

# **RAUBEX CONSTRUCTION (PTY) LTD**

**PROPOSED MINING ON A PORTION OF THE REMAINING EXTENT OF  
THE FARM ELANDS SPRUIT NO 5523, ALFRED DUMA MUNICIPAL  
AREA, KWAZULU-NATAL PROVINCE**

## **COMMENTS AND RESPONSE REPORT**

**JUNE 2024**

***DEPARTMENTAL REFERENCE NUMBER:***

***KZN30/5/1/3/2/10979MP***



## NOTIFICATION OF MINING PERMIT APPLICATION AND DRAFT BASIC ASSESSMENT REPORT TO STAKEHOLDERS, LANDOWNERS AND IAPS

*COMMENTS DURING THE PUBLIC PARTICIPATION COMMENTING PERIOD 21 MAY 2024 TO 21 JUNE 2024*

During the public participation process the relevant stakeholders and I&AP's were informed of the project by means of an advertisement in the Ladysmith Gazette Newspaper on the 17<sup>th</sup> of May 2024, on-site notices that were placed at the property boundary/site entrance, the Stolo Phezulu shop in the Matiwane community, as well as the Ladysmith Library in town. A hard copy of the draft basic assessment report was also made available to the public for viewing at the Alfred Duma local municipality. A notification letter inviting comments on the DBAR over a 30-days commenting period (ending 21 June 2024) was also sent to the landowner, neighbouring landowners, stakeholders, and any other I&AP that may be interested in the project. The comments received on the DBAR was incorporated into the final Basic Assessment Report (FBAR) to be submitted to the DMRE for consideration. The following stakeholders, landowners and IAPS were informed of the project:

<b>STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS &amp; IAPS</b>			
<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>COMMENTS RECEIVED</b>
Mr Dominic Wieners	Ezemvelo KZN Wildlife	21 May 2024	
Ms Nolwazi Nkosi	Ezemvelo KZN Wildlife – IEM Section		03 June 2024
Mrs N Pillay	Ezemvelo KZN Wildlife – IEM Section		21 June 2024
Mrs Z Gono	Ezemvelo KZN Wildlife – IEM Section		21 June 2024
<p><u>Comments received from Ms Nolwazi Nkosi on 03 June 2024:</u></p> <p>Please note that Ezemvelo KZN Wildlife (Ezemvelo) has been alerted that there is a Draft Basic Assessment Report (DBAR) for the proposed mining project by Raubex Construction (Pty) Ltd on a Portion of the Remaining Extent of the Farm Elands Spruit No 5523, REFERENCE NUMBER: KZN 30/5/1/3/2/10979MP.</p>			

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

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It is brought to your attention that all applications/submissions/authorisations and/or notifications submitted digitally to Ezemvelo for review and comment must be sent to the IEM Section using the following email address: [iem.app@kznwildlife.com](mailto:iem.app@kznwildlife.com) . Failure to use this address will result in your application not being processed.

Should the IEM Section not be engaged, and our responses not be received and included in your submission to the competent authority this can be considered a flaw in your public participation.

Digital submissions may be made via email attachments or Web links, however, Ezemvelo does not accept Web links that either expire or have multiple downloads required. If the document is too large to be emailed as an attachment or web link with a cover letter and the required information, then please courier the document/s on a flash drive (USB memory stick) or in hardcopy to our Head Office:

Planning Division: IEM Section

Ezemvelo KZN Wildlife

Queen Elizabeth Park

Greenmined's response:

Greenmined supplied the requested information on a memory/ usb stick which was sent via courier on 06 June 2024.

Greenmined's response on 13 June 2024:

Dear Ms Nkosi,

Thank you for your email.

We couriered the requested documents, which was delivered to your offices on the 07th of June 2024. The zoning certificate from the local municipality was only received today, kindly find it attached for your perusal.

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

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Should you have any queries please do not hesitate to contact us.

Comments received from Mrs N Pillay and Mrs Z Gono on 21 June 2024:

Dear Mrs Saal

The Draft Basic Assessment Report and Environmental Management Programme (DBAR & EMPr) dated May 2024 with associated appendices<sup>1</sup> have been reviewed by Ezemvelo KZN Wildlife's IEM Planning Staff (Ezemvelo). Ezemvelo, under the KwaZulu-Natal Nature Conservation Management Act, 1997 (Act 9 of 1997), is mandated to comment on development and land-use change applications that may adversely impact the province's biodiversity. It is within this mandate that the following comments are made.

Based on the information supplied and the interrogation of our biodiversity databases, Ezemvelo acknowledges and notes with concern that the proposed site supports sensitive biodiversity features, that need to be safeguarded from activities such as those proposed.

Ezemvelo's detailed concerns and recommendations in terms of a way forward are outlined below.

1.

Biodiversity Features of Concern

1.1 Freshwater Habitats

Whilst the DBAR highlights that the proposed site does not support freshwater habitats including wetland systems and watercourses, Ezemvelo is highly concerned with the potential downstream mining impacts to the seep and channelled valley bottom wetland units as well as the wetland channel/watercourse identified and delineated in the Wetland Assessment Report, (fig 28: Wetland Delineation Map, pg. 88, DBAR) These impacts include inter alia pollution, wastewater, excessive stormwater, fuel spillages from vehicles and machinery, sedimentation, and erosion. Furthermore, based on desktop imagery, the proposed stockpiling site supports a wetland habitat also linked to the wetland channel downstream from the application area (co-ordinates: 28°22'09.06" S 29°56'56.83" E). Wetlands and watercourses are considered globally threatened ecosystems and have been recognised in both national and provincial environmental legislation as important resources that need to be safeguarded from activities such as those proposed. South Africa's aquatic ecosystems such as those in and around the proposed site, are under increasing pressure due to land-use change activities such as impoundments, over-extraction of water and mining activities, which all affect the ecological condition of these resources<sup>2</sup>. It is thus paramount

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that the freshwater habitats known to occur in around the proposed site, are safeguarded from the potential mining and associated activities via appropriate site-specific mitigation measures. All freshwater habitats, including the wetland habitat within the stockpiling area, must be appropriately delineated and buffered.

**1.2 National Freshwater Ecosystem Priority Areas**

Further to the above, it is brought to your attention that the proposed site is located close to National Freshwater Ecosystem Priority Areas (FEPAs) which are strategic spatial priorities for conserving freshwater ecosystems and supporting the sustainable use of water resources. These priority areas are often tributaries and wetlands that support hard-working large rivers and need to stay in a good condition to manage and conserve freshwater ecosystems, as well as protect water resources for human use. In this case, the proposed site is located 971m east from an NFEPA classified wetland i.e. the artificial dam depicted in fig.28, pg. 88 of the DBAR). In addition, the Sundays River located 1.33km north of the site, is also classified as Category A FEPA i.e., unmodified, natural. Given their FEPA importance, it is imperative that appropriate mitigation measures be identified and implemented to safeguard these habitats from potential negative mining impacts via the appropriate mitigation measures. These mitigation measures must also be in line with the NFEPA Implementation Manual and ensure that the current NFEPA category of this river is maintained or upgraded.

**1.3 Critical Biodiversity Areas (CBAs)**

Ezemvelo notes with concern, that as highlighted in the DBAR, the proposed site supports and is located close to Critical Biodiversity Areas categorised as Optimal (pg. 38 of DBAR). Critical Biodiversity Areas are significant in that they are critical for meeting biodiversity targets and thresholds, and for ensuring the persistence of viable populations of species and the functionality of ecosystems. While CBAs are primarily driven by process, they are also informed by expert input. The Mining and Biodiversity Guidelines<sup>3</sup> further outlines the significance of CBAs and the need for their protection.

As highlighted in the DBAR, the key drivers for the CBA are as follows:

Table 1: CBA features either known or predicted to occur in and around the proposed prospecting site.

<u>Biodiversity Feature</u>	<u>Scientific Name</u>	<u>Common Name</u>	<u>Conservation Status</u>
Northern KwaZulu Natal Moist Grassland	N/A	Northern KwaZulu Natal Moist Grassland	Vulnerable
Mollusc	<i>Cochlitoma simplex</i>	Thukela Agate Snail	Least Threatened

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Whilst the DBAR highlights that a portion of Northern KwaZulu Natal Moist grassland is degraded and the remaining portion is transformed (pg. 95), given the conservation status and targets, Ezemvelo is concerned with the potential residual impacts to this terrestrial habitat. The mitigation measures in this regard, including the option of Offsets as per the mitigation hierarchy within the Environmental Impact Assessment Process, should be considered.

Ezemvelo further notes that the proposed site supports 2 protected floral species of conservation significance i.e., Aloe Marlothii and Cussonia spicata. The relocation of these specimens as recommended by the specialist (pg. 57 Terrestrial Biodiversity Assessment Report) is supported and must be undertaken prior to any of the proposed activities on site. Furthermore, the relocation of these species must be done under the supervision and guidance of an appropriate specialist to a suitable location where these species can continue to persist.

2.

Conclusion and Recommendations:

The proposed application area supports ecologically sensitive features such as freshwater habitats including NFEPAs, CBAs, and protected floral species. These features must be safeguarded from potential direct, indirect and downstream impacts from mining and associated activities via the implementation of site-specific mitigation measures. The residual impacts must also be assessed and addressed in line with the mitigation hierarchy.

In light of the above, Ezemvelo does not object to the proposed application provided that following recommendations are implemented and adhered to:

2.1. A qualified wetland ecologist should delineate wetlands near proposed development as required by the DWA guidelines.

2.2 The mitigation measures in the DEMPr for potential impacts to the wetland systems as recommended by the wetland specialists, must be implemented and strictly adhered to. In addition, the wetland habitat located within the stockpile area must also be delineated and safeguarded with appropriate mitigation measures from the proposed activities.

2.3 All NFEPAs in and around the application area (wetlands and watercourses) must be identified, delineated and buffered from the proposed activities. The mitigation measures outlined in NFEPA Implementation Manual Must be implemented and adhered to where appropriate.

2.4 The rehabilitation measures for revegetation of the disturbed grassland areas and the proposed invasive alien plant control measures, as outlined in the DEMPr are supported and must be implemented.

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2.5 The relocation of the protected floral species confirmed to occur on the site is supported and must be undertaken prior to the commencement of any mining and associated activities. The necessary permits must be obtained prior to relocation from Ezemvelo KZN Wildlife. A suitable receiving area for these specimens must also be identified by a suitably qualified specialist, to ensure their long-term persistence.

2.5. The residual impacts to the CBAs and freshwater habitats as a result of the proposed activities must be identified and assessed by suitably qualified specialists. Should it be determined that the residual impacts are significant, as per the mitigation hierarchy, offsets would need to be investigated.

Should you require any clarity on the points raised or should any biodiversity issues arise, please do not hesitate to contact this office.

Greenmined's response on 26 June 2024:

The above matter as well as letter received from you dated 24 June 2024 refers. Thank you for your detailed review of the Draft Basic Assessment Report and Environmental Management Programme (DBAR & EMP) for the above-mentioned proposed mining application. We acknowledge and appreciate the thorough evaluation conducted by Ezemvelo KZN Wildlife's IEM Planning Staff. We recognize the importance of your mandate under the KwaZulu-Natal Nature Conservation Management Act, 1997 (Act 9 of 1997), to ensure the safeguarding of the province's biodiversity.

We have carefully considered your comments and recommendations and provide our responses below:

**1. Biodiversity Features of Concern**

**1.1 Freshwater Habitats**

Whilst the DBAR highlights that the proposed site does not support freshwater habitats including wetland systems and watercourses, Ezemvelo is highly concerned with the potential downstream mining impacts to the seep and channelled valley bottom wetland units as well as the wetland channel/watercourse identified and delineated in the Wetland Assessment Report, (fig 28: Wetland Delineation Map, pg. 88, DBAR) These impacts include *inter alia* pollution, wastewater, excessive stormwater, fuel

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spillages from vehicles and machinery, sedimentation, and erosion. Furthermore, based on desktop imagery, the proposed stockpiling site supports a wetland habitat also linked to the wetland channel downstream from the application area (co-ordinates: 28°22'09.06" S 29°56'56.83" E). Wetlands and watercourses are considered globally threatened ecosystems and have been recognised in both national and provincial environmental legislation as important resources that need to be safeguarded from activities such as those proposed. South Africa's aquatic ecosystems such as those in and around the proposed site, are under increasing pressure due to land-use change activities such as impoundments, over-extraction of water and mining activities, which all affect the ecological condition of these resources. It is thus paramount that the freshwater habitats known to occur in around the proposed site, are safeguarded from the potential mining and associated activities via appropriate site-specific mitigation measures. All freshwater habitats, including the wetland habitat within the stockpiling area, must be appropriately delineated and buffered.

- We acknowledge Ezemvelo's concerns regarding the potential downstream impacts on seep and channelled valley bottom wetland units, as well as the wetland channel identified in the Wetland Assessment Report. The following conditions will be added to the FBAR as implementation measures to safeguard these habitats:
  - A qualified wetland ecologist should delineate all wetlands near the proposed development in accordance with the Department of Water Affairs (DWA) guidelines should this application be successful, and the mining permit be issued.
  - All the mitigation measures recommended by wetland specialists should be enforced.
  - The wetland habitat within the stockpile area should be delineated and protected through appropriate mitigation measures to prevent any adverse impacts from the proposed activities.

**1.2 National Freshwater Ecosystem Priority Areas**

Further to the above, it is brought to your attention that the proposed site is located close to National Freshwater Ecosystem Priority Areas (FEPAs) which are strategic spatial priorities for conserving freshwater ecosystems and supporting the sustainable use of water resources. These priority areas are often tributaries and wetlands that



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support hard-working large rivers and need to stay in a good condition to manage and conserve freshwater ecosystems, as well as protect water resources for human use. In this case, the proposed site is located 971m east from an NFEPA classified wetland i.e. the artificial dam depicted in fig.28, pg. 88 of the DBAR). In addition, the Sundays River located 1.33km north of the site, is also classified as Category A FEPA i.e., unmodified, natural. Given their FEPA importance, it is imperative that appropriate mitigation measures be identified and implemented to safeguard these habitats from potential negative mining impacts via the appropriate mitigation measures. These mitigation measures must also be in line with the NFEPA Implementation Manual and ensure that the current NFEPA category of this river is maintained or upgraded.

- We understand the significance of the National Freshwater Ecosystem Priority Areas (FEPAs) in conserving freshwater ecosystems. To mitigate potential negative impacts, the following conditions will be added to the FBAR:
  - Identify, delineate, and buffer all FEPAs in and around the application area from the proposed activities.
  - Implement and adhere to the mitigation measures outlined in the NFEPA Implementation Manual to maintain or upgrade the current NFEPA category of the Sundays River and other nearby water bodies.

**1.3 Critical Biodiversity Areas (CBAs)**

Ezemvelo notes with concern, that as highlighted in the DBAR, the proposed site supports and is located close to Critical Biodiversity Areas categorised as Optimal (pg. 38 of DBAR). Critical Biodiversity Areas are significant in that they are critical for meeting biodiversity targets and thresholds, and for ensuring the persistence of viable populations of species and the functionality of ecosystems. While CBAs are primarily driven by process, they are also informed by expert input. The Mining and Biodiversity Guidelines further outlines the significance of CBAs and the need for their protection.

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Whilst the DBAR highlights that a portion of Northern KwaZulu Natal Moist grassland is degraded and the remaining portion is transformed (pg. 95), given the conservation status and targets, Ezemvelo is concerned with the potential residual impacts to this terrestrial habitat. The mitigation measures in this regard, including the option of Offsets as per the mitigation hierarchy within the Environmental Impact Assessment Process, should be considered.

Ezemvelo further notes that the proposed site supports 2 protected floral species of conservation significance i.e., *Aloe marlothii* and *Cussonia spicata*. The relocation of these specimens as recommended by the specialist (pg. 57 Terrestrial Biodiversity Assessment Report) is supported and must be undertaken prior to any of the proposed activities on site. Furthermore, the relocation of these species must be done under the supervision and guidance of an appropriate specialist to a suitable location where these species can continue to persist.

- We recognize the importance of Critical Biodiversity Areas (CBAs) and the need to protect the Northern KwaZulu Natal Moist Grassland and other biodiversity features. The following conditions will therefore be included in the FBAR:
  - While we recognize the significance of CBAs in meeting biodiversity targets and ensuring the persistence of viable populations and ecosystem functionality, it is important to note that approximately 40% of the CBA outside of the site has been destroyed by the existing quarry. Furthermore, approximately a third of the application area including the corner within the CBA has already undergone transformation-unauthorised land use. According to the KwaZulu-Natal Terrestrial Systematic Conservation Plan (TSCP) (EKZMW, 2016) areas of CBA:Optimal overlap with a corner of the project footprint as shown in Figure below which is included in the DBAR on page 69 (figure12). Therefore, offsets are not a feasible option for the applicant. Instead, strict measures to enforce and adhere to mitigation measures should be implemented as proposed by the Ecologist in (TBIA 2024). This approach will help safeguard the remaining biodiversity features and minimise any potential negative effects from the proposed activities.

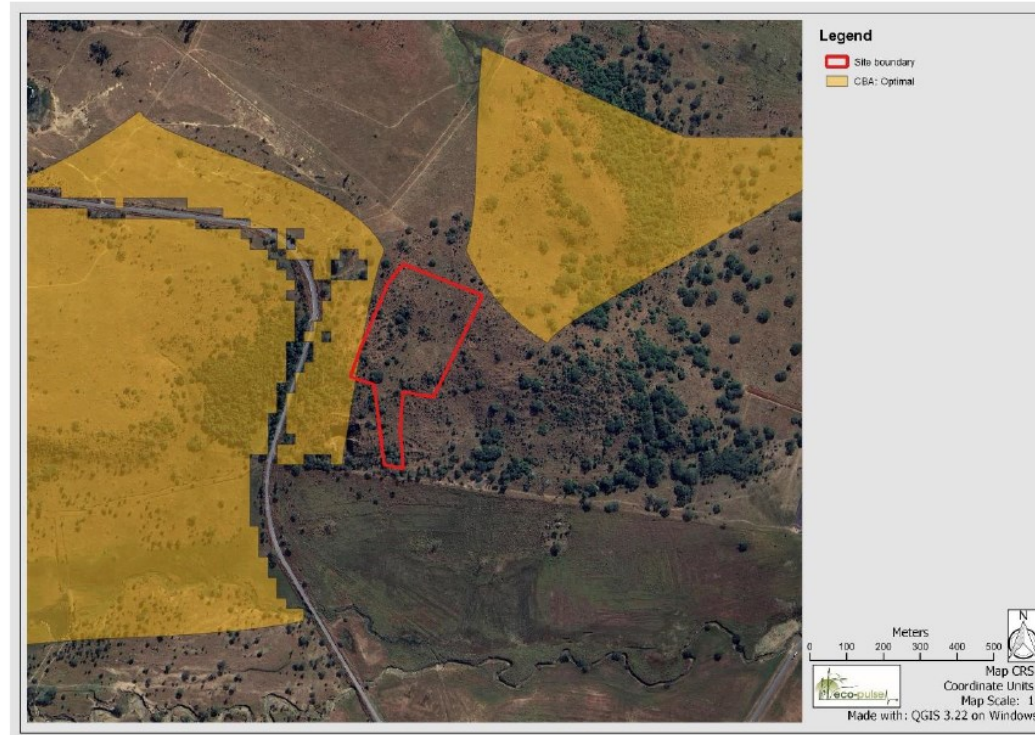
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- Relocating the protected floral species (*Aloe marlothii* and *Cussonia spicata*) under the supervision of an appropriate specialist to a suitable location. Necessary permits will be obtained from Ezemvelo KZN Wildlife prior to relocation.

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**2. Conclusion and Recommendations:**

The proposed application area supports ecologically sensitive features such as freshwater habitats including NFEPAs, CBAs, and protected floral species. These features must be safeguarded from potential direct, indirect and downstream impacts from mining and associated activities via the implementation of site-specific mitigation measures. The residual impacts must also be assessed and addressed in line with the mitigation hierarchy.

In light of the above, Ezemvelo does not object to the proposed application provided that following recommendations are implemented and adhered to:

2.1. A qualified wetland ecologist should delineate wetlands near proposed development as required by the DWA guidelines.

2.2 The mitigation measures in the DEMPr for potential impacts to the wetland systems as recommended by the wetland specialists, must be implemented and strictly adhered to. In addition, the wetland habitat located within the stockpile area must also be delineated and safeguarded with appropriate mitigation measures from the proposed activities.

3 Department of Environmental Affairs, Department of Mineral Resources, Chamber of Mines, South African Mining and Biodiversity Forum, and South African National Biodiversity Institute. 2013. Mining and Biodiversity Guideline: Mainstreaming biodiversity into the mining sector. Pretoria.

2.3 All NFEPAs in and around the application area (wetlands and watercourses) must be identified, delineated and buffered from the proposed activities. The mitigation measures outlined in NFEPA Implementation Manual Must be implemented and adhered to where appropriate.

2.4 The rehabilitation measures for revegetation of the disturbed grassland areas and the proposed invasive alien plant control measures, as outlined in the DEMPr are supported and must be implemented.

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			<p>2.5 The relocation of the protected floral species confirmed to occur on the site is supported and must be undertaken prior to the commencement of any mining and associated activities. The necessary permits must be obtained prior to relocation from Ezemvelo KZN Wildlife. A suitable receiving area for these specimens must also be identified by a suitably qualified specialist, to ensure their long-term persistence.</p> <p>2.5. The residual impacts to the CBAs and freshwater habitats as a result of the proposed activities must be identified and assessed by suitably qualified specialists. Should it be determined that the residual impacts are significant, as per the mitigation hierarchy, offsets would need to be investigated.</p> <ul style="list-style-type: none"> <li>• We agree with Ezemvelo’s recommendations and will ensure that the following measures are implemented:               <ol style="list-style-type: none"> <li>1. <b>Delineation of Wetlands:</b> A qualified wetland ecologist will delineate wetlands near the proposed development as required by the DWA guidelines prior to commencement of the mining activities.</li> <li>2. <b>Implementation of Mitigation Measures:</b> The mitigation measures outlined in the DEMPr for potential impacts to the wetland systems will be strictly adhered to, including the protection of the wetland habitat within the stockpile area.</li> <li>3. <b>Protection of NFEPA:</b> All NFEPA in and around the application area will be identified, delineated, and buffered from the proposed activities. Mitigation measures from the NFEPA Implementation Manual will be implemented where appropriate.</li> <li>4. <b>Rehabilitation and Invasive Alien Plant Control:</b> The proposed rehabilitation measures for revegetation of disturbed grassland areas and invasive alien plant control measures will be implemented as outlined in the DEMPr.</li> <li>5. <b>Relocation of Protected Floral Species:</b> The relocation of the protected floral species confirmed to occur on the site will be undertaken prior to any mining activities, with necessary permits obtained from Ezemvelo KZN Wildlife. A suitably qualified specialist will identify a suitable receiving area for these species.</li> </ol> </li> </ul>

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6. **Assessment of Residual Impacts:** Approximately a third of the application area including the corner within the CBA has already undergone transformation- unauthorised land use. According to the KwaZulu-Natal Terrestrial Systematic Conservation Plan (TSCP) (EKZNW, 2016) areas of CBA:Optimal overlap with a corner of the project footprint. The mitigation measures in the Terrestrial Biodiversity Impact Assessment Report 2024 will be implemented. This approach will help safeguard the remaining biodiversity features and minimise any potential negative effects from the proposed activities.

All comments received for you as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for their consideration.

Thank you for your valuable input and guidance.

Ezemvelo's comments on 26 June 2024:

Dear Anel,

Thank you for your prompt response. We will await the final BAR before providing further comments.

Greenmined's response on 26 June 2024:

Dear Zingisa,

Herewith please find attached the supporting specialist letter.  
We trust you find all in order.

Eco-Pulse Consulting acknowledges the receipt of the comments letter received on the 24th of June 2024 containing comments relating to the Draft Basic Assessment Report and Environmental Management Programme by Greenmined Environmental.

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Please refer to the table below for Eco-Pulse's comments and responses:

**Overall Comment**

Eco-Pulse Environmental Consulting (Eco-Pulse) extends its gratitude to Ezemvelo for the comprehensive review of the Draft Basic Assessment Report and Environmental Management Programme, which includes the specialist freshwater and terrestrial reports conducted by Eco-Pulse. The comments provided have been thoroughly reviewed and noted by our freshwater and terrestrial specialists. In response, Eco-Pulse has developed a comments and response matrix that addresses the specific points raised in the conclusions and recommendations section. Please refer to the following for our detailed responses.

**1. EKZNW Comment**

2.1. A qualified wetland ecologist should delineate wetlands near proposed development as required by the DWA guidelines.

**1. Greenmined Response**

1. **Delineation of Wetlands:** A qualified wetland ecologist will delineate wetlands near the proposed development as required by the DWA guidelines prior to commencement of the mining activities.

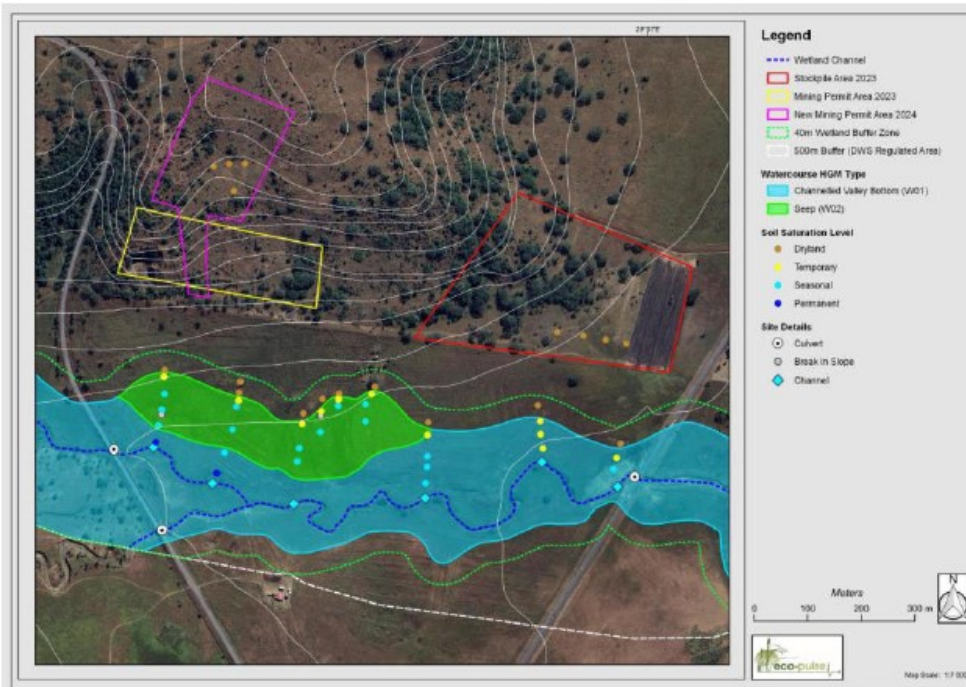
**1. Eco-Pulse Response**

Eco-Pulse Environmental Consulting was appointed as the wetland ecologist and conducted a detailed wetland delineation of the downstream wetlands near the proposed development in 2023 & 2024. It is important to note that the proposed development is approximately 155 meters from the nearest wetland edge. Consequently, no freshwater wetlands or rivers are at risk of potential impact from the proposed mining permit area. This conclusion is based on the presence of a well-established

40-meter grassed buffer zone, which effectively mitigates stormwater runoff, sedimentation, and erosion.

Additionally, Eco-Pulse conducted a wetland impact assessment for the adjacent mining activities in January 2023. Since then, the mine has become operational. During the current 2024 wetland assessment, we further investigated the wetland and found no observed impacts on-site, which can be attributed to the well-managed buffer zone that exceeds 40 meters.

Please refer to the following for the existing wetland delineation undertaken by Eco-Pulse Environmental Consulting in 2023 and 2024, with the proposed mining permit areas.



**Figure 1.** Wetland sampling points from the wetland delineation undertaken by Eco-Pulse.

All delineation were conducted as per the delineation guidelines - 'A Practical Field Procedure for Identification and Delineation of Wetland and Riparian Areas' (DWAF, 2005)

## **2. EKZNW Comment**

2.2 The mitigation measures in the DEMPr for potential impacts to the wetland systems as recommended by the wetland specialists, must be implemented and strictly adhered to. In addition, the wetland habitat located within the stockpile area must also be delineated and safeguarded with appropriate mitigation measures from the proposed activities.



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	<p>appropriate mitigation measures from the proposed activities.</p> <p><b>2. Greenmined Response</b></p> <p>2. <b>Implementation of Mitigation Measures:</b> The mitigation measures outlined in the DEMPr for potential impacts to the wetland systems will be strictly adhered to, including the protection of the wetland habitat within the stockpile area.</p> <p><b>2. Eco-Pulse Response</b></p> <p>Eco-Pulse is in agreement that the mitigation measures recommended are to be implemented to safeguard the downstream wetland.</p> <p>No wetland habitat was identified within the stockpile area. Therefore, no further investigations or mitigations are needed.</p>		

### 3. EKZNW Comment

2.3 All NFEFAs in and around the application area (wetlands and watercourses) must be identified, delineated and buffered from the proposed activities. The mitigation measures outlined in NFEPA Implementation Manual Must be implemented and adhered to where appropriate.

### 3. Greenmined Response

3. **Protection of NFEFAs:** All NFEFAs in and around the application area will be identified, delineated, and buffered from the proposed activities. Mitigation measures from the NFEPA Implementation Manual will be implemented where appropriate.

### 3. Eco-Pulse Response

This comment has been noted. However, the wetland assessment focused on wetlands within the DWS regulated area which is within 500m of the proposed development. Further to this, wetlands delineated is based on wetland at potential risk of being negatively impacted based on the proposed development activities.

Based on the abovementioned a screening of the available conservation layer, no NFEPA wetlands or watercourses have been identified within the 500m buffer zone (see yellow highlighted text below).

NATIONAL LEVEL CONSERVATION PLANNING CONTEXT		
Conservation Planning Dataset	Relevant Conservation Feature	Conservation Planning Status
National Freshwater Ecosystem Priority Areas (NFEPA) (WRC, 2011)	Rivers Catchment Planning Unit 3031	Upstream Management Area <sup>2</sup>
	Wetlands Onsite NFEPA wetlands	No NFEPA wetlands present
	Wetlands Presence of wetland NFEFAs within 500m of the study area	
	Wetlands NFEPA Wetland Vegetation Groups	Channelled valley bottom wetland 'Least Threatened'
2018 National Biodiversity Assessment – Inland Aquatic / Freshwater Realm (GIS Coverage)	Wetlands Sub-Escarpment Grassland Group 4	'Seep' 'Endangered'
	Wetlands Wetland Ecosystem Bioregions	Channelled valley bottom wetland 'Critically Endangered'
	Wetlands Sub-Escarpment Grassland Bioregion	'Seep' 'Critically Endangered'
PROVINCIAL AND REGIONAL LEVEL CONSERVATION PLANNING CONTEXT		
Conservation Planning Dataset	Relevant Conservation Feature	Conservation Planning Status
KZN Aquatic Systematic Conservation Plan (EKZNW, 2007)	Sub-quaternary catchment & nearby Wetland	Freshwater Planning Unit No. 2353 & 2360 'Available' (no status)

It is, however, noted that there is a NFEPA river (Sundays River) located some distance downstream.

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

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<p><b>4. EKZNW Comment</b></p>
<p>2.4 The rehabilitation measures for revegetation of the disturbed grassland areas and the proposed invasive alien plant control measures, as outlined in the DEMPr are supported and must be implemented.</p>
<p><b>4. Greenmined Response</b></p>
<p>4. <b>Rehabilitation and Invasive Alien Plant Control:</b> The proposed rehabilitation measures for revegetation of disturbed grassland areas and invasive alien plant control measures will be implemented as outlined in the DEMPr.</p>
<p><b>4. Eco-Pulse Response</b></p>
<p>This has been noted and also recommends that the IAP control measures are to be implemented for both the terrestrial habitat and freshwater habitat.</p>

<p><b>5. EKZNW Comment</b></p>
<p>2.5 The relocation of the protected floral species confirmed to occur on the site is supported and must be undertaken prior to the commencement of any mining and associated activities. The necessary permits must be obtained prior to relocation from Ezemvelo KZN Wildlife. A suitable receiving area for these specimens must also be identified by a suitably qualified specialist, to ensure their long-term persistence.</p>
<p><b>5. Greenmined Response</b></p>
<p>5. <b>Relocation of Protected Floral Species:</b> The relocation of the protected floral species confirmed to occur on the site will be undertaken prior to any mining activities, with necessary permits obtained from Ezemvelo KZN Wildlife. A suitably qualified specialist will identify a suitable receiving area for these species.</p>
<p><b>5. Eco-Pulse Response</b></p>
<p>This comment has been noted. Eco-Pulse recommends that a protected plant and relocation plan be drafted, which is a key document when applying for the necessary permits.</p>

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			<p>...areas, which is a key document when applying for the necessary permits.</p> <p><b>6. EKZNW Comment</b>                  2.5. The residual impacts to the CBAs and freshwater habitats as a result of the proposed activities must be identified and assessed by suitably qualified specialists. Should it be determined that the residual impacts are significant, as per the mitigation hierarchy, offsets would need to be investigated.</p> <p><b>6. Greenmined Response</b>                  6. <b>Assessment of Residual Impacts:</b> Approximately a third of the application area including the corner within the CBA has already undergone transformation- unauthorised land use. According to the KwaZulu-Natal Terrestrial Systematic Conservation Plan (TSCP) (EKZNW, 2016) areas of CBA:Optimal overlap with a corner of the project footprint. The mitigation measures in the Terrestrial Biodiversity Impact Assessment Report 2024 will be implemented. This approach will help safeguard the remaining biodiversity features and minimise any potential negative effects from the proposed activities.</p> <p><b>6. Eco-Pulse Response</b>                  The comment has been noted as well as Greenmined response. Emphases on the commencement of transformation-unauthorized activities within the permitting area.</p> <p>The terrestrial impact assessment identified that the proposed mining permit area overlaps with tiny slither of CBA: Optimal (KwaZulu-Natal Terrestrial Systematic Conservation Plan - EKZNW, 2016) which was the vegetation in this area was identified as degraded Northern KwaZulu-Natal Moist Grassland which has a conservation status vulnerable.</p> <p>Residual impacts haven been identified and assessed accordingly as part of the terrestrial and freshwater assessments. Note that most of the impacts will be linked to post-construction disturbance that could open up key natural areas to further impact by Invasive Alien Plants (IAPs) and weeds. Through onsite IAP control, eradication and basic rehabilitation of disturbed habitat post-construction (as per point 4 above), impacts of alien plants on terrestrial biodiversity can be potentially mitigated and reduced to low significance levels. Given the fact that habitats are somewhat already infested by IAPs, the potential success of clearing operations will require a more comprehensive and holistic programme to manage IAPs within the target grassland and thornveld vegetation community.</p> <p>Further, freshwater habitat is unlikely to experience impacts due to the distance from the proposed mining activities and the implantation and management of a &gt;40m grassed buffer zone. In addition, Eco-Pulse did investigate the downstream wetland based on the current mining activities and noted not signs of impacts.</p>

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<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>In this regard, offsets are unlikely required based on the current sites condition, development impacts and no conservation importance layers overlapping significantly with the proposed site (e.g., 2016 CBAs). However, due to their being protected plant species identified on the property, the need for a protect plant and relocation plan and the appreciate permits is required for commencement of mining activities.</p> </div> <p>Please do not hesitate to contact Eco-Pulse Consulting directly should you have any queries or require further clarity on the responses provided.</p>			
Mr Siza Sibande	Department of Agriculture and Rural Development - KZN (DARD-KZN)	21 May 2024	No comments received
Dumisani Gwede	Department of Economic Development Tourism & Environmental Affairs (Southern Region)	21 May 2024	No comments received
Ms B Msane Ms Dladla Lindiwe Ms Gwele Yolanda Uyabulelwa	Department of Water and Sanitation	21 May 2024	No comments received
Me Judy Reddy	Department of Transport	21 May 2024	No comments received

STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	COMMENTS RECEIVED
Mr Dumisani Nkabinde Mr Themba Mhambi	SANRAL - Eastern Region	21 May 2024	No comments received
Me T Kunene	Department of Labour	21 May 2024	No comments received
Miss SS Ngiba Mr R Mazibuko	Alfred Duma Local Municipality (Emnambithi-Ladysmith Local Municipality)	21 May 2024	No comments received
Mr Thobani Prince Dlamini	Alfred Duma Local Municipality Ward 23 Councillor	21 May 2024	No comments received
Mr Thembinkosi Nicholas Ngobo	Alfred Duma Local Municipality Ward 24 Councillor	21 May 2024	No comments received
Mr Gili	uThukela District Municipality	21 May 2024	No comments received
Mr Bruce Burger Ms Thembisile Sibiyi, Lungile Motsisi Mr Lungile Motsisisi	Eskom  Eskom	21 May 2024	05 June 2024

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

**TITLE, NAME AND SURNAME**

**AFFILIATION/KEY STAKEHOLDER STATUS**

**CONTACTED DATE**

**COMMENTS RECEIVED**

Comments received from Me Thembisile Sibiyi on 05 June 2024:

Me Thembisile Sibiyi from the Eskom Holdings SOC Limited I KZN Operations Unit requested that an indemnity form be completed as the acknowledgement of the conditions set out in the letter and providing the following comments

Notify the Department of Eskom should they detect any conductors or underground cables and before construction close to Eskom's infrastructure. There should be at least a weeks (seven days) notice prior to construction. A site agreement form should be signed at the site meeting

As per the information on your plan, the following are the only Eskom assets showing to exist on our system.

- ❖ Platberg NB33 11-kV Overhead Power Line
- ❖ Ingagane/Danskraal 1 275-kV & Ingagane/ Bloukrans 2 275kV Overhead Power Lines - Transmission

Division of Eskom, please contact Lungile Motsisi for comments MotsisL@eskom.co.za; 011 800 5734.

The Power Lines are depicted on the attached diagram i.e., ER\_INV\_323/2024, traversing over the affected properties. Eskom has no objection to the proposed application as long as the conditions listed below are adhered to and consideration made for all Eskom's infrastructure when planning or developing the area. It is very important to note that Eskom's LV data is not reflected on the drawing supplied. It is advisable you contact Eskom immediately, should you physically detect any conductors and/or underground cables on the ground and not reflected on the drawing. Eskom's call centre number is 08600 37566. It is imperative that you make contact with Eskom's Senior Supervisor, Mr Lwazi Mdingwa on 011 871 2087 / 074 380 8686 and email MdingwLP@eskom.co.za before construction close to Eskom's infrastructure. There should be at least a weeks (seven days) notice prior to construction. A site agreement form should be signed at the site meeting by all parties concerned.

Building Restrictions for an 11-kV Overhead Power Line

No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be placed within 12(twelve) meters from center line of this power line, on either side(overall servitude width 24m), without prior written permission of Eskom. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom as a result of non-compliance will be charged to the applicant. Dimensions and specifics will be in accordance to ESKOM standards so as to not obstruct Eskom's existing infrastructure in any way. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title, and assigns. The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to consequential

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TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	COMMENTS RECEIVED
<p>damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the applicant's equipment. The applicant's attention is drawn to the Electricity Act, 1987, (Act 41 of 1987, as amended in 1994), Section 27(3), which stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom.</p> <p>If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act 85 of 1993. Equipment shall be regarded electrically live and therefore dangerous at all times. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>Any third-party servitudes encroaching on Eskom land shall be registered against Eskom's Notaries deed at the applicant's own cost. If such servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p> <p>A developer taking a new supply from Eskom, an increase of supply or line deviation is required to make an application to Eskom via the Eskom toll free number 0860037566. This application will be processed in terms of Eskom's standard customer connection tariffs, conditions and policies at the developers cost NB. Customers requiring Substation or Powerlines to be installed for their purpose/supply their development must grant all servitudes (a piece of ground on the property to be developed) to Eskom at no cost) Prior to any construction activity, the applicant is required to contact Eskom and detailed plans are to be submitted to this office. There is an attached indemnity form that you are required to complete and return to Land Development as part of your acknowledgement. This approval is valid for 12 months only, after which the applicant must re-apply if the work undertaken has not been completed. Any changes / deviations to the original application must be immediately communicated to this office and apply for new approval. Any damage/s to Eskom infrastructure during construction or any work carried out by the applicant will be borne by the applicant.</p> <p><u>Greenmined's response on 05 June 2024:</u></p> <p>Dear Thembisile,</p> <p>Thank you for your email, and taking part in the public participation process.</p>			



**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	COMMENTS RECEIVED
<p>I forwarded your comments to the relevant consultant to review and respond soonest.</p> <p>Trust you find this in order.</p> <p><u>Greenmined's response on 10 June 2024:</u></p> <p>Dear Mr. Sibiya,</p> <p>Greenmined acknowledges receipt of Eskom's comments and confirms that the conditions will be incorporated into the Final Basic Assessment report.</p> <p>Please find attached the signed Indemnity Form.</p> <p>No further comments received.</p>			
Mr Siegfried Haschke	Department of Land Reform and Rural Development	21 May 2024	No comments received
Mr John Pakwe	Amafa - The KwaZulu-Natal Amafa and Research Institute	21 May 2024	No comments received
SAHRIS	SAHRA – upload on SAHRIS	21 May 2024	No comments received

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	COMMENTS RECEIVED
Mr Fhatuwani Magwaba	Department of Agriculture, Land Reform & Rural Development – National	21 May 2024	No comments received
Mr FP Oosthuizen	Landowner of application area Remaining Extent of the farm Elands Spruit No 5523; Portion 4 of the farm Elands Laagte No 1239; Portion 20 of the farm Elands Laagte No 1239	21 May 2024	No comments received
Mr IF Mitchell	Portion 6 of the farm Roode Poort No 1045 Farm Elandspruit 16154	21 May 2024	No comments received
Me Z Khumalo	Lawful occupier Roodepoort 1045 Portion 1	21 May 2024	13 May 2024

Comments received from Me Khumalo on 13 May 2024:

Hi, ma'am, did they tell U about damages in my house? It is better to come and see me before blast again. your mine is too close with us so many things is damaged.

Greenmined's response on 13 May 2024:

Dear Zama, please find to follow the feedback received from the consultant. Trust this meets your favourable approval.

Greenmined's additional response on 13 May 2024:

Greenmined acknowledge the complaint lodged on the previous mining permit which was held by Raubex KZN.

**STAKEHOLDERS, LANDOWNER, SURROUNDING LANDOWNERS & IAPS**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>COMMENTS RECEIVED</b>
<p>The previous permit holder RBX KZN confirmed that they met with you in April 2024 and confirmed that damaged will be repaired by them/RBX Kzn.</p> <p>Mr. Vincent the public liason officer will make contact with you to discuss the way forward.</p> <p>A meeting will be scheduled before any subsequent blasting occurs.</p> <p>We trust you find all in order.</p> <p>No further comments received from Me Khumalo.</p>			
Matiwane Trust (care of ward councillor Mr TP Dlamini)	Portion 2 of Elands Spruit No 5523	21 May 2024	No comments received
Mr P Major (prospecting right holder)	Rotimode (Pty) Ltd	21 May 2024	No comments received
Mr S Vilakazi (prospecting right holder)	Sam and Sina Trading Enterprize	21 May 2024	No comments received

## SUMMARY OF PUBLIC PARTICIPATION PROCESS

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

- ◆ telephonic discussions;
- ◆ direct communication with notification letters regarding the availability of the DBAR (email);
- ◆ hard copy of the draft basic assessment report made available to the public for viewing at the Alfred Duma Local Municipality
- ◆ placement of on-site notices; and
- ◆ the placement of an advertisement in The Ladysmith Gazette on 10 May 2024.

Please refer to Appendix F as proof of the correspondence with the I&AP's, landowner, surrounding landowners, and stakeholders before, and during the public participation process up and until 21 June 2024.

**-END OF COMMENTS AND RESPONSE REPORT-**