



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11900

Our File Reference Number: Farm 27, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR TEMPORARY DEPARTURE: SAND MINING ON FARM 27, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 27, Stellenbosch Division, namely:
 - (i) Application in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for a temporary departure in order to operate a dry-pit sand mine on 5ha of the farm (See **APPENDIX B**).

BE APPROVED in terms of Section 60 of the said Bylaw and subject conditions of approval in terms of Section 66 of the said Bylaw;

3. Conditions of Approval

- 3.1 The approval applies only to the temporary departure in question (See **APPENDIX B**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 3.2 No pollution may take place on the property and that mining and rehabilitation activities take place in accordance with the environmental management programme approved as part of the environmental authorization dated 21/11/2019.

- 3.3 The approval will be for a 5-year period from date of final notification.
 - 3.4 No signage may be displayed which is visible from any public place without the approval of Stellenbosch Municipality and the Provincial Roads Engineer in terms of the Advertising on Roads and Ribbon Development Act 21 of 1940.
 - 3.5 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 immediately.
 - 3.6 Vehicles entering the site to collect and leave the site with the collected sand are restricted to the hours between 09:00 in the morning and 14:30 in the afternoon.
 - 3.7 Adhere to the conditions of approval listed in **APPENDIX G** from the Department of Transport and Public Works, stipulated in their letter dated 27 February 2019.
 - 3.8 Adhere to the conditions of approval listed in **APPENDIX H** from the Department of Mineral Resources in the environmental authorization granted in terms of NEMA on 21/11/2019.
 - 3.9 Adhere to the conditions of approval listed in **APPENDIX I** from the Department of Water Affairs and Forestry in their letter dated 03 May 2021.
 - 3.10 Adhere to the conditions of approval listed in **APPENDIX J** from the Department of Agriculture Western Cape Government in their letter dated 12 February 2021.
 - 3.11 Adhere to the conditions of approval listed in **APPENDIX K** from the municipal Directorate: Infrastructure Services in their memorandum dated 07 May 2021.
 - 3.12 Adhere to the conditions of approval listed in **APPENDIX L** from the Cape Winelands District Municipalities Health Services.
 - 3.13 Adhere to the conditions of approval listed in **APPENDIX M** from the Senior Environmental Planner (Municipal Community Services) in their memorandum dated 15 February 2021.
4. The reasons for the above decision are as follows:
 - 4.1 The proposed temporary mining activities is not necessarily out of keeping with the relevant prescriptions, policies and guidelines of the municipality and relevant provincial department, if operated in a control environment.

- 4.2 The approved environmental management programme provide sufficient measures to ensure that the sand mining activities can be operate safely, with minimal impact on surrounding agricultural and tourist activities.
- 4.3 All services and accesses can be provided and upgraded to the satisfaction of the relevant authorities.
- 4.4 It is also not envisaged that the proposal will have a long-term impact on the municipality (resources and financial), agricultural activities, production and sustainability, risk and finances, and the scenic, heritage and cultural landscape.
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
- (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

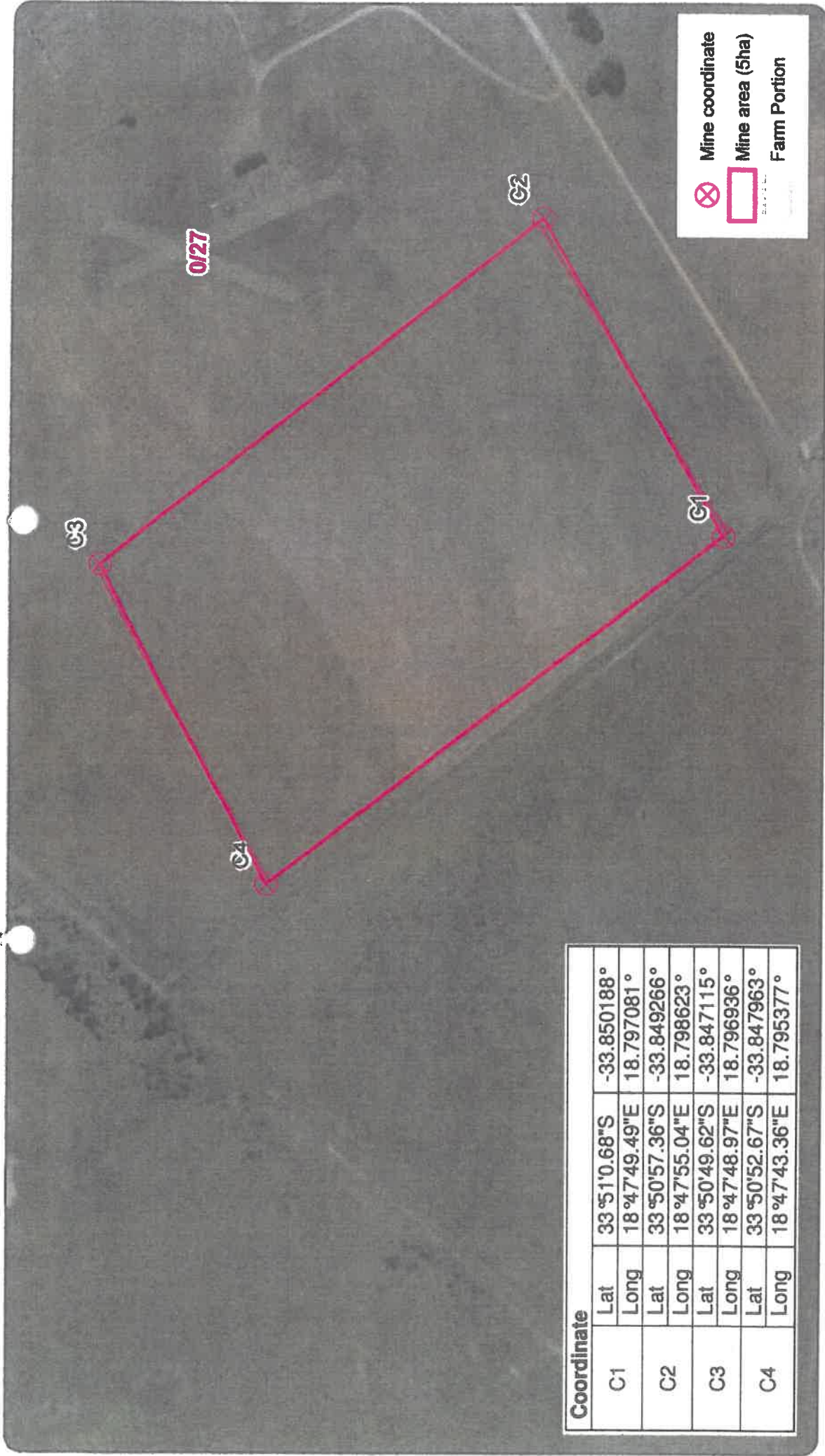


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

22/07/2021
DATE:

APPENDIX B

Mining Plan



 Mine coordinate
 Mine area (5ha)
 Farm Portion

Coordinate		Lat	Long
C1	Lat	33°51'0.68"S	-33.850188°
	Long	18°47'49.49"E	18.797081°
C2	Lat	33°50'57.36"S	-33.849266°
	Long	18°47'55.04"E	18.798623°
C3	Lat	33°50'49.62"S	-33.847115°
	Long	18°47'48.97"E	18.796936°
C4	Lat	33°50'52.67"S	-33.847963°
	Long	18°47'43.36"E	18.795377°



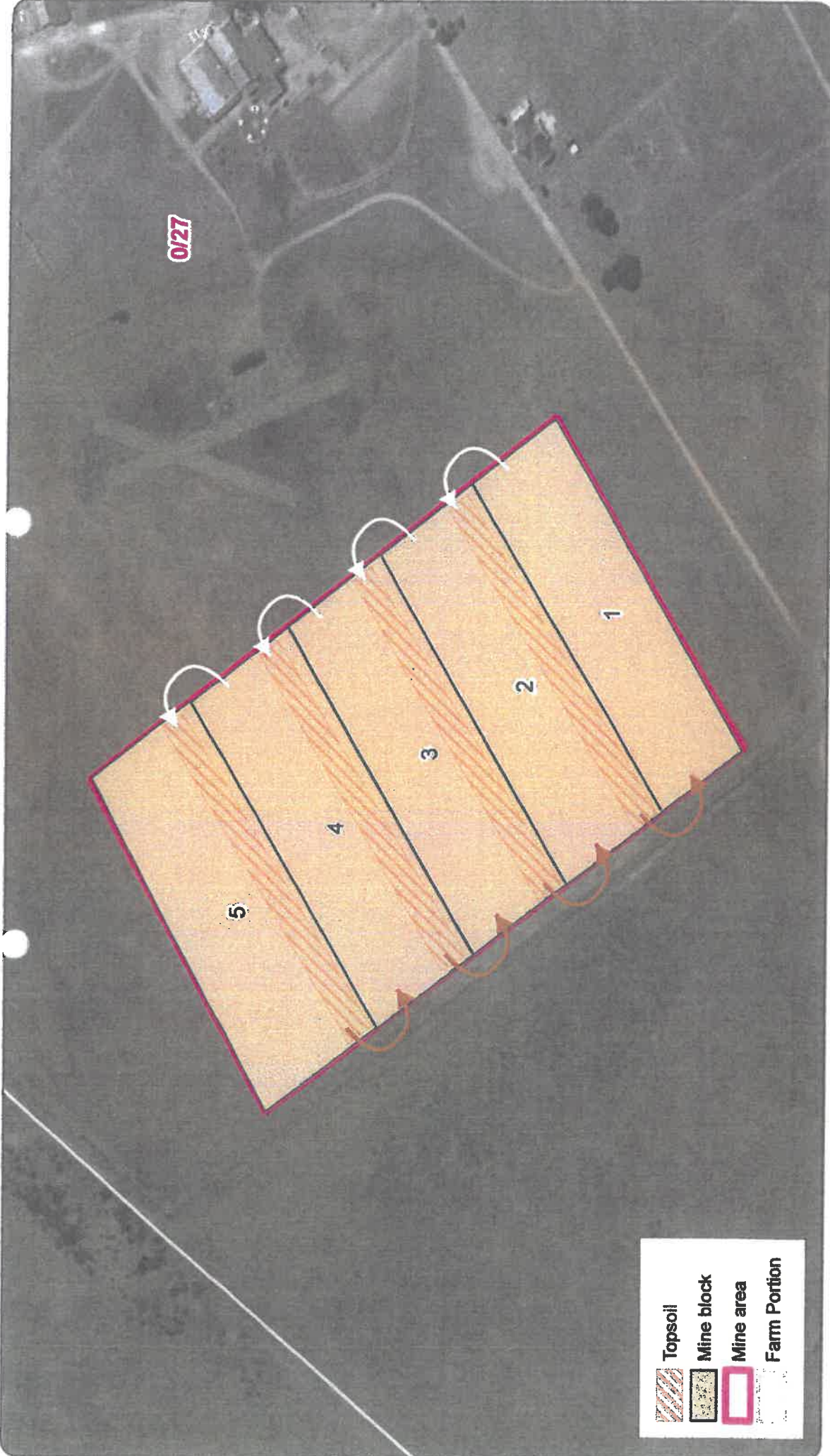
Date: 9/9/20

Mine area

Remainder Farm 27, Division Stellenbosch



PLANSCAPE
URBAN PLANNERS



Date: 9/9/20

Mine plan

Remainder Farm 27, Division Stellenbosch





	Haul road
	Topsoil
	Mine block
	Mine area
	Farm Portion

Transport route

Remainder Farm 27, Division Paarl



Date: 9/9/20



APPENDIX G

Comments: Department of Transport
and Public Works



Western Cape
Government

ROAD NETWORK MANAGEMENT
Email: Grace.Swaneepoel@westerncape.gov.za
Tel: +27 21 483 4469
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2409, Cape Town, 8000

REFERENCE: 16/9/6/1-25/285 (Job 26483)
ENQUIRIES: Ms GD Swaneepoel
DATE: 27 February 2019

Enviro@aps
14 Plein Street
MALMESBURY
7300

Attention: Ms Natalie Hanekom

Dear Madam

REMAINDER FARM 27, STELLENBOSCH – JOOSTENBERG SAND MINE: MAIN ROAD 174 (THE R304): APPLICATION: REVISED COMMENTS ON DRAFT BASIC ASSESSMENT REPORT:

1. The following refer:
 - 1.1 Your letter to this Branch, dated 9 October 2018, DMR ref: no. WC90/5/1/3/2/10186MP;
 - 1.2 This Branch's response 16/9/6/1-25/285 (Job 26483) dated 20 November 2018;
 - 1.3 E-mail to Harry Thompson of this Branch from Stephen Fautley of Techso Traffic Engineers dated 19 February 2019, proposing a range of mitigation measures to address this Branch's road safety concerns.
2. The applicant's traffic engineering consultants have explored other potential access routes linking to Main Road 174 via Old Paarl Road (MR189) or Bottelary Road (MR187), but without success.
3. Mitigation measures proposed include:
 - Restricting operations to 6 truck trips per day, 3 in and 3 out
 - Restricting operating hours to between 10:00 and 14:00 (or other suitable off-peak hours)
 - Restricting truck access to those operated by the sand mine applicant (MP Coetzee Grondverskuiwing).

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Application for Temporary Departure: Farm no 27, Stellenbosch RD
(Reference number: 201~27-Stb)

- Sand to be transported to the Hercules Pilaar stockpile north of the N1, thus eliminating right turns onto Main Road 174 by loaded trucks coming from the sand mine
 - Monitoring of compliance with these conditions as part of the approved Environmental Management Plan (EMP).
4. In light of the above measures proposed in order to address road safety concerns, this Branch rescinds paragraph 6 of its letter dated 20 November 2018 (paragraph 1.2 above).
 5. This Branch offers no objection to the proposed operation of a sand mine on Farm 27 Stellenbosch at Joostenberg, subject to the following conditions:
 - 5.1 The number of sand truck movements per day shall not exceed six (6): three inbound from Main Road 174 and three outbound onto Main Road 174;
 - 5.2 Operating hours shall be between 10:00 and 14:00;
 - 5.3 Only trucks operated by the sand mine licensee shall be used to transport sand;
 - 5.4 Loaded sand trucks shall only be permitted to turn left from the access to Main Road 174, located ±2km south of Old Paarl Road (Main Road 189);
 - 5.5 The applicant shall keep accurate records of truck movements, including weighing of trucks to determine loading and
 - 5.6 Compliance with conditions 5.1 to 5.5 shall be monitored as part of an approved Environmental Management Plan (EMP) for the sand mine.

Yours faithfully


SW CARSTENS
For: CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Stellenbosch Municipality
Attention : Ulrich von Molendorff (e-mail)
2. Enviroeaps
Attention: Natalie Hanekom (e-mail: nataliemhanekom@gmail.com)
3. Techso Traffic Engineers
Attention: Steve Faulley (e-mail: jnfo@techso.co.za)
4. District Roads Engineer
Paarl
5. Schalk Carstens (e-mail)
6. Harry Thompson (e-mail)

APPENDIX H

Department of Mineral Resources EIA
granted in terms of NEMA



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, 8001

Enquiries: Willy van Breda Ref: WC30/5/1/3/2/10188 MP
E-Mail Address: willy.vanbreda@dmr.gov.za
Sub-Directorate: Mine Environmental Management

MP Coetzee Grondverskuiwing (Pty) Ltd
P.O. Box 1195
Kraaifontein
7569

Attention: MP Coetzee
Tel no: 072 237 2308
E-mail: coetzee.grond@gmail.com

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR MINING PERMIT APPLICATION IN RESPECT OF BUILDING SAND (SILICA) MINING ACTIVITIES ON A PORTION REMAINDER OF FARM 27, IN THE MAGISTERIAL DISTRICT OF STELLENBOSCH: WESTERN CAPE REGION

With reference to the above mentioned application, please be advised that the department has decided to grant environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Western Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Environmental Affairs

Attention : Directorate Appeals and Legal Review
Email : appeals@environment.gov.za
By post : Private Bag X 447, PRETORIA, 0001
By hand : Environmental House, Corner Steve Biko and
Soutpansberg Street, Arcadia, Pretoria, 0083

Please provide a copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : pieter.swart@dmr.gov.za
By post : Private Bag X 09, Roggebaai, 8012
By hand : 9th floor Atterbury House, 9 Riebeeck Street, Cape Town, 8001

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards


REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 21/02/14



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X9, Roggebaai, 8012, Tel: 021 427 1000, Fax: 021 427 1046
Atterbury House, 09 Riebeeck Street, Cape Town, 8001

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") AND THE 2014 EIA REGULATIONS AS AMENDED FOR BUILDING SAND (SILICA) MINING ACTIVITIES

Reference number:	WC30/5/1/3/2/10186 MP
Last amended:	First issue
Holder of authorisation:	MP Coetzee Grondverskuiwing (Pty) Ltd
Location of activities:	Portion of Remainder of Farm 27, Magisterial District of Stellenbosch, Western Cape

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral Resources
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake NEMA EIA listed activities specified below. Details regarding the basis on which the department reached this granting decision are set out in Annexure "1" and "2" of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral Resources hereby Grants an Environmental Authorisation (EA) to MP Coetzee Grondverskuiwing (Pty) Ltd with the following contact details –

MP Coetzee Grondverskuiwing (Pty) Ltd
P.O. Box 1195
Kraaifontein
7569

Attention: MP Coetzee
Tel no: 072 237 2308
E-mail: coetzee.grond@gmail.com

to undertake the following activities listed in the NEMA EIA Regulations:

LISTED ACTIVITIES AUTHORISED:

Listed Activities	Activity and/or project description
<p>Activity 21 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including –</p> <p>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or</p> <p>(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.</p>	<p>The project and/or development involves an application for mining permit in an area of 5 hectares.</p>
<p>Activity 22 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>The decommissioning of any activity requiring –</p> <p>(i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</p> <p>(ii) a prospecting right, mining right, mining permit, production right or exploration right,</p>	<p>Mining activities will be conducted concurrent with rehabilitation and a closure certificate will be applied for once mining is complete.</p>



<p>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;</p> <p>but excluding the decommissioning of an activity relating to the secondary processing of a –</p> <p>(a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or</p> <p>(b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products;–</p> <p>in which case activity 31 in this Notice applies.</p>	
<p>Activity 28 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes 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>The mining activities will be conducted on agricultural land and occurs outside the urban area and is bigger than 1 hectare.</p>

Detailed description of the activity are as follows:

The holder is hereby authorised to undertake sand mining activities including the above listed activities as it relates to the development as follows:

- The mining activities will entail excavation of sand. The extent of the mining permit area is 5ha.
- Mining will be done via strip mining. 1ha will be mined at a time and when operations move onto next 1ha the previous 1ha will be rehabilitated.
- The top 300mm of topsoil will be removed and stockpiled on the edge of the current mining block.
- The sand will be mined by an excavator or front end loader. The sand will then be stockpiled on site or loaded onto haulage vehicles for transport.
- Mining will be done up to the underlying clay/gravel layer.

- Rehabilitation will start immediately when mining has been completed on the first mining block. The area will be levelled and sloped. After replacing the topsoil there should at least be a soil depth of 500mm on top of the underlying clay/gravel layer. The rehabilitated area will be ploughed and a cover crop established to stabilise the soil and protect it from erosion.
- Existing access road to the site and existing farm roads on site will be used for mining activities and no new roads will be constructed.
- No permanent infrastructure will be placed on site. Site infrastructure will be limited to a chemical toilet and waste bin.

Site description and location:

The activities will be conducted on a portion of remainder of Farm 27, Magisterial District of Stellenbosch at the following co-ordinates:

Point	Latitude	Longitude
C1	33,850188° S	18,797081° E
C2	33,849286° S	18,798623° E
C3	33,847115° S	18,796936° E
C4	33,847963° S	18,795377° E

The Surveyor General Code for the farm portion is: C06700000000002700000.

The granting of this EA is subject to the conditions set out below (site specific) and in Annexure 2 (departmental standard conditions). The Environmental Management Programme (EiMP) attached as part of the reports for the above development submitted as part of the application for an EA complies with section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Mining activities must be conducted in accordance to the approved Environmental Management Programme and the attached layout plan.
2. Visible semi-permanent markers must be placed on the mining boundary before mining activities commence and must be kept for the duration of mining. Mining activities must strictly be conducted within the demarcated area.
3. Mining area must be visibly subdivided into five (5) blocks of one (1) hectare each and mining must be confined to one block at a time. The mining area must be completely fenced off from the public during mining activities and access to the site must be restricted to the holder and its employees.
4. Mining activities must be conducted concurrent with rehabilitation and measures such as mulching and/or immediate cover with vegetation must be taken to make sure that the rehabilitated surface is protected from forces of erosion.
5. After rehabilitation the soil depth must at least be 50cm on top of the underlying clay/gravel layer.

6. Topsoil must be stored within the approved mining area. The management of topsoil must be done as per the approved EMPr and this EA.
7. The stockpiled topsoil must be protected from and/ or against losses by water and wind erosion. Driving over topsoil stockpile is prohibited.
8. Sand leaving the site must be covered with tarpaulin cloth during transportation to prevent sand from being blown away by wind and causing pollution nuisance to other road users and the general public.
9. Access to the site must be through an existing access road and the construction of new access road is prohibited.
10. Vehicles entering the site to collect sand and leave the site with the collected sand are restricted to the hours between 09:00 and 14:30
11. Alien vegetation must be cleared on an ongoing basis during mining activities and after rehabilitation of each block.
12. A surface slope must be maintained across the mining area in the drainage direction, so that excavation is freely drained.
13. Dust suppression measures must be implemented during mining activities and this may include spraying the mining area and access road with water and/or an environmentally friendly dust-allaying agent.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

All the information presented to the Department was taken into account during the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below:

- a) The information contained in the application form received by the department on 27 September 2018;
- b) The information contained in the BAR received by this department on 2 April 2019;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the NEMA EIA Regulations;
- d) The environmental impacts associated with the proposed activity outlined in the BAR will be addressed through the implementation of the proposed mitigation measures outlined in the EMPr compiled by Nicolaas Hanekom;
- e) Public Participation Process Report (PPP) as enclosed within the BAR & EMPr. The Public Participation Process (PPP) that was undertaken by the applicant has satisfied the minimum requirements prescribed in the EIA Regulations R982 of 2014 as amended by (GN 326) for public involvement and the PPP results shows that the concerns raised by the ISAPs and the Authorities were addressed by the Applicant in the BAR and EMPr;



- f) Notice of Intent to Develop sent to Heritage Western Cape attached to the BAR in Appendix E;
- g) The Soil Survey study attached to the BAR in Appendix G.;
- h) The Traffic Impact Statement conducted by Stephen Fautley and dated 15 August 2018 attached to the BAR in Appendix G. The study concluded that the vehicles collecting sand should be restricted to off-peak hours.
- i) The Comments from Mine Health and Safety were in support of the proposed project;
- j) The findings of site inspection conducted by the officials of this Department on 3 June 2019.
- k) The Applicant has complied with Section 24P of the National Environmental Management Act, 1998 (Act 107 of 1998) and provided the financial provision for the management of environmental impacts;
- l) Comments received from the Principal Inspector of Mines, Heritage Western Cape, Department of Agriculture, Department of Environmental Affairs and Development Planning, Department of Transport & Public Works and Cape Nature.

3. Findings

After consideration of the information and factors listed above, the department made the following findings --

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures were outlined.
- b) The need and desirability of the project was clearly addressed.
- c) The vegetation in the proposed mining area has been completely transformed by agriculture.
- d) The findings of site inspection conducted by the officials of this Department, on 3 June 2019 were as follow:
 - Existing access roads will be used.
 - The proposed mining site has been transformed by agricultural activities.
- e) Public Participation Process complied with Chapter 6 of the 2014 EIA Regulations R.982 as amended by (GN 326). The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper *Elkestadrius* on 17 October 2018;
 - A notice board was placed at the site entrance for the proposed mining area for the duration of the application process;
 - Notices were sent to all key stakeholders including the registered interested and affected parties via registered letters and emails on 9 and 10 October 2018;

- Strobe Prop (Pty) Ltd is the registered owner for Remainder of Farm 27 and is represented by Patrick Charles Smyth who provided power of attorney to the applicant.
 - Proof of consultation and comments received from the Interested and Affected Parties is included in the BAR;
 - Comments and issues raised by interested and affected parties were adequately addressed in the BAR
- f) Heritage Western Cape confirmed that no further studies are required after receiving the Notice of Intent to Develop.
- g) The soil survey study confirmed that there are adequate amounts of sand reserves on site for mining and rehabilitation. If mitigation measures are adhered to and if rehabilitation is successful then it will allow the land to be utilised at a similar level of production as the pre-mining land use.
- h) Traffic Impact Statement stated that the R304 provides access to the mining and can have high traffic volumes during peak traffic hours. Trucks entering and leaving the site must be restricted to off peak hours.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1 The holder of the EA must be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2 Any changes to, or deviation from the project description set out in this EA must be approved in writing by the department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations as amended.
- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMPr.
- 1.4 When any of the holders of the EA contact details change including name of the responsible person, physical or postal address or telephonic details, the holder of the EA must notify the department as soon as the new details become known to the holder of the EA.
- 1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- 1.6 The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
- 2.2 Notify all registered I&APs of –
 - 2.2.1 The outcome of the application;
 - 2.2.2 The date of the decision;
 - 2.2.3 The date of issue of the decision and;
 - 2.2.4 The reasons for the decision as included in Annexure 1 and departmental standard conditions in Annexure 2.
- 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,
- 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 2.5 Provide the registered I&APs with:
 - 2.5.1 Name of the holder (entity) of this EA;
 - 2.5.2 Name of the responsible person for this EA;
 - 2.5.3 Postal address of the holder;
 - 2.5.4 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITIES

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE) and any employee without PPE must not be allowed on site.
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Hauling routes for mining vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to the approved mining area.
- 3.4 Appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of mining vehicles and machinery.
- 3.5 Vegetation clearances must be limited to the actual mining footprint in accordance to the approved layout plan, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.6 Topsoil stripped before mining must be protected from erosion, contamination and/or pollution and stockpiling of topsoil must not take place in the drainage lines or areas where it will impede water runoff.

- 3.7 If any soil contamination is noted at any phase of the proposed activities, the contaminated soil must be removed to a licensed waste disposal facility designed for such waste and the site must be rehabilitated to the satisfaction of the department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this department must be informed in this regard.
- 3.8 An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the mining area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.
- 3.9 Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site and mining area.
- 3.10 The waste generated during mining activities must be stored in animal proof containers, and must be removed from site and disposed of at a registered disposal facility. Proof of disposal at a registered disposal facility must be kept and produced to any official of this department on request.
- 3.11 In terms of sections 28 and 30 of NEMA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.12 Vehicles and machineries must be serviced and maintained in the manner whereby excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Servicing of machinery and vehicles must not take place on site.
- 3.13 Residents (if any) on the property and surrounding areas must be informed of any unusual noise activities in the mining area.
- 3.14 Dust suppression measures must be implemented on all exposed surface and access road to minimize and control airborne dust.
- 3.15 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and/or Heritage Western Cape (HWC) (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or Heritage Western Cape (HWC).

- 3.16 Care must be taken to ensure that material and topsoil required for rehabilitation is free of contamination from hydrocarbons.
- 3.17 Refueling of machinery and construction vehicles must be done through a mobile bowser. Should any spills occur it must be cleaned immediately by removing spillage together with the polluted soil and dispose it at authorised disposal site permitted for the disposal of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and ground water resources.
- 3.18 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works. Proof of disposal must be kept on site and be produced upon request.
- 3.19 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activities.
- 3.20 This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.21 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.22 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.23 The holder of EA must note that in terms of Section 20 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management license is issued in respect of that activity if license is required.
- 3.24 An appeal under Section 43 (7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.25 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activities until such time that the Minister allows you to commence with such activities in writing.
- 3.26 The department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.

- 3.27 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activities, the EA is valid for the period for which the aforesaid Mining Permit is granted provided that this activity commences within 5 years. If the commencement of the proposed activities does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations must be made for the activity to be undertaken.
- 3.28 This EA will only be effective on the event that a corresponding mining permit is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a mining permit.
- 3.29 The listed activities, including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorization is suspended until such time as the appeal is decided.
- 3.30 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the department for resolution.
- 4 MANAGEMENT OF ACTIVITIES**
- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activities will be undertaken. The EA and EMPr must be produced to any authorised officials of the department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the department for approval.
- 4.3 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 4.4 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.6 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled. The holder of the EA must also make sure that littering of waste within the mining area is prohibited.
- 4.7 Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.

- 4.8 Only listed activities that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EA.
- 4.9 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPr.
- 4.10 The Holder of EA must appoint the ECO before commencement of mining activities and ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activities at all times comply with the issued EA and approved EMPr.
- 4.11 The ECO must:
- 4.11.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.11.2 Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.11.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.11.4 Keep copies of all environmental reports submitted to the department.
 - 4.11.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.11.6 Compile a monthly monitoring report and make it available to the department if requested.
 - 4.11.7 The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual mining works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.

5 REPORTING TO THE DEPARTMENT

- 5.1 The holder of EA must:
- 5.1.1 Submit an Environmental Audit Report to this department annually and such report must be done by qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMP/closure plan are adhered to.

- 5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations;
 - 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 5.1.4 identify shortcomings in the EMP/closure plan, if applicable;
 - 5.1.5 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMP;
 - 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
 - 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMP/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management to the satisfaction of the Competent Authority of measures taken to –
- 5.5.1 Correct the impact resulting from the incident;
 - 5.5.2 Prevent the incident from causing any further impact; and
 - 5.5.3 Prevent a recurrence of a similar incident.
 - 5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.
- 6 SITE SECURITY AND ACCESS CONTROL**
- 6.1 The holder of the EA must ensure effective access control to the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at the entrance.
- 6.2 The mining area must be fenced off and lockable gates must be installed to restrict unauthorised access to the site.

- 6.3 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at the entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the operation of the site.

7 EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 7.1.1 Site Fire
 - 7.1.2 Spillage
 - 7.1.3 Natural disasters such as floods
 - 7.1.4 Industrial action
 - 7.1.5 Contact details of police, ambulances and any emergency center closer to the site
- 7.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

8 INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables and air quality, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution and/or degradation, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.
- 8.5 The holder of the EA must comply with Section 28 of the NEMA and conduct mining activities in an environmentally friendly manner.



9 COMMISSIONING AND DECOMMISSIONING

9.1 The commissioning and decommissioning of individual activity within the overall listed mining activities must take place within the phases and timeframes as set out in EMPr.

10 SITE CLOSURE

10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.

10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.

10.3 No exotic but, only indigenous plants must be utilized for rehabilitation purposes.

10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11 NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option



12 DISCLAIMER

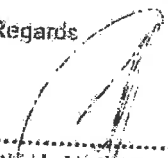
The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this form, and compliance with the EMP/EoI plan, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. The **Environmental Authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards


.....
REGIONAL MANAGER, MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE

DATE: 21/11/2011



**MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA**

Ref: LSA 190367

APPEAL DECISION

**APPEAL AGAINST THE DECISION TO GRANT AN ENVIRONMENTAL AUTHORISATION
TO MP COETZEE GRONDVERSKUWING (PTY) LTD FOR THE PROPOSED MINING OF
BUILDING SAND**

Villiers Wines & Cape Garden Centre	Appellant
MP Coetzee Grondverskuwing (Pty) Ltd	Applicant
Department of Mineral Resources	Competent Authority

Appeal: This is an appeal against the decision of the Regional Manager: Mineral Regulation of the Department of Mineral Resources, Western Cape Regional Office (DMR), to grant an Environmental Authorisation (EA) to MP Coetzee Grondverskuwing (Pty) Ltd (the applicant) on 21 November 2019, for the proposed mining of building sand (silica) on a remainder portion of farm 27, within the Magisterial District of Stellenbosch, in the Western Cape Province.

1. BACKGROUND AND APPEAL

- 1.1 On 27 September 2018, the applicant lodged an application for the EA with the DMR for the proposed mining of silica on the abovementioned property. This application was lodged in terms of section 24 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended (NEMA), read together with the Environmental Impact Assessment Regulations, 2014, as amended (2014 EIA Regulations).
- 1.2 The applicant commissioned an independent environmental consultancy, namely Enviro-EAP Environmental Consultants, to conduct a Basic Assessment (BA) process for the abovementioned application. The applicant thereafter submitted a Basic Assessment Report (BAR) and Environmental Management Programme (EMPr) to the DMR on 2 April 2019.
- 1.3 Upon evaluation of the BAR and EMPr, the DMR was satisfied that the applicant complied with the requirements of the 2014 EIA Regulations and that the reports adequately assessed and addressed the impacts associated with the proposed activities. As a result thereof, the DMR granted an EA to the applicant on 21 November 2019.
- 1.4 Subsequent to the decision by the DMR to grant the abovementioned EA, the Directorate: Appeals and Legal Review (Appeals Directorate) within the Department of Environment, Forestry and Fisheries (the Department) received an appeal from Villiers Wines & Cape Garden Centre (the appellant) on 5 December 2019. This appeal was lodged in terms of section 43(1A) of NEMA, read together with regulation 4 of the National Appeal Regulations, 2014 (Appeals Regulations).
- 1.5 The grounds of appeal were provided to the applicant, who submitted a responding statement thereto on 2 January 2020. Comments on the grounds of appeal were thereafter received from the DMR on 15 January 2020.
- 1.6 The appeal is premised on the following grounds:
 - 1.6.1 Inadequate public participation process (PPP);

- 1.6.2 Impact on tourism;
- 1.6.3 Impact on traffic;
- 1.6.4 Job opportunities; and
- 1.6.5 Dust.

2 GROUNDS OF APPEAL AND EVALUATION

Inadequate PPP

- 2.1 The appellant submits that the applicant failed to provide adequate feedback to interested and affected parties (I&APs) and furthermore their comments on the proposed mining have not been dealt with.
- 2.2 In response to this ground of appeal, the applicant submits that the appellant's contention is incorrect. The applicant submits that all comments received were reported and included in the application documents.
- 2.3 In their comments to this ground of appeal, the DMR submits that the comments were addressed and responded to in the final BAR.
- 2.4 In evaluating this ground of appeal, I note that the PPP conducted by the applicant included the following:
 - A newspaper advertisement in the local newspaper, *Ekkestad Nuus* on 11 October 2018;
 - Notices were placed on a site;
 - Notices were sent to key stakeholders and the registered I&APs; and
 - Comments and issues raised by I&APs were adequately addressed.
- 2.5 Moreover, I have perused the final BAR, particularly pages 39 - 52 and noted that the appellant's concerns and the responses thereto by the applicant were incorporated therein. I accordingly cannot find any merit in the appellant's contention that their concerns on the proposed mining activities were not dealt with. I am therefore satisfied that the PPP

conducted by the applicant in respect of the abovementioned application complied with the requirements of the 2014 EIA Regulations.

- 2.6 In light of the above, this ground of appeal is accordingly dismissed.

Impact on tourism

- 2.7 The appellant submits that the mine is of the utmost danger to Stellenbosch tourism and compromises the multi-billion rand tourism industry. The appellant submits that the multi generation effort to develop sustainable tourism will be affected.
- 2.8 In response to this ground of appeal, the applicant submits that mining is part of the agricultural landscape. The applicant submits that there are mining activities approximately 600m south of the proposed mine on the wildlife sanctuary border. It is further stated that a quarry mine and brick manufactory is situated in close proximity to the proposed mining site. As such, the applicant submits that mining activities are already viable in the surrounding environment. The applicant submits that the mine must furthermore get zoning approval from Stellenbosch municipality. The applicant further submits that this concern was responded to and included in the application documents submitted to the DMR.
- 2.9 In their comments to this ground of appeal, the DMR submits that the mining permit is valid for a period of two (2) years and will be operational on a small scale not bigger than 5ha. The DMR further submits that the mining permit may be renewed for a further period up to 3 years, after which it completely lapses. According to the DMR after mining and rehabilitation, the land use will revert back to agricultural use as it was before mining.
- 2.10 In evaluating this ground of appeal and responses thereto, I note that the proposed project entails small scale mining activities. As such, I find that tourism can co-exist with mining in the proposed area due to the temporary nature of the mine. I further note that concurrent mining and rehabilitation process will be implemented. Furthermore considering the existing mining operations in the area, as well as the scale of the proposed mining operation, I am inclined to conclude that the mining operations will not have a substantial impact on the character of the

area and is also compatible with the surrounding land uses. Further to this, I cannot find merit in the contention that the proposed mining will jeopardise the multi-billion rand tourism industry.

2.16 In light of the above, this ground of appeal is accordingly dismissed.

Impact on traffic

2.17 The appellant submits that there is no area for trucks to pull over on the R304. The appellant is concerned that in the planned mining window, traffic will be travelling at 100km/h at the farm entrance. The appellant submits that the R304 is a single lane with cyclists and pedestrians travelling in the yellow line.

2.18 The appellant further submits that mist is a problem too. It is contended that there will be serious injuries and fatalities and when this happens, the question is who will be responsible or litigated.

2.19 In response to this ground of appeal, the applicant submits that a Traffic Impact Assessment (TIA) was conducted and mitigation measures included. The applicant provides that the TIA was assessed by the Department of Transport and Public roads engineer and the mitigation measures included in the EMP were accepted.

2.20 In their comments to this ground of appeal, the DMR submits that vehicles entering and leaving the mining site from R304 is restricted between the hours of 09:00 and 14:30. The DMR further submits that trucks leaving the site are only allowed to turn left into R304. Moreover, vehicles transporting sand from the mining site are limited to 6 trips per day (3 in and 3 out). The DMR further submits that according to the TIA, shoulder sight distance to the right and to the left, is good and exceeds 300m in either direction as required for heavy vehicles.

2.21 In evaluating this ground of appeal, I note that the applicant has conducted a TIA and it was recommended that the vehicles collecting sand should be restricted to off-peak hours. I have

also noted the contents of condition 10 of the EA, which provides that "Vehicles entering the site to collect sand and leave the site with the collected sand are restricted to the hours between 08:00 and 14:30". As such, I am satisfied that the issue of traffic has been adequately addressed with suitable mitigation measures in place.

2.22 I have also taken note of the following mitigation measures which were included in the EMPR to reduce the impact of traffic:

- A speed limit of 30km per hour will be displayed and enforced through a timing system;
- All vehicle drivers entering the site will be informed of the speed limit. Speed limit will be applicable when delivery trucks drive through areas where farm yard and housing is next to the road; and
- Transport of mined material may only occur during off peak hours (not before 8h00 and after 17h00).

2.23 In light of the above, this ground of appeal is accordingly dismissed.

Job opportunities

2.24 The appellant submits that the mine will create no new jobs, but could instead jeopardize 300 sustainable jobs at the Villiers Wines and Cape Garden Centre. The appellant further submits that the mine will be jeopardising 3 of the biggest employers and tax payers' businesses in the area i.e. Cape Garden Centre, Villiers Wines and County Fair Chickens.

2.25 In response to this ground of appeal, the applicant submits that according to the BAR and EMPR submitted to the DMR, job opportunities at the mine are limited, however job opportunities in the building and construction industry will be sustained.

2.26 In their comments to this ground of appeal, the DMR submits that sand is required for the building industry of the Stellenbosch area. As such, the existence of the mining operations will create more jobs in the building and construction industries. Furthermore, the DMR submits that after the mine is rehabilitated with stockpiled topsoil from the mining site, the site will be able to be used for the cultivation of pasture crops again. Moreover, it is submitted that mitigation measures have been established to alleviate the impact on neighbouring farms and businesses.

2.27 In evaluating this ground of appeal, as well as responses thereto, the information before me indicates that building sand is commonly used for the manufacturing of plaster, mortar and concrete. I am accordingly satisfied that the operation will create indirect employment opportunities in equipment supply industries, transport, sand mining and the construction environment. It is my view that the activity will have a positive economic impact as it will generate income to various sectors of the building industry. Further to this, I cannot find merit in the contention that the proposed mining will jeopardise the existing jobs at the Villiers Wine and Cape Garden Centre.

2.28 In light of the above, this ground of appeal is accordingly dismissed.

Dust

2.29 The appellant submits that the South East (SE) and South West (SW) winds will blow dust into their vineyards, houses, nurseries, solar installations, clinic, crèche, winery, wine tasting, children's playground, horse stables, etc. The appellant contends that they have farmed for 60 years in the area and know that dust cannot be controlled and therefore must not be created.

2.30 In response to this ground of appeal, the applicant submits that the impact of dust was assessed, and its management and mitigation measures were included in the EIMPr.

2.31 In their comments to this ground of appeal, the DMR submits that mining will be done in phases with only one phase mined at a time with a maximum of 1ha in size. Rehabilitation will take place as soon as one phase has been mined out. The DMR further submits that there will be a speed restriction of 30km/h for all vehicles on mining site and on access road leading to the R304. The mine will not operate in adverse wind conditions.

2.32 In evaluating this ground of appeal and the responses thereto, the information before me indicates that the speed limit will ensure the maintenance of the access road, will reduce dust impacts and will ensure that the gravel road is maintained during mining operations. I have also noted the contents of condition 3.14 of the EA, which provides that "Dust suppression

measures must be implemented on all exposed surface and access road to minimize and control airborne dust.*

2.33 I have also taken note of the following mitigation measures which were included in the EMPi to reduce the impact of dust:

- The number of sand truck movements per day shall not exceed 6 trips per day;
- The transport of mine material operations hours will be restricted between 10h00 and 14h00;
- Reduce drop height of material to a minimum;
- Area will be mined in phases to reduce the barren areas, and temporarily halt material handling in windy conditions;
- A speed limit of 30km/hour will be displayed and enforced through a timing system; and
- All vehicle drivers entering the site will be informed of the speed limit.

2.34 I am therefore satisfied that the impact of dust has been addressed and suitable mitigation measures are in place to counter the identified impacts. In light thereof, this ground of appeal is accordingly dismissed.

3 DECISION

3.1 In reaching my decision on the appeal against the decision of the DMR to grant the abovementioned EA to the applicant, I have taken the following into consideration:

- 3.1.1 Information contained in the project file (WC 30/5/1/3/2/ 10186 EM), with specific reference to the EA, BAR and EMPi;
- 3.1.2 The appeal submitted by the appellant on 5 December 2019;
- 3.1.3 Responding statement submitted by the applicant on 2 January 2020; and
- 3.1.4 Comments submitted by the DMR on 15 January 2020.

- 3.2 In terms of section 43(6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, or condition or directive, or to make any other appropriate decision.
- 3.3 Having duly considered the abovementioned information, and in terms of section 43(6) of NEMA, I have decided to dismiss the appeal by the appellant and to confirm the decision of the DMR to grant the abovementioned EA to the applicant.
- 3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal and/or responding statement, and where a particular statement is not directly addressed, the absence of any response thereof should not be interpreted to mean that I agree with or accede to the statement made.
- 3.5 Should the appellant be dissatisfied with any aspect of my decision, they may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA).



MS B D CREEGY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 25/6/2020

APPENDIX I

Department of Water Affairs and
Forestry



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Farm 27 (34)

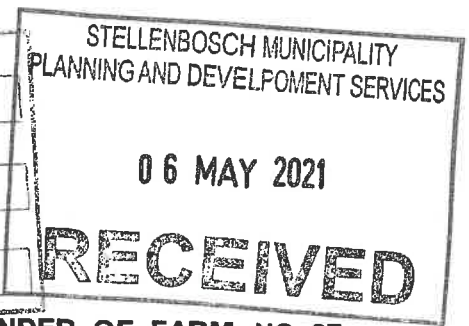
WESTERN CAPE REGION
Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎	021 941 6039	✉	Mr. Nkosinathi Mkonto
📠	021 941 6082	📁	16/2/7/G200/A/8
📞	082 370 2708	📧	mkonton@dwa.gov.za

Attention: Martin Langenhaven

Planscape Consulting Town and Regional Planners
P O Box 557
MOORREESBURG
7310

FILE NR:	
SCAN NR:	F 27 S
COLLABORATOR NR:	706435



Dear Sir

APPLICATION FOR TEMPORARY DEPARTURE ON REMAINDER OF FARM NO 27 STELLENBOSCH

The Department hereby acknowledges receipt of the application for sand mining on Farm no. 27 in the Stellenbosch region dated September 2020. This office would like to comment on the document based on the evaluation of the impact of the proposed activity on water resources.

1. No abstraction of water from any water resources should take place without authorisation from this Department.
2. No mining activity may occur within the 1: 100 year flood line of watercourse (river or spring, natural drainage channels, dam, lake), or within the delineated riparian areas, whichever is the greatest or/and within 500m radius of the edge of any wetland unless authorised by this Department prior.
3. All reasonable precautions must be taken to prevent any possible pollution of surface and groundwater resources. Should there be any incident or potential incident that might impact on any water resources, this office must be notified immediately.
4. Rehabilitation of the area must be done in accordance with the specifications of the approved Environmental Management Plan and the mining area should be rehabilitated in a manner that no water will be stored.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

Should there be any deviations from the Mining Plan or any incident or potential incident that might impact on any water resources, this office must be notified immediately.

The Department has no objection against the proposed activity, provided all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and the above conditions are adhered to

This office reserves the right to revise its initial comments and request further additional information from the applicant base on any new or revised information received and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully



REGIONAL HEAD: WESTERN CAPE
Letter Signed by: Nelisa Ndobeni
Designation: Control Environmental Officer
Date: 03 May 2021

APPENDIX J

Department of Agriculture Western
Cape Government



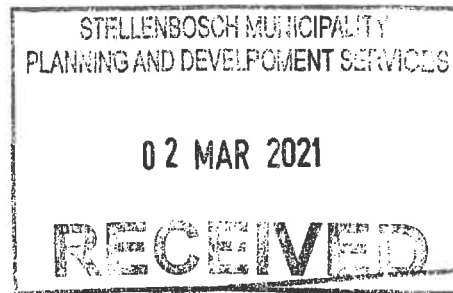
Cor Van Der Walt
LandUse Management
Email: LandUse.Eisenburg@eisenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/917
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Planscape Consulting Town & Regional Planners
PO Box 557
Moorreesburg
7310

Att: M Langenhoven

PROPOSED TEMPORARY DEPARTURE: DIVISION STELLENBOSCH
FARM NO 27



FILE NR: _____
SCAN NR: _____
COLLABORATOR NR: F275
702881

Your application of 16 November 2020 has reference.

The Western Cape Department of Agriculture: Land Use Management (WCDa: LUM) has no objection with the following conditions:

- Put all measures in place to ensure proper post-mining rehabilitation of affected areas to as close to the original condition as possible;
- Limit the visual impacts associated with mining;
- Be careful not to damage agricultural infrastructure
- Allow day to day farming activities to continue unrestricted.

Please also note that the WCDa: LUM has no objection on condition that a minimum of 50cm topsoil be replaced.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Wall

LANDUSE MANAGER: LANDUSE MANAGEMENT

2021-02-12

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Department of Mineral Resources
Private Bag X 9
ROGGEBAAI
8012

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

APPENDIX K

Municipal Directorate: Infrastructure
Services memorandum



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag S Newman
From ▫ Van: Abdullah Daniels (Development)
Date ▫ Datum: 07/05/2021
Our Ref ▫ Ons Verw: Civil Lu 2103
Re ▫ Insake: Farm 27 Stellenbosch: Departure

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES
 07 MAY 2021
RECEIVED

The application is for the following items:

- i. Temporary departure in order to establish a sand mine

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

The application is recommended for approval, **subject to the following:**

FILE NR: _____
 SCAN NR: F275
 COLLABORATOR NR: 706489

1. Water

1.1 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must available on request.

2. Waste Water and Sewage

2.1 As stated in this application portable ablution facilities will be provided and must be used.

2.2 The owner must dispose of the waste water and sewage in such a manner that it does not pollute any surface water, ground water, stormwater or create a health nuisance.

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 The application is supported based on conditions set by the WCG Road Management department, reference 16/9/6/1-25/285 (Job 26483) dated 27 February 2019.

5. Municipal Infrastructure (Civil Engineering Services)

- 5.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

6. Electrical

- 6.1 See annexure A for electrical comments.



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2103 (AD) Farm 27 Stellenbosch (LU-11900)\Application\2103 (AD) Farm 27, Stellenbosch Sandmine.doc

Farm 27(LU 11900)

GENERAL COMMENT:

1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. No conditions.



SIGNATURE

DATE 5/5/21

APPENDIX L

Cape Winelands District Municipalities

Health Services

Bulelwa Mdoda

HEALTH COMMENTS 31

From: Leandre Candice Davids <leandre@capewineland.gov.za>
Sent: 10 March 2021 11:43 AM
To: Bulelwa Mdoda
Cc: Fabian van Wyk
Subject: [EX] RE: FARM 27 STELLENBOSCH : COMMENTS ON LAND USE APPLICATION

FARM NUMBER & APPLICATION NUMBER:

Farm 27, Stellenbosch (LU/11900)

DESCRIPTION OF THE PROPOSAL

Application for a temporary departure to operate a dry-pit sand mine on 5ha of land on farm No. 27 Stellenbosch for a maximum period of 5 years.

FILE NR.	STELLENBOSCH MUNICIPALITY
FARM NUMBER & APPLICATION NUMBER:	PLANNING AND DEVELOPMENT SERVICES
SCAN NR:	10 MAR 2021
F 27 S	RECEIVED
COLLABORATOR NR: 703305	

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution

1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the proposed development. Proper preventative measures must be put in place beforehand.

2. Potable water/Storm water

2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

3. Solid waste disposal

3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.

4. Sewerage/Sanitary facilities

4.1 The sewerage system from the proposed development must be connected to an approved sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.

4.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.


5. General conditions

5.1 This development may not cause any health nuisances to the current activities on the farm.

5.2 This Department reserves the right to set further requirements during the operational phase.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Leandre Davids
HEALTH OFFICER/INSPECTOR
for MUNICIPAL MANAGER

From: Fabian van Wyk <fabian@capewinelands.gov.za>
Sent: Thursday, 04 March 2021 14:01
To: Leandre Candice Davids <leandre@capewinelands.gov.za>
Subject: FW: FARM 27 STELLENBOSCH : COMMENTS ON LAND USE APPLICATION

Dankie

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Thursday, 04 March 2021 12:37
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: FW: FARM 27 STELLENBOSCH : COMMENTS ON LAND USE APPLICATION

I'm using Mimecast to share large files with you. Please see the attached instructions.

Hi Fabian;

The attached application was circulated to your department for comments in November 2020.

Your comment will be greatly appreciated. I will forward the application again.



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 ; F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

APPENDIX M

Senior Environmental Planner (Municipal Community Services)



DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Bulelwa Mdoda	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Spatial Planning Bernabé de la Bat Manager: Environmental Management Tammy Leibrandt	Date:	15 February 2021
Re:	APPLICATION FOR TEMPORARY DEPARTURE ON FARM 27, STELLENBOSCH (LU/11900)		

The above application to allow for sand-mining on Farm 27 (Stellenbosch) for a period of 5 years refers.

This Department has no objection to the proposed development subject to the following conditions:

1. The proposed mine must operate in full compliance with the applicable Environmental Authorization issued by the Department of Mineral Resources (reference number: WC30/5/1/3/2/10186MP).
2. A suitably qualified Environmental Control Officer must be appointed to ensure the implementation of the applicable Environmental Management Program.
3. All the activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
4. The owner, occupier or operator of the proposed mine and associated operations must take all reasonable steps to prevent nuisance caused by dust from any mining activity on the relevant premise in accordance with the National Dust Control Regulations. These measures must include not operating in adverse wind conditions, screening off of excavation areas susceptible to dust and wind erosion, minimizing the time period between stockpiling of material for transportation and loading of the trucks, minimizing the drop height of sand loads by excavation equipment and vehicles maintaining the prescribed speed limit on site at all times.

S VD MERWE

SENIOR ENVIRONMENTAL PLANNER:

COMMUNITY SERVICES