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Swartland vooruitdenkend 2040 -  
waar mense hul drome kan uitleef!

File ref: 15/3/10-15/Farm 814/01

Enquiries:  
A. de Jager

11 December 2023

CK Rumboll & Partners  
PO Box 211  
MALMESBURY  
7299

**By Registered Mail**

Dear Sir/Madam

**PROPOSED EXPANSION OF CONSENT USE ON PORTION 1 OF THE FARM DOORNFONTEIN, NO. 814, DIVISION MALMESBURY**

Your application, with reference number MAL/11705/JL/KS, dated 14 January 2021, on behalf of Cornelius Johannes Nicolaas van Aarde, refers.

By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for a consent use in order to expand the sand mine on Portion 1 of the farm Doornfontein, no. 814, Division Malmesbury, is approved in terms of section 70 of the By-Law, subject to the conditions that:

**1. TOWN PLANNING AND BUILDING CONTROL**

- a) The total footprint of the expansion of the sand mining activity may not exceed 22.09ha, consistent with Mining Areas SD Plan, with reference number MAL/11705/JL/KS (v1), dated December 2023, as presented in the application;
- b) The mining activity is limited to the extraction of sand, as presented in the application;
- c) No vehicles may be serviced on site;
- d) All oil / diesel spills be cleaned up using the necessary precautions and procedures, as required by the Environmental Management Plan;
- e) The health requirements as set from time to time by Department of Health, be met;
- f) Should any human remains be found during the mining process, SAHRA and Heritage Western Cape must be notified immediately;
- g) Mining activities be conducted in accordance with the approved Environmental Management Programme and layout plan;
- h) The Environmental Authorisation holder ensures that vegetation be removed only in the specific area that is to be worked, in phases, to prevent soil erosion;
- i) Topsoil be stripped, stockpiled and re-spread in accordance with the Environmental Authorisation;
- j) Stockpiling of topsoil be restricted to alternate phases on the development site and no off-site stockpiling will be permitted beyond the boundaries of the approved site;
- k) Management of topsoil be conducted in accordance with the approved EMP and the EA;
- l) Drainage be provided on mining sites after mining, so the satisfaction of the EA;

*Rig asseblief alle korrespondensie aan:*

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

Moorreesburg Tel: 022 433 2246

*Kindly address all correspondence to:*

The Municipal Manager  
Private Bag X52  
Malmesbury 7299

Yzerfontein Tel: 022 451 2366



- m) The waste storage facility for harmful substances shall be structured according to the NEMA, 2008, (Act 62 of 2008);
- n) Mining activities be restricted from Monday to Saturday, between 07:00am and 17:00pm;
- o) No vehicle or pedestrian access into natural areas beyond the demarcated boundary of the site will be permitted;
- p) Visible, semi-permanent markers be placed along boundaries of the approved mining area, prior to mining activities commencing;
- q) Rehabilitation of each phase be completed in accordance with the EMP and to the satisfaction of the Department of Mineral Resources;
- r) Dust suppressions measures be implemented during mining activities and this may include spraying the mining area and access road with water and/or an environmentally friendly dust allying agent, in accordance with the EMP;
- s) Dust on haul roads meet the requirements of the National Environmental Management Air Quality Act, 2004;
- t) A social contribution agreement be entered into between the mine owner and the Municipality to be executed and finalised within the duration period of the mining activities;

## **2. WATER**

- a) No municipal drinking water can be provided;
- b) Drinking water be made accessible and available on site by the owner/developer, to a standard consistent with the SABS 241-1984, to the satisfaction of the Director: Civil Services;
- c) No pollution of surface water or groundwater resources may occur due to the mining activities on the property and control measures be implemented, to the satisfaction of the Department: Water and Sanitation;
- d) No abstraction of surface or ground water takes place or storage of water be created without authorisation of the Department: Water and Sanitation;
- e) Stormwater be managed on-site and no runoff into the natural environment be allowed unless clean and unpolluted;
- f) Any mine vehicle, plant or equipment leaking hydrocarbons be serviced and repaired off-site;
- g) The person who owns, controls, occupies or uses the land in question employs preventative measures of water pollution, to the satisfaction of the Department: Water and Sanitation;
- h) The requirements of the Regulations on the Use Of Water for Mining and Related Activities (GN 704 dated 4 June 1999) be adhered to;
- i) All requirements stipulated by the National Water Act, 1998 (act 36 of 1998) be adhered to;

## **3. SEWERAGE**

- a) Sewerage services can only be provided for household sewerage by means of a vacuum truck;
- b) Sufficient and acceptable toilets be provided on site, as stipulated by West Coast District Municipality;
- c) A solid waste removal plan be submitted to the Director: Civil Engineering Services;

## **4. GENERAL**

- a) The applicant/developer complies with the conditions of the Environmental Authorisation of the Department of Mineral Resources and Energy, reference number WC30/5/1/2/2/(10087)MR-WC-0081-MR/102, dated 9 November 2023;
- b) The applicant/developer complies with the requirements issued by the Department: Water and Sanitation in their letter, reference number 16/2/7/G21D/A/8, dated 4 May 2021;
- c) The applicant/developer complies with the requirements issued by the Department of Agriculture: Land Use Management, in their letter with reference number 20/9/2/2/5/654 dated 8 November 2021;
- d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision on the appeal;
- e) All conditions of approval be implemented before the mining activities come into operation and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year



period, the land use becomes semi-permanent for the same duration as that of the mining permit, i.e. from 28 June 2018 to 27 June 2048.

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department Development Services  
Add/ds

Copies:    *Department: Financial Services*  
              *Department: Civil Engineering Services*  
              *Building Control Officer*  
              *Regional Manager: Western Cape Region, Department: Mineral Resources, Private Bag X09,*  
              *Roggebaai, 8012*  
              *Cor van der Walt, Western Cape Department of Agriculture: Land Use Management, Private*  
              *Bag X1, Elsenburg, 7607*  
              *R. Johaar, Department of Water and Sanitation, Private Bag X 16, Sanlamhof, Bellville, 7532*  
              *Velvet Mountain Aggregates (Pty) Ltd., Unit 25, Block A, Millenium Business Park, 19 Edison*  
              *Way, Century City, Milnerton, 7441*





**mineral resources  
& energy**

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag X 9 Roggebaai, 8012; Tel: 021 427 1000; Fax: 021 427 1046, Atterbury House, 9<sup>th</sup>  
Floor, c/o Lower Burg & Riebeeck Street, Cape Town, 8012

Enquiries: Linda Njemla E-mail: [linda.njemla@dmre.gov.za](mailto:linda.njemla@dmre.gov.za)

Ref No. WC 30/5/1/2/2(10087) MR- WC-0081-MR/102 EAPASA REG. NO. 2019/1312

**From: Mineral Regulation Sub-Directorate: Mine Environmental Management**

The Directors  
Velvet Mountain Aggregates (Pty) Ltd  
Unit 25 Block A, Millennium Business Park  
19 Edison Way  
Century City  
Milnerton  
7441

**Attention:** Charlie Presly Ehlers

**E-mail:** [charlie@velvetmountain.com](mailto:charlie@velvetmountain.com)

**AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL  
MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA), AND THE  
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR EXTENSION OF  
THE EXISTING MINING RIGHT FOR SYENITE AND GRANITE ON PORTION OF PORTION 1 OF  
FARM DOORNFONTEIN 814 AND PORTION OF THE REMAINING EXTENT OF FARM  
DOORNKRAAL 830, MALMESBURY MAGISTERIAL DISTRICT**

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24L of National Environmental Management Act (Act 107 of 1998) as amended. 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 per prescribed below:

**Appeal to the Department of Forestry, Fisheries and the Environment**

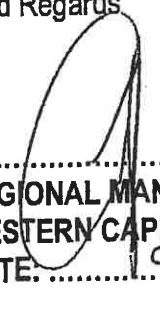
**Attention** : Directorate Appeals and Legal Review  
**Email** : [appeals@dfre.gov.za](mailto:appeals@dfre.gov.za)  
**By post** : Private Bag X 447, **PRETORIA**, 0001  
**By hand** : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

**Copy of the lodged appeal to the Department of Mineral Resources and Energy**

**Attention** : Regional Manager: Western Cape Region  
**By facsimile** : (021) 427 1046  
**E-mail** : [Pieter.Swart@dmre.gov.za](mailto:Pieter.Swart@dmre.gov.za)  
**By post** : Private Bag X 09, **Roggebaai**, 8012  
**By hand** : 15<sup>th</sup> floor, The Box Building, 9 Lower Burg 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 Forestry, Fisheries and Environment.

Kind Regards

  
.....  
**REGIONAL MANAGER: MINERAL REGULATION**  
**WESTERN CAPE REGIONAL OFFICE**  
DATE: ..... 9/11/2023





## mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

### ENVIRONMENTAL AUTHORISATION

**Reference number:** WC 30/5/1/2/2(10087) MR- WC-0081-MR/102

**Last amended:** First issue (2<sup>nd</sup> Extension of the mine)

**Holder of authorisation:** Velvet Mountain Aggregates (Pty) Ltd

**Location of activities:** Portion of Portion 1 of Farm Doornfontein 814 and  
Portion of the remaining extent of Farm Doornkraal  
830, Malmesbury Magisterial District

### DECISION

#### ACRONYMS

|                         |  |
|-------------------------|--|
| <b>BAR:</b>             | Basic Assessment Report  |
| <b>DFEE</b>             | Department of Forestry, Fisheries and the Environment                              |
| <b>DEPARTMENT:</b>      | Department of Mineral Resources and Energy   |
| <b>EA:</b>              | Environmental Authorisation.   |
| <b>ECO:</b>             | Environmental Control Officer  |
| <b>EIA REGULATIONS:</b> | EIA Regulations, 2017  |
| <b>EIA:</b>             | Environmental Impact Assessment.   |
| <b>EMPr:</b>            | Environmental Management Programme   |
| <b>EA:</b>              | Environmental Authorisation  |
| <b>IEM:</b>             | Integrated Environmental Management  |
| <b>I&amp;AP:</b>        | Interested and Affected Parties  |
| <b>MPRDA:</b>           | Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended |
| <b>NEM:WA:</b>          | National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended    |
| <b>NEMA:</b>            | The National Environmental Management Act, 1998 (Act 107 of 1998), as amended      |
| <b>S&amp;EIR:</b>       | Scoping and Environmental Impact Report  |
| <b>SAHRA:</b>           | South African Heritage Resource Agency   |

The Department is satisfied, on the basis of information availed 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 "I" of this environmental authorisation.

### ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby grants an application for EA by **Velvet Mountain Aggregates (Pty) Ltd** with the following contact details –

**Physical address & Postal address:**

Unit 25 Block A, Millennium Business Park  
19 Edison Way  
Century City  
Milnerton  
7441

|                        |  |
|------------------------|--|
| <b>Tel no:</b>         | 021 552 9239   |
| <b>Fax no:</b>         | 086 577 3455   |
| <b>Cellular no:</b>    | 071 080 8984   |
| <b>Contact person:</b> | Charle Presly Ehlers   |
| <b>Email:</b>          | <a href="mailto:info@velvetmountain.com">info@velvetmountain.com</a> or <a href="mailto:charle@velvetmountain.com">charle@velvetmountain.com</a> |

to undertake the following activities listed in the NEMA EIA Regulation.

### NEMA: LISTED ACTIVITIES:

| <b>Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-</b>   |   |
|---|---|
| <b>Activity Number 22 – “The decommissioning of any activity requiring –</b> <ul style="list-style-type: none"><li>(i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</li><li>(ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;</li></ul> <b>but excluding the decommissioning of an activity relating to the secondary processing of a –</b> <ul style="list-style-type: none"><li>(a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or</li></ul> | Rehabilitation through backfilling of removed soil and planting of indigenous vegetation and/or planting of cutting on granted area is to run in parallel with mining activities and not left to the very end of excavations. |



Detailed specifications of the activity are as follows:

|  |
|--|
| <b>Proposed mining details are as follows:</b>   |
| <p>The proposed mining sequence is as follows:</p> <ul style="list-style-type: none"> <li>•Topsoil or overburden will be removed by dozing and stockpiled for future rehabilitation purposes.</li> <li>•Excavators will be used to remove the shallow deposit of sand and/or gravel.</li> <li>•Mechanical shovels i.e. front end loader will be used to load the soil onto the hauler or tip trucks which will transport it to the crusher area and then to designated stockpiling areas.</li> <li>•The proposal does not include any linear activities. The excavation activities will be limited to 12.79Ha with the addition of haul roads &amp; storm water management system. Mobile screens will be utilized and future development will include a weighbridge and mobile office with ablution.</li> </ul> |
| <b>21 digit surveyor general code</b>  |
| C04600000000081400001  |

Co-ordinates as per the map

Co-ordinates of the proposed extension

| Tag | Y         | X           | Lat.        | Long.      |
|-----|-----------|-------------|-------------|------------|
| J   | 25787.528 | 3712605.653 | -33.5393876 | 18.7223582 |
| K   | 26283.490 | 3712582.493 | -33.5391667 | 18.7170191 |
| L   | 26508.013 | 3712109.905 | -33.5349004 | 18.7146159 |
| M   | 26430.551 | 3712039.901 | -33.5342711 | 18.7154519 |
| N   | 26299.844 | 3711958.492 | -33.5335404 | 18.7168614 |
| O   | 26205.771 | 3711890.232 | -33.5329273 | 18.7178762 |
| P   | 26131.252 | 3711992.932 | -33.5338550 | 18.7186754 |
| Q   | 26114.439 | 3712068.422 | -33.5345360 | 18.7188542 |
| R   | 26117.485 | 3712233.265 | -33.5360222 | 18.7188166 |
| S   | 26006.367 | 3712519.980 | -33.5386099 | 18.7200046 |
| T   | 25845.604 | 3712527.487 | -33.5386815 | 18.7217352 |

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 (EMPr) attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the operation.



## EA SITE SPECIFIC CONDITIONS

1. As there were previous Specialist Studies Submitted during the first application process of the mining right including the 1<sup>st</sup> Section 102 application which required an EA and was granted on 20 August 2020; the mitigation measures recommended in those studies are still applicable in this EA. Therefore, this EA shall not be read and implemented in isolation.
2. The two species of conservation concern that occur within close proximity of the Mining Right must be protected through a buffer and fencing. The buffer shall not be less than 100m.
3. Dust at the haul roads shall meet the required norms and standards as per the National Environmental Management Air Quality Act, 2004.
4. To prevent soil erosion, the EA holder shall ensure that vegetation shall be removed in phases. Only the specific area that will be worked should be cleared.
5. At least 30cm of topsoil or top material must be stripped before mining commences for replacement during rehabilitation. The upper 30cm of topsoil must be kept entirely separate from the underlying overburden, during stripping, stockpiling and re-spreading.
6. To promote soil fertility; any vegetation excluding alien invasive vegetation that may be removed may be used for composting.
7. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
8. The waste storage facility for harmful substances shall be structured according to the National Environmental Management Waste Act, 2009 and in compliance with the applicable regulations and safety instructions such as an impervious surface protected from rainfall and storm-water run-off, firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
9. All management, mitigation and monitoring measures prescribed in this EIR and EMP approved for this project must be adhered to including recommendations from the specialist studies.
10. Visible semi-permanent markers must be placed along the boundaries of the approved mining area before any mining activity commences.
11. Mining must be conducted concurrent with rehabilitation as depicted on the mine layout plan. One phase must be mined and rehabilitated before mining progresses to the next phase.
12. Do not permit vehicle or pedestrian access into natural areas beyond the demarcated boundary of the site. Vehicular movement on site must be limited to existing tracks as far as possible.

13. No surface or ground water may be polluted due to any actions on site and the underlying nearby aquifer must not be negatively affected by the proposed activities. The applicable requirements with respect to relevant legislation pertaining to water must be met.
14. Hydraulic fluid or chemicals required must be stored in a concrete lined surface with bund walls, designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment.
15. If any faunal species of conservation importance are recorded during mining, activities should temporarily cease and an appropriate specialist should be consulted to identify the correct course of action.
16. The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
17. Soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary; erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
18. The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.

## ANNEXURE 1: REASONS FOR THE DECISION

### 1. Background

- a. Velvet Mountain Aggregates (Pty) Ltd is a Mining Right Holder with an approved EMPr. The Right was issued for a period of 30 years, from the 28<sup>th</sup> of June 2018 to 27<sup>th</sup> of June 2048. The Right Holder lodged Section 102 application in terms of the MPRDA in order to expand the existing mining area. The amendment triggered some listed activities in terms of the NEMA, therefore this Right Holder lodged an application for an EA for activities listed in the EIA Regulations on the 22<sup>nd</sup> April 2021.
- b. This application is supplementary to the Mining Right and associated activities in terms of Section 24 of the National Environmental Management Act, 1998 (act 107 of 1998) read with Regulation 25 of the Environmental Impact Assessment Regulations, 2017, which are promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended.
- c. The company applied in terms of Regulation 24 which requires a submission of a Scoping Report and Environmental Impact Assessment Report which is prepared by Siyabulela Simanga. The application was checked for compliance with formal requirements and found to be line with the criteria set in the Regulations.
- d. The following are the previous Specialist Studies submitted during the first application process of the mining right including the 1<sup>st</sup> Section 102 application which required an EA and was granted on 20 August 2020 and these are still applicable with this extension.
  - (i) Soil specialists stated that the general agricultural potential of the soil of the proposed site is found to be moderately high if irrigation water is available, the area is unproductive due to the soil being well drained and an absence of irrigation water. The area has been extensively cultivated and the existing quarry on Doornkraal 830 had already been in use in 2004.
  - (ii) A total of 13 Archaeological Impact Assessments (AIAs) have been conducted within 10km of the area proposed for development, the earliest having been done in 1995, giving a relatively reliable characterization of the area. As has been discussed in these reports, it is common to find Stone Age artefactual material across the landscape, as well as historical heritage resources such as buildings and farmsteads. The total number of previously recorded heritage resources located within the inclusion zone of 10km is 11, the majority being Grade II Provincial Heritage Sites in the town of Malmesbury. Four Stone Age artefact sites are located nearby the proposed development area (within 10km), but none within the boundary of the proposed quarry extension. These artefact sites are of low heritage significance. Given the highly disturbed nature of the area, it is unlikely that any in situ heritage resources will be found or impacted by the development, and therefore it is suggested that no further AIAs are required for this application. The proposed development of a granite quarry on portion 1 of Farm 814 and Remainder of Farm 830 will have no direct impact on significant heritage resources. No Archaeological resources were identified within the proposed development footprint. As the proposed



quarry is not visible from the R302, nor from either Farm werf on the properties, the following recommendations are made:

- (iii) Geohydrological specialist report Geohydrological specialist reported that based on the geohydrological setting, the proposed quarry can proceed. The quarry is situated in an "intergranular and fractured aquifer" which is separate from the adjacent "fractured aquifer". All groundwater use is within the fractured aquifer and no impact is likely from the quarrying.

### **3. Key factors considered in making the decision**

All the information presented to the Department was taken into account upon 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 and scoping report received by the Department on 22<sup>nd</sup> April 2021;
- b) The information contained in the final the Environmental Impact Report submitted on the 05<sup>th</sup> September 2022 inclusive of the Specialist studies and Environmental Management Programme that contains all the environmental risk associated with the project as well as the mitigation measures;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) conducted by the applicant for a minimum of 30 days;
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the Scoping Report and Environmental Impact Report.
- f) The procedure that has been followed is in accordance with the NEMA and the EIA Regulations of 2017.
- g) The impacts associated with this development were clearly investigated and the appropriate mitigation measures are put in place in the EMPr.
- h) The credentials, expertise and skills of the specialist who conducted these studies were also taken into consideration together with the recommendations provided.
- i) The previous studies conducted which are stipulated in point 1 (Background) above.
- j) The Constitution of the Republic of South Africa, 1996, the NEMA principles that promotes sustainable development and other Specific Environmental Management Acts.



- k) Financial Provisioning for the management, remediation and rehabilitation of environmental aspects arising from the extended mining operations and concurrent rehabilitation that is already practised by the Right Holder for the existing mining Rights.

#### 4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The Screening Tool Report identified a site of very high sensitivity under the terrestrial biodiversity category. A botanical site sensitivity verification and compliance statement was compiled by Greg Nicolson of Capensis Ecological Consulting. This sensitivity was assessed through a desktop study and site visit was conducted. The findings are that the site is in a very poor condition from a botanical perspective. The ecological functioning has been significantly altered through disturbances related to historical land use. The only sensitive sites in the broader area occur outside of the development footprint. These can be avoided during the lifespan of the mine if they are properly marked off. The site has been excluded from the Western Cape Biodiversity Spatial Plan suggesting that it is not considered as a conservation priority area. This was supported by the observations of the botanical features on the site.
- b) The Botanical study conducted on the affected area indicated that the proposed site does not fall under Critical Biodiversity Areas (CBA), however there are two CBAs to the east and the west as well as the other features of botanical importance. An ecological corridor connecting the two CBA areas is required and it has been recommended an area to the north of the quarry be reserved for such; however, this site has subsequently been mine and forms part of the current mining area. The proposed mining area will not all be mined at the site time and this site will be open for faunal movement in the short term. In the long-term a corridor is proposed here along the north boundary of the existing mining right and the south boundary of the proposed mining area. This area should be rehabilitated and form a corridor at least 50m wide to allow faunal movement.
- c) Visual Impact Assessment done Pieter De Bruyn done by MultiVision Survey, Mine Surveyors, Mine Technical Services stated that while there is little doubt that the establishment of this quarry could have a visual impact rated high, the mitigation measures outlined in the report could ensure that the quarry would appear as a well-managed site, with the works shielded by well vegetated berms and a resultant visual impact rating of medium high. It is recommended, in terms of potential and managed visual impact, that the application for a mining right to extract granite aggregate by open cast works could proceed, if mitigation measures would be undertaken.
- d) Hydrological Assessment/Modelling with Storm Water Management Plan has been prepared by a professional engineer Jana Marais of Inani Infrastructure (Pty) Ltd. The purpose of the report is to comply to DEADP's requirement for a preliminary stormwater control design to be included in the extension of the Mining Right application.
- e) The project poses no threat to biodiversity as well as human when mitigation measures are implemented. The information provided by the specialists who conducted the studies shows no

significant impact to the environment and mitigation measures have been recommended. The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.

- f) Public Participation Process (PPP) attached in terms of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
- A newspaper advertisement was placed in the local newspaper "Swartland Gazette" on 08 June 2021;
  - Notices were placed at the project site (Site notices were erected on site);
  - Notices were sent to all key stakeholders and the registered interested and affected parties including State Departments;
  - Registration on a database for Background Information Documents (BID);
  - Availing of the Scoping report and Environmental Impact Report to the Interested and Affected Parties.

## ANNEXURE 2

### DEPARTMENTAL STANDARD CONDITIONS

#### 1. SCOPE OF AUTHORISATION

- 1.1. The holder of EA shall 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 this Department before such changes or deviation may be affected. 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.
- 1.3. The activities, which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holder 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 activity (ies).

- 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 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;
- 2.2.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions on Annexure 2 and;
- 2.2.5 Copy of the lodged appeal must be addressed to the Department of Mineral Resources and Energy on the address given on page 2 of the EA.

### **2.2 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,**

### **2.3 Draw the attention of all registered I&APs to the manner in which they may access the decision.**

### **2.4 Copy of the lodged appeal must be addressed to the Department of Mineral Resources on the address given on Page 2 of the EA.**

### **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.

## **2 COMMENCEMENT OF THE ACTIVITY (IES)**

### **3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).**

### **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 construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.**

### **3.4 Appropriate notification sign must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.**

- 3.5 Vegetation clearance must be limited areas where the individual activities will occur, 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 activity (ies), the contaminated soil must be removed to a licensed waste disposal facility 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 must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, 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, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), 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 Applicant's 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 no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.13 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned in the mining area.
- 3.14 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.

**3.15 The protection of all historical and pre-historical cultural resources must remain on site and no mining activity/-ies is/are allowed within 100m diameters from those resources. Should any heritage remains be exposed during operation or any actions on the site, the following shall be applied:**

- i. All work at the affected area must cease;**
- ii. These must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Western Cape Heritage Resource Agency (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 SAHRA and or Western Cape Heritage Resource Agency**
- iii. The area should be demarcated in order to prevent any further work there until an investigation has been completed;**
- iv. An archaeologist should be contacted immediately to provide advice on the matter;**
- v. Should it be a minor issue, the archaeologist will decide on future action. Depending on the nature of the find, it may include a site visit;**
- vi. If needed the necessary permit will be applied for with SAHRA. This will be done in conjunction with the appointed archaeologist;**
- vii. The removal of such archaeological material will be done by the archaeologist in lieu of the approval given by SAHRA, including any conditions stipulated by the latter;**
- viii. Work on site will only continue after the archaeologist/ SAHRA has agreed to such a matter.**

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; maddens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artcrafts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

**3.16 Care must be taken to ensure that the material and excavated soil required for backfilling are 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 wastewater treatment works.
- 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 activity (ies).
- 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 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 licence is issued in respect of that activity if licence 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 activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.26 The Department reserves the right to audit and/or inspect the activity (ies) 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, the EA is valid for the period for which the aforesaid permit/right is granted. When the renewal application of the permit/right is lodged; the EA validity, obligations and liabilities which were attached thereto immediately before the date on which it lapsed continue to be valid until the decision of the renewal is made and become valid again with the intervals of the approved renewal period.
- 3.28 This EA will only be effective on the event that a corresponding permit/Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without permit/Right.

3.29 The listed activity (ies), including site preparation, must not commence within 30 (thirty) calendar days of the date of the notification of the decision being sent to the registered I&APs. This is inclusive of the 10 (ten) days condonation. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation 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 properties.
- 4.2 The content 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 waste management facilities licensed to handle such wastes and all recyclable waste are collected by licenced 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 activity (ies) 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 This EA only authorises activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr.
- 4.10 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, removal or updating of any detail in the aforesaid 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 should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMWA and NEMA
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.13 Any sand and/or gravel leaving the mine area must be fully covered with a tarpaulin cloth while been transported.

## **5 REPORTING TO THE DEPARTMENT**

### **5.1 The holder of EA must:**

- 5.1.1 submit an Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must 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 as amended;
  - 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activity, 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/closure plan;
  - 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate; and
  - 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 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 5.5, 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.

- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, 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.
- 8.4 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 activity must take place within the phases and timeframes as set out in EMP or EMPr.

## **10. 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 plants may be used for rehabilitation purposes only indigenous plant can 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 and Energy 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 EA, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels. **The 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..... 9/11/2023





**Western Cape  
Government**

Department of Agriculture  
Cor van der Walt  
Land Use Manager  
Land Use Management  
Email: [Corvdw@elsenburg.com](mailto:Corvdw@elsenburg.com)  
tel: +27 21 808 5099

**OUR REFERENCE : 20/9/2/2/5/654**  
**YOUR REFERENCE : -**  
**DMR REFERENCE : WC 30/5/1/2/2/10087 MR**  
**ENQUIRIES : Cor van der Walt/David Lakey**

MatonaSimanga-Special Services Division (Pty) Ltd  
PO Box 427  
Paardekraal  
1752

Att: Mr. Siyabuelela Simanga

**DRAFT SCOPING REPORT: FOR LISTED ACTIVITIES ASSOCIATED WITH MINING RIGHT  
ACTIVITIES BY VELVET MOUNTAIN AGGREGATES (PTY) LTD.: DIVISION MALMESBURY  
PORTION OF PORTION 1 OF FARM DOORNFONTEIN 814**

Velvet Mountain Aggregates has appointed MatonaSimanga-Special Services Division (Pty) Ltd to undergo the Draft Scoping Report phase of their application to extend sand and gravel mining activities north by 22.09ha on portion 1 of Farm 814. The existing mining area extends across portion 1 of Farm 814 (+/-14.1ha of 472.8ha) and Farm RE/830 (4.5ha of 513.49ha).

The proposed extended site will result in additional mining blocks with an average mining depth of 4m ranging between 7.8m and 0.4m. The mining right lapses in the year 2048.

Your application of 05 July 2021 has reference.

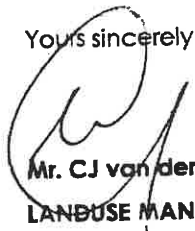
Please provide a formal Rehabilitation plan for the proposed expanded mining site, with the objective to maintain and enhance the agricultural productivity for shallow and deep crop productions after mining activities has lapsed. Additionally, top soil replacement of various mining depths be done to avoid surface & subsurface waterlogging and soil erosion. A Rehabilitation plan for after block mining takes place is one of the primary concerns for an informed agricultural decision. Stock piles to be stored

separately and covered by Tarpaulins to avoid wind erosion. Make use of non-potable water for the dust suppression plan.

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 Walt**

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2021-11-08**

Copies:

Department of Environmental Affairs & Development Planning

1 Dorp Street

Cape Town

8000

Department of Minerals Resources

Private Bag X9

ROGGE BAY

8012

Swartland Municipality

Private Bag X52

MALMESBURY

7299