

MAKHANDA MINING (PTY) LTD

**PROPOSED MINING RIGHT FOR BALL CLAY, CLAY (GENERAL), GRAVEL,
KAOLIN, AND AGGREGATE FROM A PORTION OF PORTION 3 OF THE
FARM THE ORCHARDS NO 233, MAKANA MAGISTERIAL DISTRICT,
EASTERN CAPE**

COMMENTS AND RESPONSES REPORT

DEPARTMENT REFERENCE NUMBER:

EC 30/5/1/2/2/10069 MR

MAY 2024



NOTIFICATION OF MINING RIGHT APPLICATION AND DRAFT SCOPING REPORT TO STAKEHOLDERS AND I&APS DURING PUBLIC PARTICIPATION

COMMENTING PERIOD: 25 OCTOBER – 24 NOVEMBER 2023

The relevant stakeholders and I&AP's were informed of the mining right application by means of an advertisement in the Daily Dispatch, and on-site notices that were placed at the entrance to the farm and the Makana Library. A notification letter inviting comments on the DSR over a 30-days commenting period (ending 24 November 2023) was also sent to the landowner, neighbouring landowners, stakeholders, and I&AP that may be interested in the project. The comments received on the DSR were incorporated into the FSR to be submitted to the DMRE for consideration. Comments were received from ECPHRA, the Commission on Restitution of Land Rights and from the DWS. Also refer to Appendix E2 for the proof of public participation conducted thus far. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Moppo Mene	Makana Local Municipality	25 October 2023	No Comments received
Mr Wandisile Matina	Makana Local Municipality Ward 13	25 October 2023	No Comments received
Me Unathi Daniels	Sarah Baartman District Municipality	25 October 2023	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr. Cira Ngetu	Department of Economic Development, Environmental Affairs and Tourism Queenstown	25 October 2023	No Comments received
Mr. Briant Noncembu	Department of Economic Development, Environmental Affairs and Tourism East London	25 October 2023	No Comments received
Mr Yawa	Department of Labour	25 October 2023	No Comments received
Mrs ZB Makina	Department Of Rural Development and Agrarian Reform	25 October 2023	No Comments received
Mr Babini Mbewu	Department Of Rural Development and Land Reform	25 October 2023	No Comments received
Mr J Mhlomi	Department Of Transport	25 October 2023	No Comments received
Me Molepo Khuthadzo	Department Of Water and Sanitation	25 October 2023	05 December 2023

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

Comments received from DWS on the DSR:

“Reference is made to the above-mentioned document received. The Department of Water and Sanitation: Water Use Authorisation Directorate has the following comments with regards to the proposed development in terms of Section 21(c) and (i) i.e., “impeding or diverting the flow of water in a watercourse” and “altering the bed, banks, course or characteristics of a watercourse” respectively under the provisions of the National Water Act, 1998 (Act No. 36 of 1998), hereinafter referred to as the NWA.

1. Water Uses and Water Use Authorisations

The project proposal entails the mining of ±43.5 ha over Portion 3 of the farm The Orchards No 233. The Applicant intends to extract the clay from the mining area using opencast methods. A bulldozer, loader and tipper trucks will be used to obtain the clay and transport it to the Makana Brick Factory where it will be delivered to the factory and stockpiled until used for clay bricks. If needed, the aggregate will be processed at a mobile crushing and screening plant to reduce it to various sized stockpiles.

The proposed project will include the introduction of mining equipment onsite, stripping and stockpiling of topsoil and overburden, excavation of the mining area, screening and processing of aggregates, stockpile of mined minerals until it is transported to Makana Brick, and slope, landscape and rehabilitation of the affected areas upon closure of the mine.

Figure 9 on page 53 of the submitted draft scoping report indicates that there is the Botha River near the mine boundary. The applicant must note that should the any of proposed activities occur within the regulated area i.e., the outer edge of the 1:100 year floodline, delineated riparian habitat or within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (whichever is the greatest), the applicant will therefore be required to apply for a water use authorisation in terms of Section 21(c) and (i) with this Department, under the provisions of the National Water Act, 1998 (Act No. 36 of 1998), hereinafter referred to as the NWA.

Figure 9 on page 53 of the submitted report indicates that the study area falls within a NFEPA in terms of wetlands and/or rivers. If there are wetlands at the proposed location, the applicant will require authorisation from this Department for any activity within a wetland or a 500m radius from the delineated boundary (outer temporary zone) of a wetland or pan.

Flood line determination: The applicant must note that no activities should occur within a 1:100-year flood line, unless authorised by this department.

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

The Applicant shall conduct a preliminary legal assessment to identify all the water use activities associated with the proposed project that will require authorisation by the Department of Water and Sanitation (DWS) and the applicant is hereby referred to Section 22(1) of the National Water Act, 1998 (Act 36 of 1998).

Water use authorisation enquiry can be lodged through e-WULAAS online system for further processing.

The river, stream and associated buffers must be treated as no-go sensitive environment areas: caution must be exercised near the watercourses.

Applicant should identify alternatives with the aim of protecting water resource.

Please note that no person may use water unless permitted under the NWA. Should the applicant engage in any water use activity without the necessary water use authorisation, it will be regarded as an unlawful water use. The Applicant will thus be guilty of an offence and liable for a fine or imprisonment as stipulated in Section 151 of the NWA.

2. Solid Waste Management

Page 22 of the draft scoping report indicated that the general waste generated during the operational phase of the project will be removed from the site to a recognised waste handling facility, while the hazardous waste will be collected from the site by a registered hazardous waste handling contractor. The Applicant must note that should private contractors be used; all solid waste must be disposed of at a permitted landfill site and proof of this must be made available to this Department when required.

The requirements of this Department with respect to solid waste must be strictly enforced and complied with.

The Applicant should note that contaminated soil or other hazardous material must be disposed of at a permitted hazardous landfill site that is authorized to accept the said material and proof of this must be made available to this Department when required.

The recycling of suitable material is encouraged by this Department, provided it is properly managed.

3. Sewage and Wastewater Management

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

Page 22 of the draft scoping report indicated that an ablutions hut will be placed at the mine that can be used by the employees and will be serviced weekly by a registered sewerage handling contractor. The Applicant must note that the use of any temporary, chemical toilet facilities must not cause any pollution to a water resource or pose a health hazard. In addition, these toilets must not be situated within 100m from a watercourse or within the 1:100-year flood line (whichever is the greatest). Furthermore, no form of secondary pollution should arise from the disposal of refuse or sewage from the temporary, chemical toilets. Any pollution problems arising from the above are to be addressed immediately by the Applicant.

Washing, refuelling, maintaining of vehicles or the transfer of hazardous substances must be conducted within a bunded area. All drainage arising from the bunded area must be treated as a water containing waste and disposed of safely.

The following is applicable should small volumes of wastewater be generated during the site establishment and operational phase:

- ✎ Water containing waste must not be discharged into the natural environment,
- ✎ Measures to contain the water containing waste and safely dispose thereof must be implemented.

4. Stormwater Management

It is imperative that there is proper management of storm water at the project site. This Department requests a Stormwater Management Plan.

The Engineer or Contractor must ensure that only clean Stormwater runoff enters the environment.

Drainage must be controlled to ensure that runoff from the project area does not culminate in off-site pollution, flooding or result in any damage to properties downstream of any Stormwater discharge point(s).

5. Erosion Control

Erosion control measures must be put in place to minimise erosion along the proposed mining areas. Extra precautions must be taken in areas where the soils are deemed highly erodible.

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

Soil erosion onsite must be prevented at all times, i.e., pre-, during- and post-operational activities. Erosion control measures must be implemented in areas prone to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sandbags, hessian sheets, bidim, retention or replacement of vegetation.

Where the land has been disturbed during site establishment or operational phase/excavation it must be re-habilitated and re-vegetated back to an acceptable state after such activities have been done.

The applicant must ensure that land clearing is minimised in areas with a bigger slope to limit the amount of runoff from the site to prevent erosion. If and where possible, rehabilitation of disturbed areas should be done concurrently with the mining activities to avoid erosion of bare soil. It is recommended that the land clearing be done during dry seasons to avoid water runoff into the watercourse thus affecting the water quality.

The Applicant must note that stockpiling of soil or any other materials during the operational phase must not be allowed on or near steep slopes, near a watercourse or water body. This is to prevent pollution or the impediment of surface run-off. The Applicant must control and establish suitable mitigation measures to prevent the erosion of stockpiles.

6. Spillages Management

There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed. In addition, should the proposed development impact on any groundwater and/or surface water users, then water of equal quality and quantity must be provided to the affected users.

The Applicant must note that storage of material, chemicals, fuels etc. must not pose a risk to the surrounding environment, and this includes surface and groundwater. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages.

Such storage areas must be located outside the 1:100-year flood-line of the water source and must be fenced to prevent unauthorized access into the area.

It is important that any significant spillage of chemicals, fuels, etc. during the construction phase and/or operational phase is reported to this Office and other relevant authorities. In the event of a spill, the following steps can be taken:

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p> ✎ Stop the source of the spill, ✎ Contain the spill, ✎ All significant spills must be reported to this Department and other relevant authorities, ✎ Remove the spilled product for treatment and authorised disposal, ✎ Determine if there is any soil, groundwater, or other environmental impact, ✎ If necessary, remedial action must be taken in consultation with this Department, ✎ Incident must be documented. </p> <p>7. General</p> <p>This Office reserves the right to inspect the site without prior notice in order to ensure that its requirements, as mentioned above, are adhered to. Should any problems be noted, measures must be undertaken immediately to rectify the situation.</p> <p>This Department reserves the right to revise/withdraw these comments and request further information from the applicant should any other information that contradicts the above comes to light.</p> <p>Notwithstanding the above, the responsibility rests with the Applicant to identify all sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the NWA could lead to legal action being instituted against the Applicant.”</p>			
<p>Greenmined’s response to the DWS comments received on the DSR:</p> <p>“Thank you for taking part in the public participation process of the mining right applied for by Makhanda Mining (Pty) Ltd with reference number EC 30/5/1/2/2/10069 MR. Greenmined Environmental (Pty) Ltd, the environmental assessment practitioner for this project, herewith acknowledges receipt of your comments dated 05 December 2023.</p> <p>Please note that the commenting period on the draft Scoping Report ended 24 November 2023 as the final Scoping Report had to be submitted to the DMRE by 29 November 2023. However, we do take note of your recommendations, and will forward it to the Department of Mineral Resources and Energy (DMRE). The comments will further be assessed, incorporated, and responded to in the draft Environmental Impact Assessment Report, upon approval of the Scoping Report by the DMRE.”</p>			

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

Additional response to the DWS comments included in the DEIAR:

Water Uses and Water Use Authorisations

1. The Applicant notes that should any of proposed activities occur within the regulated area i.e., the outer edge of the 1:100 year floodline, delineated riparian habitat or within 100 m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (whichever is the greatest), the applicant will be required to apply for a water use authorisation in terms of Section 21(c) and (i) with this Department, under the provisions of the NWA.
2. Although the study area falls within a NFEPA, the specialists did not identify any wetlands at the proposed location that would trigger the NWA.
3. The Applicant notes that no activities may occur within a 1:100 year floodline of the Botha's River.
4. Should this MR application be successful, the Applicant will conduct a preliminary legal assessment to identify the water use activities (if any) associated with the proposed project that may require authorisation by the DWS.
5. The river, stream and associated buffers will be treated as no-go sensitive environment areas, and caution will be exercised near the watercourses.
6. Kindly refer to Part A(1)(g)(i) *Details of the development footprint alternatives considered – 5. Operational Aspects of the Activity*.
7. The Applicant notes that no person may use water unless permitted under the NWA.

Solid Waste Management

1. The Applicant notes that should private contractors be used; all solid waste must be disposed of at a permitted landfill site and proof of this must be made available to this Department when required.

STAKEHOLDERS

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

2. The Applicant further notes that contaminated soil or other hazardous material must be disposed of at a permitted hazardous landfill site that is authorized to accept the said material and proof of this must be made available to this Department when required.

Sewage and Wastewater Management

1. The Applicant notes that the use of any temporary, chemical toilet facilities may not cause pollution to a water resource or pose a health hazard. The ablutions will not be situated within 100 m from a watercourse or within the 1:100-year flood line (whichever is the greatest). Furthermore, no form of secondary pollution may arise from the disposal of refuse or sewage from the temporary, chemical toilets, and any pollution problems that may arising will be addressed immediately by the Applicant.
2. The Applicant confirms that washing, maintenance of vehicles and/or the transfer of hazardous substances will take place at the existing workshop of Makana Brick (off-site). Drip trays will be used when site machinery is refuelled. Presently, no need could be identified for a bunded area as no chemicals will be stored on site.
3. The Applicant notes that water containing waste may not be discharged into the natural environment, and that measures to contain the contaminated water and safely dispose thereof must be implemented.

Storm Water Management

1. The Applicant acknowledges the need for proper management of storm water at the project site, and a Stormwater Management Plan was appended to this document as Appendix H.
2. Care will be taken to only release clean storm water runoff into the environment.
3. The Applicant will control drainage to ensure that runoff from the project area does not culminate in off-site pollution, flooding or result in any damage to properties downstream of any storm water discharge point(s).

Erosion Control

1. Erosion control measures will be put in place to minimise erosion along the proposed mining areas, and extra precautions will be taken (if needed) in areas where the soils are deemed highly erodible.

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>2. All disturbed areas will be rehabilitated and revegetated back to an acceptable state post mining. The Applicant does intent to implement progressive rehabilitation and mined areas will be reinstated once the mineral has been extracted. When practical, land clearing will be done during the dry seasons to avoid water runoff into the watercourse that could affect the water quality.</p> <p>3. The Applicant notes that stockpiling of soil or any other materials during the operational phase is not allowed on or near steep slopes, near a watercourse or water body.</p>			
<p><u>Spillages Management</u></p>			
<p>1. The Applicant undertakes to immediately report any pollution of any surface or groundwater to DWS, and to employ the appropriate mitigation measures. Should the proposed development impact on any groundwater and/or surface water users, then water of equal quality and quantity will be provided to the affected users.</p> <p>2. The Applicant notes that the storage of material, chemicals, fuels etc. may not pose a risk to the surrounding environment, including surface and groundwater. As mentioned earlier, no bunded areas are envisaged for this project as no chemicals and/or fuel will be stored on site.</p>			
<p><u>General</u></p>			
<p>1. The Applicant notes that the DWS has the right to inspect the site without prior notice to ensure that its requirements are adhered to, and that the responsibility to identify all sources or potential sources of pollution from this undertaking rests with him.</p>			
<p>Also refer to the following sections of the DEIAR where the above matters where incorporated:</p> <ul style="list-style-type: none"> ⌘ Part A(1)(g)(i) <i>Details of the development footprint alternatives considered;</i> ⌘ Part A(1)(g)(viii) <i>The possible mitigation measures that could be applied and the level of risk;</i> ⌘ Part B(1)(g) – (k) <i>Mechanisms for monitoring compliance with and performance assessment of the environmental management programme and reporting thereon...</i> 			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr MD Qwase	Department of Public Works	25 October 2023	No Comments received
Mr Aphelele Tomsana	Eskom	25 October 2023	No Comments received
Chumisa Njingana	SANRAL	25 October 2023	No Comments received
Z Bolana	Commission on Restitution of Land Rights	18 October 2023	23 October 2023
<p>The Commission on Restitution of Land Rights responded that the Commission is not currently aware of a land claim registered on Portion 3 of the farm The Orchards No 233.</p>			
Mr. Ayanda Mncwabe-Mama	Eastern Cape Provincial Heritage Resources Authority	25 October 2023	20 November 2023
<p>ECPHRA provided the following final comments in terms of Section 38(4/8) of the NHRA, 1999:</p> <p>“The matter was tabled at the Archaeology, Palaeontology and Meteorites Committee meeting held on 16 November 2023. The proposed development may proceed as proposed, provided that the recommendations by the heritage specialists are adhered to including the chance finds protocol.</p> <p>ECPHRA further requests:</p> <ul style="list-style-type: none"> • Monitoring reports for this development, and 			

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<ul style="list-style-type: none">• Details of the specialist to conduct training for the ECO.”			
The requirements of ECPHRA were incorporated into the EIAR and EMPR to be implemented upon approval.			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Adrian Michael Moss	Portion 3 of The Orchards No 233	25 October 2023	No Comments received
Sean van Zyl	The Orchards No 233 Orchards Lodge	25 October 2023	No Comments received
WP Erasmus	Meadow View Trading 116 CC Farm No 599	25 October 2023	No Comments received
Johannes Antonie Diedericks	Portion 4 of Grobbelers Kloof No 334	25 October 2023	No Comments received

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND EMPR PUBLIC PARTICIPATION

COMMENTING PERIOD: 12 APRIL – 15 MAY 2024

Upon approval of the Final Scoping Report (09 February 2024) the Draft Environmental Impact Assessment Report was compiled and circulated for public comments over a 30-day period that extended until 15 May 2024. No additional comments were received on the draft EIA & EMPR that could be incorporated into the final EIA & EMPR. Also refer to Appendix E2 for the proof of public participation. The following table provides a list of the I&AP's and stakeholders that were informed of the availability of the DEIAR.

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Moppo Mene	Makana Local Municipality	12 April 2024	No Comments received
Mr Wandisile Matina	Makana Local Municipality Ward 13	12 April 2024	No Comments received
Me Unathi Daniels	Sarah Baartman District Municipality	12 April 2024	No Comments received
Mr. Cira Ngetu	Department of Economic Development, Environmental Affairs and Tourism Queenstown	12 April 2024	No Comments received
Mr. Briant Noncembu	Department of Economic Development, Environmental Affairs and Tourism East London	12 April 2024	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Yawa	Department of Labour	12 April 2024	No Comments received
Mrs ZB Makina	Department Of Rural Development and Agrarian Reform	12 April 2024	No Comments received
Mr Babini Mbewu	Department Of Rural Development and Land Reform	12 April 2024	No Comments received
Mr J Mhlomi	Department Of Transport	12 April 2024	No Comments received
Me Molepo Khuthadzo	Department Of Water and Sanitation	12 April 2024	No Comments received
Mr MD Qwase	Department of Public Works	12 April 2024	No Comments received
Mr Aphelele Tomsana	Eskom	12 April 2024	No Comments received
Chumisa Njingana	SANRAL	12 April 2024	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr. Ayanda Mncwabe-Mama	Eastern Cape Provincial Heritage Resources Authority	12 April 2024	No Comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Adrian Michael Moss	Portion 3 of The Orchards No 233	12 April 2024	No Comments received
Sean van Zyl	The Orchards No 233 Orchards Lodge	12 April 2024	No Comments received
WP Erasmus	Meadow View Trading 116 CC Farm No 599	12 April 2024	No Comments received
Johannes Antonie Diedericks	Portion 4 of Grobbelers Kloof No 334	12 April 2024	No Comments received

SUMMARY OF PUBLIC PARTICIPATION PROCESS THUS FAR

The I&AP's and stakeholders were informed of the proposed project and invited to comment on the DSR and DEIAR through:

- ◆ telephonic discussions;
- ◆ direct notification with notification documents;
- ◆ placement of on-site notices;
- ◆ the placement of an advertisements in Daily Dispatch.

The Applicant also entered into a land use agreement with the property owner, who in principle supports the project. Comments were received from ECPHRA, the Commission on Restitution of Land Rights and the DWS.

-END OF COMMENTS AND RESPONSE REPORT-