises the competent authority to ensure that adequate financial provision is provided by the applicant for effective rehabilitation of the areas that will be disturbed or affected by the proposed mining activities.
- 3.1.5 Effective rehabilitation should therefore include extra double stripping and addition of extra topsoil to the rehabilitated land, as it would alleviate the problem of deeper, saline material being in contact with crop roots; and additional topsoil will alleviate the lack of topsoil according to the agricultural specialist.

3.2 Need & desirability

- 3.2.1 This Directorate is further convinced that the findings of the Agricultural Impact Assessment serves as sufficient supporting evidence that the proposed mining activities will not negatively impact on the socio-economic viability of the land for future agricultural use, subject to strict implementation of the rehabilitation mitigation measures proposed by the agricultural specialist.
- 3.2.2 The findings of the Ecological Baseline Assessment dated September 2017 also support the concluding statement in the Draft EIA Report that the potential benefits of the proposed mining activities will outweigh the potential negative impact on the environment.
- 3.2.3 The potential employment opportunities (e.g. direct employment for at least 43 local persons), compensation for the landowner and the possibility that the current agricultural land use practice can still be pursued in future, adequately address some of the concerns relating to the need and desirability of the proposal.

3.3 Impact on the receiving biophysical environment

- 3.3.1 According to the Ecological Baseline Assessment, sensitive environmental features were identified on the site and surrounds, which include non-perennial secondary drainage lines with associated indigenous vegetation areas adjacent to the proposed mining areas.
- 3.3.2 These have been identified as Aquatic Critical Biodiversity Areas ("CBAs") and associated buffer and Ecologically Support Areas ("ESAs").
- 3.3.3 The fact that some mining areas partially fall within the mapped ESAs, the important role of ESAs in supporting the functioning of CBAs and maintaining ecosystems services cannot be ignored.

3.3.4 As such, the implementation of proper buffer and storm water measures to maintain the current ecological processes (as recommended by ecological specialist) must be strictly imposed as a prerequisite/condition by the competent authority.

3.4 Storm water management

3.4.1 The Impact Management Outcomes section, potential impact column of the Draft Environmental Management Programme ("EMPr") must align the proposed mitigation measure regarding storm water management, in accordance with the recommendation of the Ecological Baseline Assessment. This relates to site-specific storm water management measures that must be designed and implemented for each proposed quarry area to prevent the accumulation of storm water in the quarries.

3.4.2 The EMPr states that there is sufficient slope and elevation in the proposed mining area to avoid the creation of depressions, ponding of water and accumulation of excess moisture in depression areas; however, this deals mainly with the impact of mining on agricultural land/soils, and not the potential impact on ecological runoff areas/non-perennial drainage lines that require this (unpolluted) run-off water to maintain ecological functioning. This impact must be addressed in the EMPr.

3.4.3 This Directorate is satisfied that the identified cumulative impacts have been assessed in the Draft EIA Report in terms of extent, duration, magnitude, probability and significance and rated accordingly with, and without mitigation. However, it is not clear to from any of the specialist studies conducted whether cumulative impacts have been assessed or considered as part of the assessments, as none of these studies refer to how cumulative impacts must be addressed.

3.5 This Directorate would like to re-iterate the following comments dated 31 January 2018 provided on the previous FSR dated December 2017:

3.5.1 All mining activities should be restricted to the areas already disturbed by agricultural activities and be kept away from watercourses or drainage lines.

3.5.2 Rehabilitation of the mining area must be focussed on restoring the topography (land form), and no significant depression should be left in the landscape.

3.5.3 Indigenous vegetation should be reintroduced during the rehabilitation process.

3.5.4 Where re-vegetation work will be done on the disturbed areas, only suitable and locally indigenous vegetation must be used that occurs naturally in the immediate area.

3.6 The following issue/concern relating to the topography of the site that was previously raised on the FSR remains unanswered in the Draft EIA Report. There is no clear response in the Draft EIA Report whether material will be imported to reinstate the decommissioned mine to the current ground level (pre-mining surface slope and existing contours) as the mined area is expected to lead to depressions in the landscape. The depth of the depressions is unknown at this point; however, it is expected that this will influence the future land use.

3.7 Apart from paragraph 3.4.1 above, this Directorate is satisfied that the Impact Management Outcome in terms of the future land use has been addressed, as the Agricultural Impact Assessment has confirmed future use of the mining area for agricultural purposes, subject to effective rehabilitation measures being employed.

- 3.8 It is however noticed from Appendix C of the Draft EIA Report that the Planning Component of the Directorate: Development Management (Region 3) of this Department has still not been included in the list of interested and affected parties to comment on the proposal, as previously advised.
- 3.9 This Directorate trust that the Final EIA Report will include and address all the outstanding issues and concerns raised above to accurately inform the final decision on the application.
4. Directorate: Waste Management – Ms Hadjira Peck (Hadjira.Peck@westerncape.gov.za; Tel: (021) 483 3003):
- 4.1 This Directorate has no further comment on the application as this Directorate's previous comments on the new DSR have been addressed and incorporated in the EMPr.
5. Directorate: Air Quality Management – Mr Peter Harmse (Peter.Harmse@westerncape.gov.za; Tel: (021) 483 4383):
- 5.1 The noise and dust control mitigation measures proposed in the EMPr are generally supported for implementation. It is further recommended that dust suppression measures should be implemented through a dust monitoring programme or fugitive dust control plan to limit the emission of particulate matter.
- 5.2 The applicant is reminded of the "*general duty of care towards the environment*" as prescribed in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) to ensure that the proposed mining activities do not cause significant pollution or degradation of the environment.
6. Please direct all enquiries to the officials indicated in this correspondence should you require any clarity on any of the comments provided.
7. The Department reserves the right to revise or withdraw initial comments and request further information based on any information received.

Yours faithfully



pp HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



**Western Cape
Government**

Agriculture

Cor Van Der Walt
LandUse Management
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OUR REFERENCE : 20/9/2/4/4/036
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

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Att: NZ Loebenberg

FINAL SCOPING REPORT
MINING RIGHT APPLICATION: DIVISION HEIDELBERG
FARM UITSPANSKRAAL NO 585

Your application of 05 December 2017 has reference.

Please note that this application also triggers Section 53 of the Land Use Planning Act No. 3 of 2014.

The Western Cape Department of Agriculture cannot assess this application without an Agricultural Impact Assessment Report as requested 2018/01/08.

Please note:

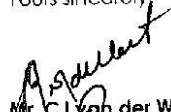
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

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- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2018-05-23

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From: Makhosi Mthimkhulu [mailto:MMthimkhulu@bgcma.co.za]
Sent: 13 August 2018 09:10 AM
To: admin@ecoimpact.co.za
Cc: Johmandie; Andiswa Sam
Subject: FW: Comments on BAR Uitspanskraal

Good day

I have received your report reference number: WC30/5/1/2/2/10098MR.
I have commented on this report please note the email dated 9/04/2018.

Kind regards

Kind Regards
M.U Mthimkhulu
✉:mmthimkhulu@bgcma.co.za
P.O Box 1205 / 101 York Street
George, 6530

BREEDE-GOURITZ

Catchment Management Agency
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