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23 August 2024

NOTIFICATION & INVITATION TO COMMENT: BACKGROUND INFORMATION DOCUMENT

S24G application for the expansion of mining infrastructure onto part of Rem of West Slopes No. 5828 ET, Oshabeni, Ray Nkonyeni Local Municipality, Ugu District Municipality: KZN 30/5/1/2/2/299MR

Purpose:

Umzimkhulu Industrial Holdings (Pty) Ltd t/a **Rossmine** has made application for retrospective environmental authorisation under reference KZN 30/5/1/2/2/299MR for the expansion of mining infrastructure over part of the property Rem of West Slopes No. 5828 ET in the Oshabeni area, Ray Nkonyeni Local Municipality. This application is to regularise the current activities of Rossmine and does not consider any future expansion or change to activities.

The purpose of this Background Information Document is to provide Interested and Affected Parties (I&APs) with information about the application made under section 24G of the National Environmental Management Act read with section 24F, and the activities covered by the application. I&APs have the opportunity to register as stakeholders in the public participation process and make comments and contributions to the assessment. Future correspondence and reports will only be directed to registered I&APs.

Background:

Umzimkhulu Industrial Holdings (Pty) Ltd, trading as Rossmine, operates a limestone opencast mining business in the Oshabeni area over two adjacent mining rights, commonly referred to as Ndongini and Westlands.

Rossmine is located in a predominantly agricultural rural area of Oshabeni approximately 10km inland of Umtentweni and between the Umzimkhulu River and the St Faiths Road. Oshabeni has few basic services and few economic opportunities other than sugar cane and macadamia farming.

Rossmine holds a mining right KZN 30/5/1/2/2/299MR (the Westlands mining right) to mine dolomite, calcite, dolomitic limestone, marble (dimension stone), sand and aggregate over the following properties:

- Remainder of Farm Westlands No 5829 ET
- Sub 2 of Farm Westlands No 5829 ET
- Portion 5 and Remaining extent of Portion 1 of Farm Cherry Willingham Park No 9393 ET
- Portions 10, 11, 14 and Remaining extent of Portion 5 of Farm West Slopes No 5828 ET, and
- Subs 0, 1, 2, 3 and 8 of the Farm Virgo No 14838 ET.

One of the Conditions of Environmental Authorisation required the acquisition of a biodiversity offset area. To this end, the property Rem of West Slopes No 5828 ET was bought and a biodiversity agreement entered into between Rossmine and Ezemvelo KZN Wildlife. During the negotiations to

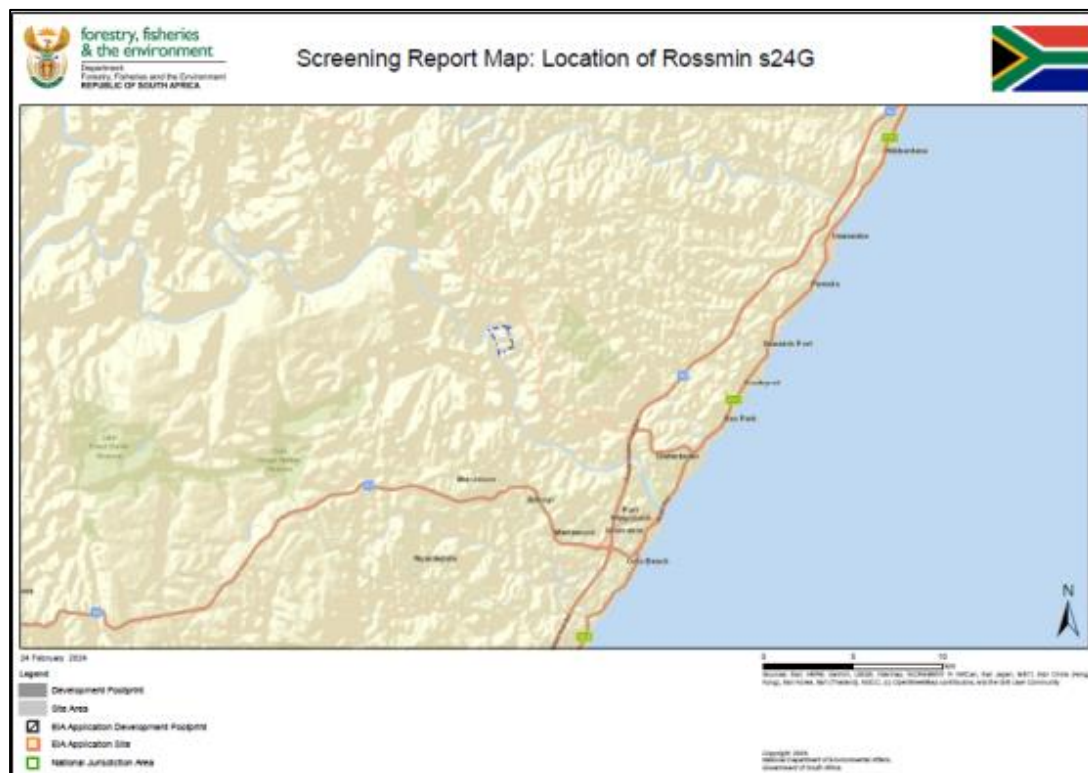
finalise the biodiversity agreement, it was agreed that the north-western section of Rem of West Slopes No 5828 would be excluded from the biodiversity offset area and the boundary be extended over the eastern section of the more environmentally sensitive Rem of Westlands No 5829. The exchange of areas was considered to be a net positive for biodiversity protection and environmental preservation.

Location of Rossmin mining activities:

As described above, Rossmin is located northwest of Port Shepstone and inland of Umtentweni in the Oshabeni area between the Umzimkhulu River and St Faiths Road:

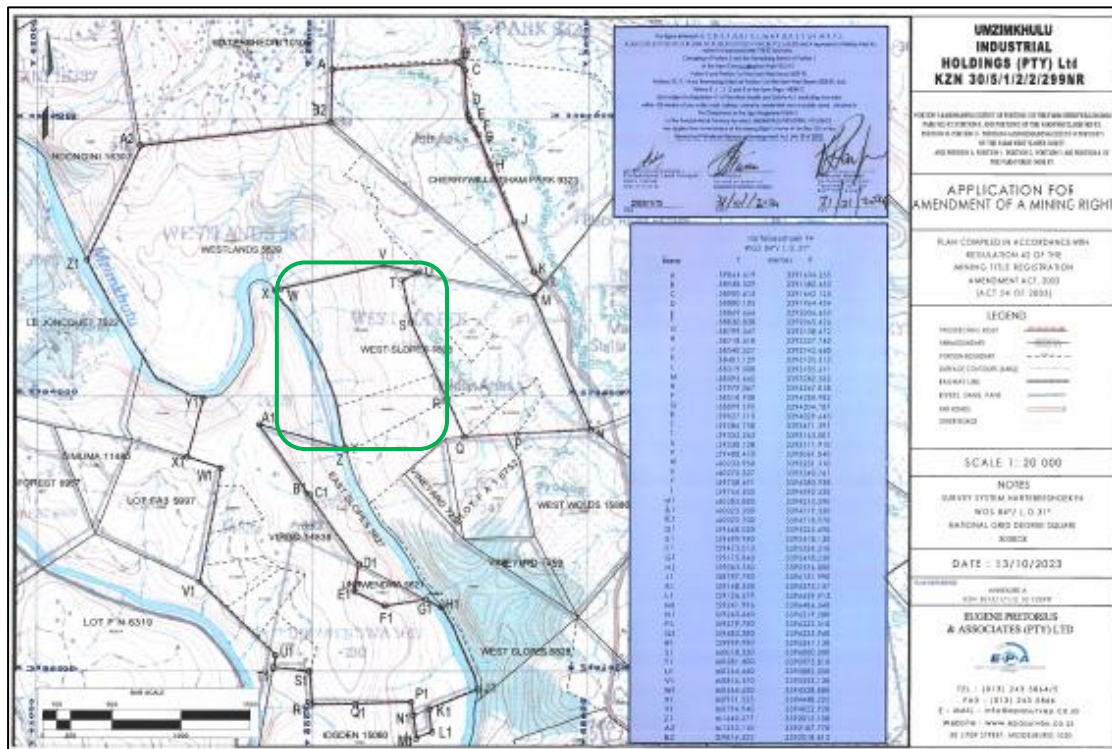


Map 1: Aerial location map of Rossmin activities



Map 2: Location of Rossmin

The map below illustrates the consolidated Westlands mining right area held by Rossmmin, and the biodiversity offset area property marked in green.



Map 3: Westlands Mining Right Area Map of Rossmmin, KZN 30/5/1/2/2/299MR outlined in black, biodiversity offset area encircled in green

Project description:

Rossmmin was established in 2014-2015 following receipt of environmental authorisation and mining rights.

Rossmmin is located on the north bank of the Umzimkhulu River in the Marble Delta. It has unique limestone deposits that enable the company to produce high quality calcitic and dolomitic products. Rossmmin crushes and sizes material to clients' needs using modern mining methods and sorting and sizing technology.

Calcitic and dolomitic limestone are extracted from open cast quarries and transported to the processing plant. A series of crushers and sorters ensures that the limestone boulders are mechanically crushed and ground as appropriate to the clients' needs.

The mine offices and laboratory are on the crest of the hill overlooking the Umzimkhulu River to the south and the plateau towards the St Faiths Road to the north. The processing and packaging plant are below the crest of the hill on the St Faiths Road side of the crest. (see Figure 1 below)



Figure 1: Aerial view of processing and packaging plant and mine offices

Although all the necessary approvals were in place for the mining and processing operation on Remainder and Sub 2 of Farm Westlands No 5829 ET, these did not include an area of the neighbouring property Remainder of Farm West Slopes No 5828 ET that had been excluded from designation as a biodiversity offset area. (see Figure 2 below)



Figure 2: Part of Remainder of Farm West Slopes No 5828 ET that was excluded from the biodiversity offset area

Infrastructure necessary for the support of the UIH/Rossmin Mine and processing operation has been established outside the MR299 area on part of the area of Rem of farm West Slopes No 5828 ET indicated in Figure 2 above. The developed area was excluded from the Biodiversity Offset Area through agreement with Ezemvelo.

The infrastructure includes administration and packaging buildings, a stormwater attenuation structure, borehole, conservancy tanks, and road access to the mine administration and operational offices.

The extent of activities implemented on **Rem of farm West Slopes No 5828 ET** outside the mining right area are as follows:

Activity	Extent/Capacity/Throughput
Administrative buildings, laboratory	~650m ²
Parking	~615m ²
Domestic/potable water storage	~40m ³
Staff amenities including ablutions and canteen	~36m ²
Packaging sheds	~5250m ²
Above ground septic tanks and conservancy tanks and associated plumbing	~37m ³
Stormwater management measures, including v-drains, berms and ground level gutters	~500m
Internal access roads	~260m
Weighbridge (part)	~62m ²
TOTAL EXTENT DISTURBED	~24,500m²

The above activities are shown in Figure 3 below:



Figure 3: Mine related activities within the affected area

The extent of the area of Rem of farm West Slopes No 5828 ET excluded from inclusion in the Rossmin Biodiversity Offset Area is approximately **3.48ha**.

Of the 3.48ha excluded from the BOA, approximately:

- 0.82Ha had previously been used for sugarcane farming
- 1.61Ha had been used for subsistence grazing (grassland)
- 1.05Ha remains undisturbed grassland/scrub/forest.

In 2014 when the mine establishment began, Management was under the impression that all the requisite approvals were in place to proceed. The first environmental audit was conducted in April 2014. Notice of intention to proceed was given to DMRE and EDTEA on the 18 July 2014. Initial work in 2014 (in the area of this application) included drilling the groundwater monitoring borehole in August 2014 to comply with DWS requirements, and further resource exploratory boreholes on Sub 2 of farm Westlands within the MR299 area in September 2014. Physical work on establishing the mine offices, internal roads and pilot processing plant/factory began in earnest in March 2015.

Discussions were initiated in 2021 by Rossmin with DMRE regarding separation of the factory area from the MR299 area, highlighting that certain parts of the factory already lay outside the MR299 area. A directive from DMRE was received on 13 March 2023 regarding mining infrastructure outside of the MR299 area.

Legislation:

Environmental Authorisation following a Basic Assessment process was required for the establishment of mining infrastructure on Rem of West Slopes No 5828 as EIA listed activities (2014 – present) under the National Environmental Management Act, 1998, (NEMA).

Section 24G of the National Environmental Management Act, 1998, recognises that there are instances when developments may not have the necessary prior authorisation and provides a mechanism whereby post-facto environmental authorisation may be granted after following a regulated process.

A voluntary application for the retrospective environmental authorisation of mining infrastructure over part of the property Rem of Farm West Slopes No 5828 has been made in terms of section 24G read with section 24F of the National Environmental Management Act, 1998.

The EIA listed activities for which condonation is sought include:

Listing Notice 1, GN R983 as amended by GN R327:

- Transformation of more than 1ha indigenous vegetation, activity 27;
- Change in landuse of more than 1ha agricultural land, activity 28;

Listing Notice 3, GN R985 as amended by GN R324:

- Clearance of more than 300m² indigenous vegetation listed as endangered/critically endangered (Indian Ocean Coastal Belt Grassland, IOCBG), activity 12(d)(iv)

The table below illustrates the different approvals that are held by ROSSMIN:

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/license/ authorization/comment	DATE
EIA Regulations, 1997	KZN Environmental Affairs	Environmental Authorisation DC21/0008/2011 Amendment to EA DC21/AMEND/0008/2014	26 February 2013 27/08/2014
Mineral & Petroleum Resources Development Act, Act 28 of 2002	Dept Mineral Resources	Mining Right KZN 30/5/1/2/2/299MR	10 December 2012
National Water Act, Act 36 of 1998	Dept Water & Sanitation	IWUL Licence no: 11/T52M/ACGI/4309	14 December 2020, amended 5 & 25 October 2021

National Forest Act, Act 84 of 1998	Dept Forestry Fisheries & the Environment	KZN0001/04/22-23	20 April 2022
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Impacts associated with the establishment of mining related infrastructure outside the mining right:

The activities outside of MR299 are located on an area of Rem of farm West Slopes No 5828 ET that was specifically excluded from the Rossmin Biodiversity Offset Area due to the high level of previous disturbance in this area. There was a misunderstanding that the agreement to the exclusion area shown in Figures 2 and 3 above conferred the necessary approvals for the use of the area for mine infrastructure (not mining *per sé*).

The impacts associated with the establishment of the mining related infrastructure may include noise, dust, socio-economic, cultural/heritage, possible water/wetland contamination, and loss of biodiversity. These are summarised in the table below.

Impacts are assessed using a standard matrix of:

Duration: Short term (0-6 months) – Medium term (6 months – 3 years) – Long term (3 years or more)
 Extent: Site – local – regional – provincial – national – international
 Intensity: Low – medium – high
 Frequency: Occasional – temporary – seasonal – permanent/ongoing
 Reversibility: Unlikely – possible

Possible Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Noise There would have been some noise from plant and machinery during construction of the infrastructure, however the nearest residents are more than 1km away to the south, east and northeast of the activities. The noise levels associated with the activities in operation is very low. (short term, low, temporary, unlikely)	Low
Biodiversity As noted above, the ~3.48ha was largely disturbed by previous farming activities and was specifically excluded from the Biodiversity Offset Area for this reason: <ul style="list-style-type: none"> • 0.82Ha had previously been used for sugarcane farming • 1.71Ha had been used for subsistence grazing (disturbed grassland) • 0.74Ha remains undisturbed grassland/scrub/forest. This is corroborated by the low plant sensitivity rating provided by the National Environmental Screening Tool for the affected area. (long term; regional; low; ongoing; unlikely)	Low
Socio-economic Rossmin provides training for employees who are majority drawn from the neighbouring Oshabeni area. There are	High – Very High positive

<p>many subsidiary businesses that are reliant on, either in the supply of goods to the mining operation, or the sale and distribution of products from Rossmin, all of which have numerous employees. Opportunities are provided for local entrepreneurs to become suppliers or service providers to Rossmin.</p> <p>(long term; national; high; ongoing; possible)</p>	
<p>Sense of Place/heritage</p> <p>There are no known heritage resources on the area affected by mining related activities outside the 299MR.</p> <p>(long term; local; low; ongoing; unlikely)</p>	Low negative
<p>Water/wetland contamination</p> <p>The Water Use License issued by DWS dated 16 June 2016 under license number 11/T52M/ABGI/4309 (amended in 2021) licensed the borehole and location of conservancy tanks outside of the mining right area, while the Environmental Authorisation issued by EDTEA dated 26 February 2013 specifically required the use of conservancy tanks (not septic tanks and French drains).</p> <p>The water use license includes mining related activities such as the groundwater monitoring borehole, conservancy tanks and stormwater attenuation structures on the West Slopes property in question.</p> <p>(short term; site-local; medium; occasional; possible)</p>	Low-medium negative
<p>Dust</p> <p>The mechanical processing of lime from the quarries results in dust, as does the packaging of the product. There is ongoing monthly monitoring of dust levels by an independent 3rd party. The dust plume is limited to about 20-50m from the property boundary aligned with the prevailing winds. Employees are provided with appropriate PPE. There is no impact to neighbours.</p> <p>(long term; local; low; ongoing; possible)</p>	Low negative - neutral

Public Participation:

This Background information Document is an invitation for you to provide comment on the application for retrospective Environmental Authorisation on or before 12 September 2024.

Copies of the assessment report will be lodged at the Rossmin Reception and at the Umtentweni Public Library. Registered I&APs will be informed when the report is available.

Prior arrangements must be made to view the documents due to security protocols using the contact information below.

Parties wishing to comment or register as Interested and Affected Parties are requested to send any concerns and comments on the application before **12 September 2024** to The Independent Environmental Advisor by email sarah.wine@iuncapped.co.za ; 17 Rylands Road, Howick 3290; or telephone 071 975 4865 attention Mr Barry James/Ms Sarah Allan.

Invitation to Register and Comment: before 12 September 2024

If you are interested in or affected by the application for retrospective environmental authorisation of the extension of mining related infrastructure over part of the property Rem of farm West Slopes No 5828 ET, Oshabeni area, Ray Nkonyeni Local Municipality, Ugu District Municipality, you are invited to register and submit your comments, stating any interest you have in this application (neighbour, competitor, supplier, authority) using the form below. Please forward the form to:

The Independent Environmental Advisor

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Tel: 071 975 4865 / 076 578 2941

Email: sarah.wine@iuncapped.co.za / tiea.sarah@gmail.com

for attention Barry James/Sarah Allan.

**UMZIMKHULU INDUSTRIAL HOLDINGS (PTY) LTD t/a ROSSMIN
EXTENSION OF MINING INFRASTRUCTURE OUTSIDE MINING RIGHT AREA
APPLICATION FOR ENVIRONMENTAL AUTHORISATION
KZN 30/5/1/2/2/299MR**

Title (Mr/Ms/Mrs)		Phone	
Name		Fax	
Organisation/interest in application		Email	
Signature		Postal address	

I would like to raise the following issues/comments/concerns to be noted regarding the extension of mining infrastructure outside of the mining right area:

If you know of anyone else who may have an interest in this application, please may you provide their contact details so that their participation can be facilitated:

Name	
Organisation	
Tel	
Address	

Please note that The Independent Environmental Advisor adheres to the principles of the Protection of Personal Information Act, Act 4 of 2013. By signing this form, you acknowledge that TIEA may use your information for the sole purpose of Public Participation related to the project mentioned above.

Thank you!