

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON
8 DECEMBER 2023 AT 10H00**

Site Inspection

The meeting was preceded by a site visit from 11h00 to 12h00. The site visit was attended by the owner, Mr F Orren, and the environmental consultant, Johan West, as well as those indicated on the meeting attendance register.

The following was noted from the site visit (photographs attached):

- The site is very disturbed and undulating – more so than is anticipated based on the google earth images.
- There was no evidence of any rehabilitation of the previous mining activities – towards the edges of the 5ha. site there was evidence of some pioneer species which have recolonized the site, but the underlying ground morphology is very uneven and unfinished subsequent to the previous mining i.e. no sloping was carried out after mining.
- The manganese bands of rock were evident in the numerous cuttings over the 5ha. site, as well as in loose rock across the site.
- There was a stockpile of rock which had already been excavated in the south western portion of the site.
- Machinery, a hopper and conveyor-belt, and earthmoving vehicles were on site – none in use during the site visit.
- No mining activities were taking place. There was evidence of recent earthmoving to grade the various access roads across the site.
- The site is exposed and elevated above the surrounding farmland, and dust management is therefore imperative. It would also be practical to retain some of the existing mine dumps as berms to screen the new mining areas.
- The dam and settling ponds are located outside of the 5ha. mining site and play limited role in stormwater management of the mining area as they are higher lying than the mine (except for possible emergency pumping and storage of stormwater in exceptionally wet conditions).
- Given the slopes, the implementation of the recommendation in the Stormwater Management Plan are imperative.
- Although the applicant indicates that there will be no on-site staff accommodation, there are old existing “row houses” which can accommodate approximately 4 workers. This needs to be addressed in the conditions of approval given neighbour comments.

Meeting:

After the site visit, the Tribunal meeting was held off-site, in Swellendam.

1. **Opening**

The Chairperson, Mr Hennie Taljaard, welcomed all present.

2. **Attendance**

Hennie Taljaard	-	Chairperson (External member)
Helene Janser	-	External member
Dalene Carstens	-	External member
Andrew Martinus	-	Internal member
Tracy Brunings	-	Internal member
Amber Willemse	-	Town Planner

3. **Applications for Leave of Absence**

Quinton Balie

Carisa Pieters

4. **Confirmation of previous Minutes**
Unanimously Resolved

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 31 August 2023 at the Langeberg Municipal Offices, Robertson be approved and confirmed. Proposed by Hennie Taljaard, seconded by Tracy Brunings.

5. **Matters arising from the previous minutes**

None

6. **Urgent Matters, Statements & Announcements submitted by the Chairperson**

None

7. **Consideration of Reports**

1/2023	PORTION OF PORTION 6 OF THE FARM KLEINFONTEIN NO. 367, SWELLENDAM DIVISION: APPLICATION TO REZONE FROM AGRICULTURAL ZONE I TO INDUSTRIAL ZONE III (MINING)
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The contents of the Land Use Assessment Report were noted, particularly the significance of stormwater management and the need to ensure no contamination of surface and underground water. Dust management is also a key issue, which must be emphasized in the conditions of approval. Worker accommodation needs to be included in the conditions of approval.

The concerns raised by the Swellendam Municipality are acknowledged, however it is considered that the subsequent reports submitted relating to stormwater management and rehabilitation (as approved by Cape Nature), as well as the WULA process (which is a thorough process relating to ensuring the appropriate use of water and prevention of water pollution), will address these concerns. The rehabilitation plan could result in improvements to the current site, which is not in a good condition at present. The conditions of approval also strongly emphasize the Dust Management Plan, which is a requirement of the EA and mining permit, and covered by CWDM comments. The likely economic benefits may be limited, but there will not be any negative impacts in this regard.

It was unanimously resolved: That the application to rezone a 5ha portion of Portion 6 of the Farm Kleinfontein No. 367, Swellendam Division, as depicted on the plans marked KLEINFONTEIN 367/6 SWE-LBM-TP1 and ZP1, from Agricultural Zone I to Industrial Zone III (Mining) be approved in terms of Section 60 of the Langeberg Land Use Planning By-law, PN 264/2015 subject to the conditions of approval, in terms of Section 66 of the aforementioned By-law, as set out in Annexure A(1).

That the registration of the required right-of-way servitude over Remainder Farm 243, Swellendam Division in favour of Portion 6 of the Farm Kleinfontein No. 367, Swellendam Division, as referred to in the conditions of approval, is determined to be exempt from the provisions of Sections 15 and 20-23 of the Langeberg Municipal Land Use Bylaw, PN 264/2015 in terms of Section 24(1)(f) of the aforementioned Bylaw.

Notes:

- (i) All relevant sections and regulations of the National Water Act 36/1998 must be adhered to.
- (ii) The applicant is reminded of his/her general duty of care in terms of Section 28(1) of NEMA: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment".
- (iii) Non-compliance with a condition of approval constitutes an offence in terms of Section 86(1)(a) of the Langeberg Land Use Planning Bylaw PN 264/2015. Where there is any uncertainty regarding the conditions, the Municipal Town Planning Department must be contacted.

Reasons for decision:

1. The area earmarked for the proposed mine falls on part of the farm that was previously used for manganese mining and has been significantly transformed and disturbed.
2. The proposed use is consistent with the PSDF and Rural Development Guidelines, 2019.
3. There will be no adverse impact on productive agricultural land.
4. The mine has been in operation between 2006 and 2018, with no adverse impacts or objections.
5. An EA has been issued by DMR in terms of NEMA.

6. The approved EMPr addresses mitigating measures in terms of stormwater management, noise, dust and rehabilitation.
7. Administrative procedures have provided for public participation and no objections were received from the public.
8. The objection from Swellendam Municipality is considered to be addressed by a number of conditions of approval, including compliance with the Dust Management Plan and the Stormwater plan, and phasing, with compliance checks prior to a new phase commencing.

8. **Other Matters**

None

9. **Conclusion**

The meeting adjourned at 13h30