

Farm Wegweyzers Rivier RE/582 Prospecting Right Application 1st Revised Draft BAR Comments and Response Report dated 31 March 2026:

Affected Party; Date Comments Received and Issues Raised	EAPs Response to Issues as Mandated by the Application	Report Reference
<p>CapeNature 09/11/2025</p> <p>Revised Basic Assessment Report and Environmental Management Programme Report for the Proposed Prospecting for Bentonite and Zeolite on the Remainder of Farm Wegweyzers Rivier 582, Riversdale (DMR ref. no.: WC30/5/1/1/2/10507PR)</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.</p> <p>CapeNature is satisfied that our concerns have been adequately addressed in the two rounds of public participation to date. As previously indicated, this does not mean that we will not have additional concerns if the prospecting progresses to the mining phase.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>Noted.</p>	
<p>DEA&DP 10/12/2025</p> <p>COMMENTS ON THE REVISED DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON THE REMAINDER OF FARM WEGWYZERS RIVIER NO. 582, RIVERSDALE (DMPR REF: WC 30/5/1/1/2/10507PR)</p> <p>1. The Draft Basic Assessment Report (“BAR”) dated 25 July 2025, the Department’s comments thereto dated 03 October 2025, and the email notification of 10 November 2025 regarding the availability of the Revised Draft BAR, refer.</p>	<p>1.-</p>	

<p>2. Thank you for the opportunity to review and provide comments on the Revised Draft BAR and Draft Environmental Management Programme (“EMPr”) dated 10 November 2025 and accompanying documents that were available for download from your website.</p> <p>3. The Department acknowledges the responses of the environmental assessment practitioner to our comments on the Draft BAR, as provided in section h(iii) of the Draft BAR (table with summary of issues raised). Where applicable, the required changes have been incorporated in the Revised Draft BAR.</p> <p>4. The Department further acknowledges the email correspondence of the South African Council for Natural Scientific Professions dated 01 August 2025, which confirms that a freshwater/aquatic specialist conducting aquatic biodiversity assessments would typically register under the field of ecological sciences or aquatic sciences. This qualifies Mr Nicolaas Hanekom to undertake an Aquatic Compliance Statement. It is also noted that CapeNature and the Breede-Olifants Catchment Management Agency did not disapprove of the contents of the Animal and Aquatic Compliance Statements.</p> <p>5. With regards to our previous comments recommending that the proposed prospecting areas (Map 5) be superimposed on the no-go areas map (Map 8), this comment related to superimposing the proposed 5 prospecting areas of 46ha onto Map 8, or to superimpose the shaded red area (no-go areas) onto Map 5.</p> <p>6. The Department has no further comments on the Revised Draft BAR and Draft EMPr.</p> <p>7. Please note that the abovementioned comments and recommendations do not pre-empt the outcome of the application. No</p>	<p>2.-</p> <p>3.-</p> <p>4.-</p> <p>5. Refer to amended Map 8 in Appendix B indicating proposed prospecting areas superimposed on no-go areas map.</p> <p>6. No further comments noted.</p> <p>7. Noted.</p>	<p>Appendix B: Maps & Site Photos</p>
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<p>information provided, views expressed and/or comments made by the Department should in any way be regarded as an indication or confirmation that additional information or documents will not be requested; or of the outcome of any application submitted to the competent authority.</p> <p>8. The applicant is reminded of its “general duty of care towards the environment” as prescribed in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) which states that “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 authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”</p> <p>The Department reserves the right to revise initial comments and request further information based on any or new information received.</p>	<p>8. Noted.</p>	
<p>Heritage Western Cape 10/11/2025</p> <p>Thank you for giving HWC the opportunity to comment.</p> <p>Please included HWC reference number in the initial email to prevent delay in responding to your emails.</p> <p>Please note that our previous comment still stands, no further action is required from heritage.</p>	<p>No further actions required in terms of heritage noted.</p>	
<p>I&AP 10 [REDACTED] 11/12/2025 [REDACTED]</p> <p>TO whom it might concern</p> <p>Comments on the Draft report</p>		

<p>In numerous instances the concerns and questions raised by affected persons (I&AP) are answered on a vague and avoiding basis. The responses are on a basis of “Trust us” and the concerns are therefore not answered.</p> <p>To refer to a few:</p> <p><i>In response to I&AP 8:</i></p> <ul style="list-style-type: none"> • Veiligheid: “Proposed prospecting activities are temporary..... “ <p>There is no attempt to advise on how the safety and security risks that are created by introducing new people to the area will be limited. The enquiry is addressed as if it was a question relating to road safety.</p> <p>To the extent that the enquiry was in relation to road safety it is no answer to state that the vehicle drivers are to adhere to road safety regulation. In the absence of any policing of such compliance the issue has not been adequately addressed.</p>	<ul style="list-style-type: none"> • The holder of the prospecting right takes full responsibility for the implementation of the prospecting activities in accordance with the requirements of the environmental authorisation, prospecting right and environmental management plan should authorisation be obtained. As part of these requirements the holder of the authorisation takes responsibility for the supervision and managing of the staff or contractors employed to implement any actions relating to the approved prospecting right in accordance with the requirements of the authorisation and management plan and in accordance with all Mine Health and Safety law requirements. Prospecting is conducted under the supervision of suitably qualified personnel and vehicles are operated by suitably qualified personnel. Should any staff or contractors employed by the holder of the authorisation be found guilty of any safety or security transgressions these incidents are handled by implementing the relevant standard operating procedures and incident report procedures to ensure that safety and risks are minimised. 	<p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> Geraas en stof: “ as per experience with previous prospecting activities will not create excessive noise..... expected noise impacts will be of low significance” <p>The answer is of the kind :”trust us we will not make noise” Without any control measures or policing the vague assurances are of no value and is not a response to the concern raised.</p> <ul style="list-style-type: none"> Gesondheid: the allegation that “expected dust impact will be of low significance” is not correct. There are houses close to the road that rely on rainwater catchment on the roof. Any additional dust is of significance and the impact of heavy vehicles on dust production and impact on the road causing more dust to be created by subsequent vehicles cannot be ignored by a statement that “it is of low significance” 	<ul style="list-style-type: none"> Noise monitoring requirements and limitations are to be implemented as indicated in the EMP requirements to be adhered to during active prospecting activities. As per the requirements of the EMP no activities that may generate noise levels above the legal limit for rural areas in terms of the Environmental Conservation Act, Western Cape Noise regulations may be conducted. All machinery and work activities must adhere to the requirements of the noise regulations. The standard below will be used to measure noise levels and impacts. Table 2 of SANS 10103:2004 The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication where the daytime, equivalent continuous rating level is given as 45 dBA for Rural Districts. These noise levels are to be monitored by the internal Environmental Control Officer and External Environmental Control Officer during active prospecting. Should the measurements exceed the allowable noise levels for rural areas further actions and impact mitigation measures are to be implemented and to be proposed by the external Environmental Control Officer to ensure that prospecting activities operate within the allowable noise levels. The number of trips that will be generated during active prospecting is two trips per day (one in the morning to the site and one in the afternoon back to the processing plant in Heidelberg) and therefore negligible in terms of additional dust created on a public road. 	<p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> • Swak laagwater brue: The response does not address the question whether the low water bridges can support the weight of the intended vehicles. <p><i>I&AP10</i></p> <ul style="list-style-type: none"> • item 5.3 It is not indicated what the intended socio economic investment that is planned and undertaken to be made in the Riversdale area. <ul style="list-style-type: none"> • Item 6.1 and 6.2 I understand that the application is not for mining activities albeit that the drilling is in effect mining. How will the noise level and impacts be monitored? Is there an independent monitor or is it left to the miner to monitor its own activities? 	<ul style="list-style-type: none"> • The current low water bridges already supports much heavier vehicles than those intended to be used during active prospecting activities, hence the bridges are suitable to support the weight of the intended vehicles. <ul style="list-style-type: none"> • Imerys (the prospecting right applicant) already has a Social Labour Plan which addresses the need for socio-economic investments made in the Hessequa Municipal area based on operations conducted within the area, refer to Appendix G5 Imerys 2024 SLP Report which indicated R 766 016 was spent on socio-economic projects in Heidelberg. Reports on socio-economic investments made is provided to the Department of Minerals and Petroleum Resources annually in accordance with the approved Social Labour Plan. <ul style="list-style-type: none"> • As per the requirements of the Environmental Management Programme compliance monitoring will be undertaken for duration of the excavation/drilling/trenching phase. Internal audits and inspections are undertaken by the internal Environmental Control Officer monthly. External audits is undertaken by a qualified independent Environmental Control officer on a 3 monthly basis during excavation/drilling/trenching phase and 6 monthly during rehabilitation phase until successful rehabilitation has been achieved and closure certificate obtained. 	<p>Appendix G5: Imerys 2024 SLP Report</p> <p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> • Items 6.3 and 6.4 What is considered “low significance”? <ul style="list-style-type: none"> • Item 7: the concern is addressed as if the exploration is completely removed and has no relation to the intended mining . The loss of productive land through mining is certainly an issue that is to be addressed in considering whether exploration and its consequences are to be allowed in the first place. Please advise of the mining areas that have been rehabilitated and are again used for productive farming purposes? Does the writer of the report intend to state that the areas in Heidelberg that have been excavated were filled and rehabilitated to the extend that the excavated areas are again used for farming after the alleged rehabilitation? <p>(The fotos I have seen does no speak of excavation having been filled in and I will visit the areas referred to if the addresses are identified.)</p> <p><i>I&AP 12</i></p> <ul style="list-style-type: none"> • I support the grounds raised by this I&AP fully. A mining activity will destroy the area farming capacity and views/use. We have in 	<ul style="list-style-type: none"> • Low significance in terms of potential dust impacts means that the expected amount of dust to be created by the proposed prospecting activities will not lead to any significant environmental impacts. Negligible traffic impact means that the expected temporary addition of two trips per day during prospecting work on the public roads will not lead to any significant traffic or road maintenance impacts. <ul style="list-style-type: none"> • Should a mining right be applied for on the property the potential loss of productive land through mining will be assessed during the mining right application process. <p>As per the closure requirements of a prospecting right AND mining right the land must be restored to its previous status quo, should this have been annually cultivated agricultural land the right holder is held responsible to restore the impacted areas so that the landowner can continue successful cultivation of the impacted areas and the right holder will be held financially responsible to achieve such rehabilitation until a Closure Certificate has been obtained from the Department of Minerals and Petroleum Resources. Should you wish to visit a previously prospected or mined area that have been rehabilitated accordingly please contact the mine geologist Siyanda Mabaso at Siyanda.mabaso@imerys.com or phone 060 547 5161 and a site visit can be arranged.</p> <ul style="list-style-type: none"> • The EAP requested inputs on the matter of potential property value impact from a professional property 	
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the last year invested a considerable amount in building a house that will face towards the mountain and to the east. The mine will be right in our sight and will destroy the investment hat had been made. The mere exploration will have an material negative effect on the investment (same with I&AP 12). Once exploration is being allowed to continue the value of the land will drop as the area will be at risk of mining activities.

It is therefore no a response or answer to the concerns that the exploration activities are temporary.

valuator Mr Charles van Wyk, the following conclusion was provided – Professional property valuator Mr Charles van Wyk concluded that, “*Prospecting on the specific property would have a negative impact on the value of the application property and it would also have a negative impact on the value of the adjacent properties.*

The area where the specific farms are located is a highly productive farming area where all the farms have a high percentage of irrigation lands. Some of the irrigation lands are used for irrigating pastures as in the case of the application property, while other irrigation lands have been developed in orchards as in the case of the adjacent property.

The current market value of irrigation land in the area without any development is R300,000 to R400,000 per hectare, depending on the source of the irrigation water and irrigation under gravity feed as in the case of the application property. The current market value of cultivated dry land in the area is R50,000 to R80,000 per hectare, so there is a vast difference in the value of irrigation land and cultivated dry land. The implication in the devaluation of the application property would thus be much more for irrigation land than for cultivated dry lands.

The existence of prospecting rights on a property can significantly devalue the property and reduce the landowner's control over it. Under the MPRDA, mineral rights are separated from surface rights, meaning a prospecting right holder can enter the land, bring machinery, and conduct activities, which often creates a complex and challenging relationship for the landowner.

<p>The health risks caused by Bentonite is material and substantial and cannot be ignored by again stating that the exploration is unrelated to mining of Bentonite. The two cannot be separated. If the mining will create health risks there is no basis on which exploration should be allowed. It is not an answer to say that the community's health will only be affected if and once the exploration is successful. This issue should be dealt with at this stage already.</p> <p>Who will do the monitoring during exploration? Is the monitoring done by or on behalf of the miner and how is those living in the area protected?</p> <p>The allegation that it has not been proven that during prospecting there are dangerous concentration of contaminants. The test should be "has it been proven that there will not be high levels of contaminants during prospecting." Or should someone become</p>	<p><i>The existence of prospecting rights on the application property will also devalue adjacent properties, primarily due to uncertainty, potential environmental impacts, and the risk of future industrial activity that can decrease the market value of neighbouring properties.</i> "</p> <p>Hence following the findings provided by the professional property valuator on the potential property value impacts a Potential High Negative Impact on Property Values have been included in the impact assessment for consideration by the decision-making authority.</p> <p>Only potential impacts related to the current proposed prospecting activities are to be assessed during an prospecting right application. Should a mining right application be applied for all mining related health risks are to be assessed during the environmental impact assessment conducted during the mining right application process.</p> <p>As per the requirements of the Environmental Management Programme compliance monitoring will be undertaken for duration of the excavation/drilling/trenching phase. Internal audits and inspections are undertaken by the internal Environmental Control Officer monthly. External audits are undertaken by a qualified independent Environmental Control officer on a 3 monthly basis during excavation/drilling/trenching phase and 6</p>	<p>BAR Part B: EMP</p>
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<p>sick and prove that it is due to prospecting or mining before it is a risk that will be considered.</p> <p>Conclusion: I and the trust which owns the land, oppose any destruction of the environment and in particular the destruction of the proposed exploration /prospecting area through prospecting or mining and we fully</p>	<p>monthly during rehabilitation phase until successful rehabilitation has been achieved and closure certificate obtained. The internal and external environmental control officers produce a report which indicates any non-compliances observed and a complaint register are also kept by the prospecting right holder. Any non-compliances or complaints are recorded and required rectification and prevention measures are also recorded in these reports. Depending on the severity of the non-compliances and/or should the prospecting right holder not address the non-compliances within the time period provided by the ECO the Department of Mineral and Petroleum Resources are informed of the non-compliances and the implementation of the prospecting right can be ceased by the Department until such non-compliances or complaints have been satisfactorily addressed. An independent compliance audit is also conducted on a two year basis by an independent company (which is not the consultant who conducted the authorisation application process nor the external environmental control officer) and these compliance reports are also submitted to the Department of Minerals and Petroleum Resources. Should any non-compliances be recorded the prospecting right holder are provided a suitable time period within which to address these non-compliances and if not addressed accordingly the Department will take further measures i.e. issue an directive to cease prospecting activities etc.</p> <p>Opposition to prospecting and mining activities and support for communities objections noted.</p>	
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<p>support the community's objections to the proposed destruction of the area. Please add my name to the list of I&AP.</p> <p>We ask the Department to refuse any prospecting / exploration rights for the proposed mining of Bentonite.</p>		
<p>I&AP 13 [REDACTED] 09/12/2025</p> <p>INTRODUCTION</p> <p>We acknowledge receipt of the Environmental Practitioner's response to our objection. However, we find the responses inadequate, dismissive of scientifically documented risks, and fundamentally flawed in their assessment of cumulative and long-term impacts. This response addresses each point raised and demonstrates why our objections remain valid and compelling.</p> <p>POINT-BY-POINT REBUTTAL</p> <p>1. WATER CONTAMINATION RISK - EAP RESPONSE INADEQUATE</p> <p>EAP Claims: "Limited footprint and same day rehabilitation" with "very limited" risks to water resources.</p> <p>Our Response: The EAP's response fundamentally misunderstands the issue and underestimates environmental risks:</p> <p>A. Prospecting is Not the End Goal:</p> <ul style="list-style-type: none"> The EAP focuses solely on prospecting impacts while ignoring that prospecting is merely the gateway to full-scale mining operations 	<p>1A: Mining phase water impacts will not be assessed during the prospecting right application process. Current application and impact assessment only relates to proposed prospecting activities. Should a mining right be</p>	

<ul style="list-style-type: none"> • Our water contamination concerns primarily relate to the inevitable mining operations that will follow successful prospecting • If bentonite deposits are confirmed, 24/7 mining operations will generate significant contaminated runoff that will flow onto our adjacent agricultural property • The EAP cannot claim "same day rehabilitation" for mining operations - yet provides no assessment of mining-phase water impacts <p>B. Cumulative Impact Ignored:</p> <ul style="list-style-type: none"> • Multiple prospecting boreholes create multiple contamination risk points • "Same day rehabilitation" does not eliminate contamination risk - it merely reduces exposure time • The Goukou/Kruis River palmiet peat wetland proximity means any contamination has severe ecosystem consequences • CapeNature's opposition specifically cited water table concerns that the EAP dismisses <p>C. Hazardous Substance Risk Acknowledged but Understated:</p> <ul style="list-style-type: none"> • The EAP admits risk "from hazardous substances/materials being introduced or discharged or spilled" • Implementation of mitigation measures depends on human compliance - spills and accidents are foreseeable 	<p>pursued the applicant would be responsible for applying for such a mining right and must conduct the required mining right related impact assessments during the application process.</p> <p>1B: Contamination risks relating to prospecting have been assessed in the Groundwater Impact Assessment conducted and proposed impact management measures included in the Environmental Management Plan requirements. It was also concluded by the groundwater specialist that the proposed prospecting activities are expected to have no measurable negative effects on the groundwater regime or the nearby Kruis River and associated wetland provided that preventative management measures as provided are implemented throughout. CapeNature's concerns were not dismissed by the EAP and have been addressed. Refer to CapeNature's comments on the Revised Draft Basic Assessment Report as included in the Comments and Response Tables.</p> <p>1C: The EAP has been the external Environmental Control Officer on several bentonite and zeolite prospecting rights which have been carried out by the applicant within the Heidelberg and Riversdale areas and to date no complaints or evidence of any hazardous spills or contamination due to prospecting activities</p>	<p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> • Our irrigation water sources and the sensitive wetland cannot tolerate any contamination risk • "Can be prevented" is not the same as "will be prevented" - enforcement is notoriously weak <p>D. Runoff Management Unproven:</p> <ul style="list-style-type: none"> • EMP requirements are theoretical - no evidence of successful implementation at other sites • Agricultural land contours, once disturbed, affect water flow patterns permanently • "Effective restoration" is subjective and unverifiable without long-term monitoring • Our 2022 orchard development requires pristine water quality - any degradation causes economic loss <p>CONCLUSION ON WATER: The EAP's dismissal of water contamination risks is unacceptable given the sensitive wetland proximity, CapeNature's opposition, and the inevitable progression to mining operations with significant water impact potential.</p> <p>2. TRAFFIC IMPACT - EAP RESPONSE MISLEADING</p> <p>EAP Claims: "Temporary" activities with "negligible" traffic of "two trips per day."</p> <p>Our Response: The EAP's traffic assessment is deliberately misleading and factually incorrect:</p> <p>A. Grossly Understated Traffic Volume:</p> <ul style="list-style-type: none"> • "Two trips per day" may apply to prospecting reconnaissance, but not to actual drilling operations. 	<p>conducted have been observed by the EAP and none has been reported by the landowners on whose properties these prospecting rights were carried out on.</p> <p>1D: The EAP has been the external Environmental Control Officer on several bentonite and zeolite prospecting rights which have been carried out by the applicant within the Heidelberg and Riversdale areas and to date none of the prospecting activities conducted have caused any uncontrolled runoff observed by the EAP and none has been reported by the landowners on whose properties these prospecting rights were carried out on.</p> <p>1. Conclusion: Refer to replies above.</p> <p>2A: All drilling equipment, support vehicles and staff travels to the relevant prospecting site from Heidelberg in</p>	
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<ul style="list-style-type: none"> • Drilling equipment, support vehicles, crew transport, and supply trucks generate far more than two trips. • No assessment provided for mining-phase traffic when materials must be transported to Heidelberg daily • Heavy drilling rigs and equipment require specialized transport - not addressed <p>B. Road Infrastructure Reality:</p> <ul style="list-style-type: none"> • Our gravel roads were not designed for heavy industrial vehicle traffic. • Even "temporary" heavy vehicle use causes permanent road degradation. • The EAP provides no commitment for road maintenance or repair. • Agricultural operations require functional road access year-round. <p>C. Municipality Silence Does Not Equal Approval:</p> <ul style="list-style-type: none"> • The EAP claims Hessequa Municipality has "not provided any road maintenance requirements" • Absence of comment does not constitute approval or acceptance of impacts • Municipalities may lack resources to assess or respond to all applications • Our farm has the direct impact and cost of road damage <p>D. Safety Concerns Ignored:</p> <ul style="list-style-type: none"> • Heavy vehicle traffic on narrow gravel roads creates safety hazards for farm operations • No traffic management plan provided for interaction with agricultural vehicles • School transport and community traffic safety not assessed <p>E. Mining Phase Completely Ignored:</p>	<p>the morning and back to the processing plant in the afternoon. On site there will be a hydraulic track rotary-percussive drill compressor towed by a tractor, trailer mounted push sampler drill towed by a bakkie, bakkie for geologists and a bakkie for operators. The hydraulic rotary-percussive drill, compressor and tractor will be delivered to site by means of a lowbed.</p> <p>2B: The weight of the lowbed vehicle that will be used to transport the drill, compressor and tractor to the prospecting site is similar to heavy trucks which also makes use of the gravel roads.</p> <p>2C: The Hessequa Municipality has provided comments on the proposed application which can be viewed in the Comments and Response tables as provided.</p> <p>Because the expected traffic impacts during prospecting do not amount to high or excessive traffic impacts no specific road maintenance requirements is imposed.</p> <p>2D: During the transport or operations of any heavy vehicles on public roads the operators are responsible to adhere to all road safety requirements.</p>	
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- If prospecting succeeds, mining operations will require continuous heavy vehicle traffic
- Material transport to Heidelberg facility means daily truck movements for years
- The "temporary prospecting" argument deliberately avoids assessing the real traffic impact of mining

CONCLUSION ON TRAFFIC: The EAP's "two trips per day" assessment is misleadingly simplistic and fails to address the real traffic impacts of drilling operations or the inevitable mining phase that prospecting enables.

3. INVESTMENT DEVALUATION - EAP RESPONSE SHOWS IGNORANCE OF AGRICULTURAL ECONOMICS

EAP Claims: Prospecting "will not lead to depreciation of investment" due to "same day rehabilitation" and "temporary" nature.

Our Response:

The EAP demonstrates fundamental ignorance of agricultural economics and property valuation:

A. Property Value Impact is Immediate and Permanent:

- The mere existence of prospecting rights on adjacent property immediately devalues our farm
- Potential buyers will not purchase agricultural property adjacent to mining operations
- Banking institutions reduce lending capacity for properties near mining activities
- Our 2022 investment of R60 000 000 in farm and orchard development faces immediate depreciation

2E: This application is for a prospecting right, should a mining right application be pursued all potential mining right impacts will be assessed during the mining right application process.

2. Conclusion: Refer to replies above.

- **3A:** The EAP requested inputs on the matter of potential property value impact from a professional property valuator Mr Charles van Wyk, the following conclusion was provided – Professional property valuator Mr Charles van Wyk concluded that, *“Prospecting on the specific property would have a negative impact on the value of the application property and it would also have a negative impact on the value of the adjacent properties.*

The area where the specific farms are located is a highly productive farming area where all the farms have a high percentage of irrigation lands. Some of the irrigation lands are used for irrigating pastures as in the case of the application property, while other irrigation lands have been developed in orchards as in the case of the adjacent property.

The current market value of irrigation land in the area without any development is R300,000 to R400,000 per hectare, depending on the source of the irrigation water and irrigation under gravity feed as in the case of the application property. The current market value of cultivated dry land in the area is R50,000 to R80,000 per hectare, so there is a vast difference in the value of irrigation land and cultivated dry land. The implication in the devaluation of the application property would thus be much more for irrigation land than for cultivated dry lands.

The existence of prospecting rights on a property can significantly devalue the property and reduce the landowner's control over it. Under the MPRDA, mineral rights are separated from surface rights, meaning a prospecting right holder can enter the land, bring machinery, and conduct activities, which often creates a complex and challenging relationship for the landowner.

The existence of prospecting rights on the application property will also devalue adjacent properties, primarily due to uncertainty, potential environmental impacts, and the risk of future industrial activity that can decrease the market value of neighbouring properties. “

<p>B. Agricultural Investment is Long-Term:</p> <ul style="list-style-type: none"> • Macadamia trees take 7-10 years to reach full production • Citrus orchards require 5-7 years for optimal yields • Our business plan spans 30+ years - "temporary prospecting" does not eliminate mining threat • Future mining operations (the inevitable goal of prospecting) will destroy our agricultural investment <p>C. Operational Impacts During Prospecting:</p> <ul style="list-style-type: none"> • Dust from drilling operations will affect tree health and fruit quality immediately • Noise disruption affects farm operations and residential quality of life • Visual impact of drilling equipment reduces property amenity • Agricultural certification requirements may be compromised by adjacent industrial activity <p>D. Market Access Concerns:</p> <ul style="list-style-type: none"> • Export markets have strict environmental and quality standards • Adjacent mining operations may disqualify us from premium markets 	<p>Hence following the findings provided by the professional property valuator on the potential property value impacts a Potential High Negative Impact on Property Values have been included in the impact assessment for consideration by the decision-making authority.</p> <p>3B: This application is for a prospecting right, should a mining right application be pursued all potential mining right impacts will be assessed during the mining right application process.</p> <p>3C: As per the requirements of the Environmental Management Programme (EMP) drilling are not to take place during strong wind conditions to prevent excessive windblown dust. Noise from prospecting is not to exceed the allowable rural limits in accordance with the Noise Regulations. Visual impact of drilling equipment is of low significance as it is temporary as equipment will not remain on site. With the required implementation of the Environmental Management Plan requirements to prevent significant environmental impacts during proposed prospecting activities it is not expected that the proposed prospecting activities will lead to any significant detrimental environmental impacts.</p> <p>3D: With the required implementation of the Environmental Management Plan requirements to prevent significant environmental impacts during proposed prospecting activities it is not expected that the</p>	<p>BAR Part B: EMP</p> <p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> • Organic or sustainable agriculture certifications become impossible • Buyer concerns about contamination affect marketability even if actual contamination doesn't occur <p>E. "Same Day Rehabilitation" is Irrelevant to Economic Impact:</p> <ul style="list-style-type: none"> • Investment depreciation occurs from the threat of mining, not just physical disturbance • Financial institutions assess risk based on mining rights, not rehabilitation promises • Agricultural insurance premiums increase near mining operations • Our economic model is permanently disrupted by mining uncertainty <p>CONCLUSION ON INVESTMENT: The EAP's claim that temporary prospecting causes no investment depreciation reveals complete ignorance of agricultural economics, property valuation, and the long-term nature of horticultural investments.</p> <p>4. ENVIRONMENTAL POLLUTION - EAP'S EMP RELIANCE IS INSUFFICIENT</p> <p>EAP Claims: Pollution will be "prevented" or "mitigated in accordance with requirements of the EMP."</p> <p>Our Response: Reliance on EMP compliance is inadequate given enforcement realities and documented failures:</p> <p>A. EMP Compliance is Not Guaranteed:</p>	<p>proposed prospecting activities will lead to any significant detrimental environmental impacts, it is therefore unclear how proposed prospecting activities if conducted within the parameters as proposed on adjacent property may compromise agricultural certification requirements.</p> <p>3E: Refer to property valuation statement outcome under 3A above, potential application and adjacent property value impacts have been included as a high potential negative impact for consideration by the decision making authority.</p> <p>3. Conclusion: Refer to replies above.</p> <p>4A: I&APs concerns on EMP compliance noted. EMP compliance is not voluntary but mandatory. As per the</p>	<p>BAR Part B: EMP</p>
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<ul style="list-style-type: none">• South Africa has well-documented problems with mining regulation enforcement• EMPs are frequently violated with minimal consequences• Our family's health and agricultural investment cannot depend on IMERY'S's voluntary compliance• Monitoring and enforcement resources are severely limited	<p>requirements of the Environmental Management Programme compliance monitoring will be undertaken for duration of the excavation/drilling/trenching phase. Internal audits and inspections are undertaken by the internal Environmental Control Officer monthly. External audits are undertaken by a qualified independent Environmental Control officer on a 3 monthly basis during excavation/drilling/trenching phase and 6 monthly during rehabilitation phase until successful rehabilitation has been achieved and closure certificate obtained. The internal and external environmental control officers produce a report which indicates any non-compliances observed and a complaint register are also kept by the prospecting right holder. Any non-compliances or complaints are recorded and required rectification and prevention measures are also recorded in these reports. Depending on the severity of the non-compliances and/or should the prospecting right holder not address the non-compliances within the time period provided by the ECO the Department of Mineral and Petroleum Resources are informed of the non-compliances and the implementation of the prospecting right can be ceased by the Department until such non-compliances or complaints have been satisfactorily addressed. An independent compliance audit is also conducted on a two year basis by an independent company (which is not the consultant who conducted the authorisation application process nor the external environmental control officer) and these compliance reports are also submitted to the Department of Minerals and Petroleum Resources. Should any non-compliances be recorded the prospecting right holder are provided a suitable time period within which to</p>	
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B. Prevention vs. Mitigation:

- The EAP admits prevention is "not possible" for some impacts
- Mitigation means damage occurs but is supposedly reduced
- For sensitive agricultural operations and residential dwellings, mitigation is inadequate
- The precautionary principle requires prevention, not mitigation

C. No Track Record Provided:

- IMERYS operates Cape Bentonite Mine in Heidelberg - what is their compliance record?
- No evidence provided of successful EMP implementation at other sites
- Past performance is the best predictor of future compliance

D. Irreversible Impacts:

- Some environmental damage cannot be mitigated (wetland contamination, health impacts)
- EMP cannot restore health once respiratory disease develops
- Tree damage from dust accumulation is cumulative and irreversible

CONCLUSION ON POLLUTION: EMP requirements are theoretical protections that cannot guarantee prevention of documented

address these non-compliances and if not addressed accordingly the Department will take further measures i.e. issue an directive to cease prospecting activities etc.

4B: The precautionary principle of applying complete impact prevention first were implemented during the impact assessment conducted, however the intention of the impact assessment conducted is also to provide impact mitigation measures to reduce the significance of the potential impacts (if possible) associated with the proposed prospecting activities where prevention is not possible should the prospecting proceed.

4C&D: The EAP has been the external Environmental Control Officer on several bentonite and zeolite prospecting rights which have been carried out by the applicant within the Heidelberg and Riversdale areas and to date no complaints or evidence of any significant environmental impacts caused by prospecting activities as proposed i.e. hazardous spills, contamination, excessive noise, excessive dust, detrimental health impacts due to prospecting activities conducted were observed, recorded nor reported by the landowners on whose properties these prospecting rights were carried out on nor by adjacent landowners to the properties where these prospecting activities occurred. Should you wish to visit a previously prospected area the mine geologist Siyanda Mabaso can be contacted at Siyanda.mabaso@imerys.com phone 060 547 5161 to arrange such a visit.

4. Conclusion: Refer to replies above.

environmental and health risks, particularly given South Africa's weak enforcement capacity.

5. VISUAL POLLUTION - EAP MINIMIZES PERMANENT IMPACTS

EAP Claims: Visual transformation "temporary only" with "same day rehabilitation" on "already transformed cultivated agricultural areas."

Our Response:

A. Prospecting vs. Mining Visual Impact:

- EAP again focuses on minimal prospecting visual impact while ignoring inevitable mining operations
- Open pit bentonite mining creates permanent visual transformation - not temporary
- Our dwelling units will overlook mining operations for decades, not just during drilling

B. "Already Transformed" is Misleading:

- Agricultural land is productive, managed landscape - not degraded or industrial
- There is fundamental difference between agricultural use and industrial mining
- Our property value depends on maintaining agricultural character of surrounding area

C. Mining Infrastructure Ignored:

- Processing facilities, waste stockpiles, access roads create permanent visual impact
- 24/7 mining operations include lighting, equipment, vehicles
- Agricultural landscape permanently transformed into industrial site

5A: This application is for a prospecting right, should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.

5B: The temporary prospecting activities which will be carried out in a manner that will rehabilitate impacted cultivated agricultural land on the same day during drilling operations will not alter the agricultural character of the site. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.

5C: Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.

5. Conclusion: Refer to replies above.

<p>CONCLUSION ON VISUAL IMPACT: Temporary drilling visual impact is irrelevant - the real concern is permanent mining visual impact that prospecting enables.</p> <p>6. NOISE POLLUTION - EAP'S 8H00-17H00 CLAIM CONTRADICTS MINING REALITY</p> <p>EAP Claims: "Normal working hours weekday 8h00-17h00" with "negligible" noise from "two trips per day."</p> <p>Our Response:</p> <p>A. This Directly Contradicts Information We Received:</p> <ul style="list-style-type: none"> • We were informed that mining operations would be 24/7 • EAP now claims 8h00-17h00 for prospecting only • Which is accurate? This inconsistency raises serious credibility concerns <p>B. Mining Operations Are 24/7:</p> <ul style="list-style-type: none"> • IMERYYS operates Cape Bentonite Mine in Heidelberg - what are their operating hours? • Industrial mineral processing typically operates continuously • Economic viability of mining requires maximum production - not 8-hour days <p>C. "Two Trips Per Day" Remains Implausible:</p> <ul style="list-style-type: none"> • Drilling operations require equipment transport, crew transport, supply vehicles • Mining operations require continuous truck traffic to Heidelberg facility • This claim appears deliberately misleading 	<p>6A: The I&AP was not informed by the EAP that operations would take place 24/7. Nowhere in the reports does it state that operations will take place 24/7, hence the information that the I&AP received is incorrect. Prospecting operations will only take place during the hours of 08:00-17:00. Any operations relevant to mining is to be assessed during the mining right applications.</p> <p>6B: It is assumed that the I&AP is referring to the Imerys processing plant based at Heidelberg. The operations of the processing plant based at Heidelberg is not relevant to the potential impacts as is being assessed for the proposed prospecting right.</p> <p>6C: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.</p>	
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D. 45 dBA Standard May Be Exceeded:

- Drilling equipment, heavy vehicles, processing activities exceed 45 dBA
- Rural area residents are highly sensitive to industrial noise
- Residential dwellings deserve protection, not just compliance with minimum standards

E. Monitoring and Enforcement Concerns:

- Who monitors noise levels? How frequently?
- What are consequences of violations?
- Rural areas often lack enforcement capacity

CONCLUSION ON NOISE: The 8h00-17h00 claim conflicts with information about 24/7 operations and doesn't address mining-phase noise impacts.

7. AIR QUALITY AND DUST - EAP'S MONITORING PLAN IS REACTIVE, NOT PREVENTIVE

6D&E: No processing activities is being proposed as part of the proposed prospecting activities. • Noise monitoring requirements and limitations are to be implemented as indicated in the EMP requirements to be adhered to during active prospecting activities. As per the requirements of the EMP no activities that may generate noise levels above the legal limit for rural areas in terms of the Environmental Conservation Act, Western Cape Noise regulations may be conducted. All machinery and work activities must adhere to the requirements of the noise regulations. The standard below will be used to measure noise levels and impacts. Table 2 of SANS 10103:2004 The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication where the daytime, equivalent continuous rating level is given as 45 dBA for Rural Districts. These noise levels are to be monitored by the internal Environmental Control Officer and External Environmental Control Officer during active prospecting. Should the measurements exceed the allowable noise levels for rural areas further actions and impact mitigation measures are to be implemented and to be proposed by the external Environmental Control Officer to ensure that prospecting activities operate within the allowable noise levels.

6.Conclusion: Refer to replies above.

<p>EAP Claims: Prospecting "will not lead to continuous dust generation" with dust monitoring program and management plan if standards exceeded.</p> <p>Our Response:</p> <p>A. Reactive Approach Unacceptable:</p> <ul style="list-style-type: none"> • EAP proposes monitoring first, then management plan "if" standards exceeded • This means allowing dust exposure until damage is measured • Our family's health and tree health cannot wait for reactive responses • Precautionary principle requires prevention, not reaction <p>B. One-Month Delay for Management Plan:</p> <ul style="list-style-type: none"> • If dust standards exceeded, management plan implemented "within a month" • Our crops and family are exposed to harmful dust for weeks before action • Respiratory damage and stomatal blockage occur immediately • One month of dust exposure causes irreversible agricultural damage <p>C. Dust Standards May Be Inadequate for Agriculture:</p> <ul style="list-style-type: none"> • National dust regulations designed for general environmental protection • Agricultural crops, especially fruit trees, require pristine air quality • Stomatal function impaired by dust levels below regulatory thresholds • Export quality standards more stringent than environmental dust regulations 	<p>7A, B, C: Environmental Management Plan requirements for dust management are not just reactive, but firstly preventative. A speed limit of 30km/hour are to be implemented on the property. As per the requirements of the Environmental Management Programme (EMP) drilling are not to take place during strong wind conditions to prevent excessive windblown dust. As and if necessary dampening of impacted areas by water tanker will be implemented to minimise dust production.</p>	<p>BAR Part B: EMP</p>
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<p>D. Milos Island Study Shows Real-World Impacts:</p> <ul style="list-style-type: none"> • Despite regulations and monitoring, Greek communities near bentonite mining suffered documented health impacts • Compliance with dust standards doesn't prevent respiratory disease • Our peer-reviewed evidence trumps theoretical monitoring programs <p>E. Mining Operations = Continuous Dust:</p> <ul style="list-style-type: none"> • Prospecting creates temporary dust during drilling • Mining operations create continuous dust from excavation, transport, processing • 24/7 operations mean 24/7 dust exposure • No "same day rehabilitation" for mining activities <p>CONCLUSION ON DUST: Reactive monitoring program is inadequate protection. Milos Island study proves that even with regulations, bentonite mining causes respiratory disease in adjacent communities.</p> <p>8. ROAD INFRASTRUCTURE - REPEATED "TWO TRIPS" CLAIM LACKS CREDIBILITY</p> <p>EAP Claims: Repeats "two trips per day" claim with "negligible" impact.</p> <p>Our Response: This response is identical to previous claims and remains unconvincing:</p> <p>A. Drilling Operations Reality:</p> <ul style="list-style-type: none"> • Equipment transport requires heavy vehicles • Crew transport, supplies, water, fuel deliveries • Emergency/maintenance vehicles • Geological sample transport 	<p>7.D&E: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.</p> <p>7.Conclusion: Refer to replies above.</p> <p>8. A&B: All drilling equipment, support vehicles and staff travels to the relevant prospecting site from Heidelberg in the morning and back to the processing plant in the afternoon. On site there will be a hydraulic track rotary-percussive drill compressor towed by a tractor, trailer mounted push sampler drill towed by a bakkie, bakkie for</p>	
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<p>B. No Commitment to Road Maintenance:</p> <ul style="list-style-type: none"> • EAP claims no municipality requirements provided • Does not commit IMERYS to road repair or maintenance • Our farm bears cost of road damage from industrial operations <p>C. Mining Phase Completely Different:</p> <ul style="list-style-type: none"> • Continuous material transport to Heidelberg processing facility • Multiple daily truck loads for economically viable operation • Years of heavy vehicle traffic, not temporary prospecting <p>CONCLUSION ON ROADS: "Two trips per day" claim lacks credibility and avoids addressing mining-phase traffic impact.</p> <p>9. INVESTMENT DEPRECIATION - EAP SHOWS FUNDAMENTAL MISUNDERSTANDING</p> <p>EAP Claims: "Will not lead to depreciation" due to temporary nature and mitigation.</p> <p>Our Response:</p> <p>A. EAP Appears to Confuse Parties:</p> <ul style="list-style-type: none"> • EAP states "depreciation of investment made by the applicant in mixed macadamia and citrus orchards" • This is OUR investment, not the applicant's • Does EAP even understand whose property contains the orchards? • This error suggests inadequate site assessment and confusion about affected parties 	<p>geologists and a bakkie for operators. The hydraulic rotary-percussive drill, compressor and tractor will be delivered to site by means of a lowbed. Because the expected traffic impacts during prospecting do not amount to high or excessive traffic impacts no specific road maintenance requirements is imposed.</p> <p>8.C: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>8. Conclusion: Refer to replies above.</p> <p>9.A: The EAP does understand whose property contains the orchards and is not confused, this was a typing error made by the EAP in the response and should have excluded the words "by the applicant" in the response. Where the response was first provided concerning investment devaluation/depreciation the EAP did not refer to the "applicant" as the investor for mixed macadamia and citrus orchards. The typing error has been corrected.</p>	
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<p>B. Property Value Impact is Immediate:</p> <ul style="list-style-type: none"> • Mining rights on adjacent property immediately affect property values • Agricultural banks reduce lending near mining operations • Potential buyers avoid properties near mining activities • This is basic property economics that EAP ignores <p>C. Agricultural Certification Risks:</p> <ul style="list-style-type: none"> • Export markets, organic certification, sustainable agriculture standards • Adjacent industrial operations may disqualify us from premium markets • Economic model based on premium product quality <p>D. Long-Term Agricultural Investment:</p> <ul style="list-style-type: none"> • Our business plan spans 30+ years • "Temporary prospecting" doesn't eliminate mining threat • Once prospecting confirms deposits, mining pressure continues for decades <p>CONCLUSION ON INVESTMENT: EAP's confusion about whose property contains orchards raises serious questions about assessment quality.</p> <p>10. OPERATIONAL COSTS - EAP'S "NOT EXPECTED" PROVIDES NO GUARANTEE</p> <p>EAP Claims: Prospecting "not expected" to require protective measures by adjacent landowners.</p> <p>Our Response: A. "Not Expected" is Not "Guaranteed":</p>	<p>9.B, C and D: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>Refer to property valuation statement outcome under 3A above, potential application and adjacent property value impacts have been included as a high potential negative impact for consideration by the decision making authority.</p> <p>9. Conclusion: Refer to replies above.</p> <p>10.A, B &C: Enforceable commitments/requirements to prevent detrimental environmental impacts are provided in the Environmental Management Programme to be implemented should prospecting right be obtained.</p>	<p>BAR Part B: EMP</p>
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<ul style="list-style-type: none"> • No commitment to compensate for protective measures we may need • No insurance or bond for agricultural damage • "Not expected" is opinion, not enforceable commitment <p>B. We Will Require Protective Measures:</p> <ul style="list-style-type: none"> • Additional irrigation if dust damages trees • Protective netting or barriers • Water quality testing and treatment • Enhanced pest management (dust harbors pests) • Crop monitoring and documentation <p>C. Who Bears the Cost?:</p> <ul style="list-style-type: none"> • EAP provides no mechanism for compensation • Our agricultural business absorbs all protective costs • Mining company profits while we bear defensive expenses <p>CONCLUSION ON COSTS: We will incur additional operational costs, and EAP provides no protection or compensation mechanism.</p> <p>11. RESIDENTIAL DISRUPTION - REPEATS INADEQUATE NOISE RESPONSE</p> <p>EAP Claims: Repeats 8h00-17h00 hours and 45 dBA standards.</p> <p>Our Response: See detailed response under "Noise Pollution" above. Additionally:</p> <p>A. Residential Quality of Life:</p> <ul style="list-style-type: none"> • Our dwelling units are homes, not just noise monitoring stations • Industrial operations fundamentally change residential character 	<p>As per the requirements of the Environmental Management Programme prospecting activities are to be conducted in a manner that does not cause environmental degradation or pollution including groundwater contamination and excessive dust hence additional protective measures for dust management on adjacent properties due to prospecting activities will not be required. The prospecting right holder bears the cost for EMP compliance monitoring.</p> <p>10. Conclusion: Refer to reply above.</p> <p>11. A: Noise will be produced during active prospecting however as per the impact assessment the noise produced during active prospecting will not be excessive,</p>	
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<ul style="list-style-type: none"> Family life, agricultural management, property enjoyment all affected <p>B. 8h00-17h00 May Not Apply to Mining:</p> <ul style="list-style-type: none"> This is prospecting hours claim only Mining operations economics require longer operating hours No commitment provided for mining-phase hours <p>CONCLUSION ON RESIDENTIAL IMPACT: Compliance with minimum standards doesn't protect residential quality of life and property amenities.</p> <p>CRITICAL OMISSIONS IN EAP RESPONSE</p> <p>The Environmental Practitioner's response completely fails to address our most serious concerns:</p> <p>6. HEALTH RISKS - EAP'S OCCUPATIONAL HYGIENE REPORT IS IRRELEVANT TO COMMUNITY EXPOSURE</p> <p>EAP Response: References Appendix G6 showing geologist assistant exposure of 0.04 (below 0.5 AGI limit) during prospecting.</p> <p>Our Response:</p> <p>THE EAP FUNDAMENTALLY MISUNDERSTANDS OUR HEALTH CONCERNS:</p> <p>A. Occupational vs. Community Exposure:</p> <ul style="list-style-type: none"> EAP provides worker exposure data wearing protective equipment during 8-hour shifts 	<p>will be within 'normal' working hours and will be temporary.</p> <p>11. B: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>11. Conclusion: Refer to replies above.</p> <p>6.A: Same-day rehabilitation prospecting activities will not lead to 24/7 environmental exposure to communities. Active prospecting will not exceed the occupational 8-hour periods and the occupational</p>	
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<ul style="list-style-type: none"> • My family and workers face 24/7 environmental exposure without protective equipment • Residential exposure standards are different from occupational exposure limits • Children, elderly, and pregnant women face higher risks than healthy adult workers <p>B. Prospecting vs. Mining Exposure:</p> <ul style="list-style-type: none"> • Report measures geologist during limited prospecting drilling • Mining operations create massive dust from excavation, crushing, screening, loading, transport • Continuous 24/7 operations vs. temporary drilling measurements • Completely different exposure scenarios <p>C. Milos Island Study Ignored:</p> <ul style="list-style-type: none"> • We provided peer-reviewed research showing COMMUNITY health impacts near bentonite mining • Statistically significant elevated rates of allergic rhinitis, pneumonia, COPD, bronchiectasis, asthma • These are community populations, not workers with protective equipment • Greek study shows REAL WORLD impacts, not theoretical compliance measurements <p>D. AGI Limit May Not Protect Chronic Exposure:</p> <ul style="list-style-type: none"> • Occupational limits designed for healthy adult workers in 8-hour shifts • Residential exposure is continuous (24/7) over years • Cumulative exposure causes health effects even below instantaneous limits • Vulnerable populations (children, elderly) need stricter protection 	<p>exposure measured for the geologist working in the immediate vicinity of the active prospecting drilling is within/below the allowable limits. Prospecting takes place on ploughed agricultural lands and same day rehabilitation is implemented hence after each 8 hour shift no activities that may cause dust exposure will take place due to prospecting.</p> <p>6.B&C: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>6.D&E: Refer to reply provided for 6.A above.</p>	
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E. Distance and Duration Matter:

- Worker measurements taken during active drilling activity
- Community exposure includes ambient dust, transport activities, processing
- Dust travels beyond immediate work area
- Long-term chronic exposure vs. short-term occupational exposure

F. Types of Dust Differ:

- Worker exposure during drilling (wet drilling may suppress dust)
- Community exposure from dry mining operations, stockpiles, transport, wind-blown dust
- Different particle sizes and exposure routes

G. No Community Health Monitoring Proposed:

- EAP provides worker monitoring plan
- No baseline health assessment for adjacent residents
- No ongoing community health surveillance
- How will health impacts on my family and the local community be detected and addressed?

CRITICAL POINT: Showing that workers wearing protective equipment during limited prospecting drilling have low exposure DOES NOT prove that my family living adjacent to 24/7 mining operations will be safe.

The Milos Island Study Evidence:

- Real community exposure near bentonite mining
- Documented statistically significant health impacts
- Peer-reviewed scientific research
- Directly applicable to our situation

6.F: Refer to reply provided for 6.B above.

6.G: Same-day rehabilitation prospecting activities will not lead to 24/7 environmental exposure to communities. Active prospecting will not exceed the occupational 8-hour periods and the occupational exposure measured for the geologist working in the immediate vicinity of the active prospecting drilling is within/below the allowable limits. Prospecting takes place on ploughed agricultural lands and same day rehabilitation is implemented hence after each 8 hour shift no activities that may cause dust exposure will take place due to prospecting

<p>This trumps theoretical occupational hygiene measurements.</p> <p>CONCLUSION ON HEALTH: EAP's occupational hygiene report is irrelevant to community health protection. Milos Island study proves bentonite mining causes respiratory disease in adjacent communities regardless of worker exposure compliance.</p> <p>2. CAPENATURE OPPOSITION - CRITICAL ISSUE REQUIRING VERIFICATION</p> <p>EAP Claims: "CapeNature is satisfied that concerns have been adequately addressed and does not object to the revised prospecting proposal."</p> <p>Our Response:</p> <p>THIS IS A CRITICAL DEVELOPMENT THAT REQUIRES IMMEDIATE VERIFICATION:</p> <p>A. Request for Documentation:</p> <ul style="list-style-type: none">• We request copies of ALL correspondence between CapeNature and the EAP• Specifically, CapeNature's written statement that they "do not object"• Timeline of when this position changed from opposition to no objection• What specific changes were made to address CapeNature's concerns	<p>6. Conclusion: Refer to replies above.</p> <p>2.A: All correspondence and associated timeline/dates between CapeNature and the EAP is as per the information available in the Comments and Response tables and Proof of Public Participation conducted under Appendix C of the Basic Assessment Report. The changes that were made to the original prospecting right proposal included adding no-go areas i.e. to exclude all areas west of the regional road crossing the property within which the Kruis River tributary is located along the western border of the property and associated channelled and unchanneled valley bottom wetland areas as mapped.</p>	
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<p>B. "Revised Prospecting Proposal" Raises Questions:</p> <ul style="list-style-type: none"> • What was revised? Original proposal vs. current proposal? • Were we consulted on revisions that affect our property? • Does "upslope of public road" adequately protect the wetland? • Have buffer zones been increased? By how much? <p>C. Prospecting vs. Mining Distinction:</p> <ul style="list-style-type: none"> • EAP admits: "Should a mining proposal be pursued... impacts on the Goukou/Kruis River wetland system will be evaluated separately" • So CapeNature may not object to limited prospecting, but mining impacts remain unassessed • This proves prospecting approval doesn't indicate mining acceptability • Wetland protection concerns remain valid for mining phase <p>D. Aquiclude vs. Aquifer Claim:</p> <ul style="list-style-type: none"> • Groundwater specialist claims "aquiclude rather than aquifer" • Does this apply to entire area or just prospecting zone? • Mining operations go deeper than prospecting - different geological layers • Water table threats remain for mining operations <p>E. 100m and 300m Buffers:</p> <ul style="list-style-type: none"> • Are these buffers adequate for mining operations? 	<p>2.B: The changes that were made to the original prospecting right proposal included adding no-go areas i.e. to exclude all areas west of the regional road crossing the property within which the Kruis River tributary is located along the western border of the property and associated channelled and unchanneled valley bottom wetland areas as mapped. All key departments and registered I&APs received the same reports as CapeNature to comment upon. Refer to Appendix B for relevant proposed prospecting areas map and no-go/buffer areas.</p> <p>2.C: Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>2.D&E: As per the findings of the groundwater specialist, <i>"Based on a high-level review of baseline groundwater conditions in the proposed prospecting area and surrounds it is concluded that the proposed prospecting activities are expected to have no measurable negative effects on the groundwater regime or the nearby Kruis River and associated wetland provided that preventative management measures as stated in Section 4 above are implemented throughout."</i> Potential mining operations impacts are not being assessed in the current</p>	<p>Appendix E: Specialist Reports</p>
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<ul style="list-style-type: none"> • Prospecting drilling vs. open pit mining have vastly different impact zones • Groundwater contamination, runoff, dust travel beyond these distances • Our property is within affected zone regardless of buffers from wetland <p>F. CapeNature's Institutional Position:</p> <ul style="list-style-type: none"> • We were informed CapeNature opposed this application • Has CapeNature's institutional position truly changed, or just for this revised prospecting scope? • We request direct communication from CapeNature confirming their current position • One division or officer's view may not represent full institutional position <p>CRITICAL POINT: Even if CapeNature doesn't object to limited prospecting with buffers, this doesn't address:</p> <ul style="list-style-type: none"> • Mining phase impacts (explicitly to be assessed separately) • Cumulative impacts on surrounding properties • Health risks to adjacent residents • Agricultural impacts beyond wetland zone • Our constitutional rights to health and safe environment <p>CONCLUSION ON CAPENATURE: If CapeNature's opposition has been withdrawn for revised prospecting proposal, we need full documentation. However, their acceptance of prospecting doesn't indicate mining acceptability or address impacts on our property.</p> <p>3. LANDOWNER OPPOSITION - SERIOUS DISCREPANCY REQUIRING RESOLUTION</p>	<p>prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process</p> <p>2.F: The EAP cannot comment on what the I&AP was informed and can only provide copies of the comments provided by CapeNature during the public participation process conducted thus far. These comments are available in Appendix C: Proof of Public Participation of the Basic Assessment Report.</p> <p>2.Conclusion: Refer to replies above.</p>	
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<p>EAP Claims: Landowner consent signed 09/02/2024; meeting held 14/10/2025; landowner's rights "not ignored."</p> <p>Our Response:</p> <p>THIS IS A CRITICAL FACTUAL DISPUTE:</p> <p>A. Conflicting Information:</p> <ul style="list-style-type: none"> • We were informed by Mr. Gert Janse van Rensburg that he opposes mining on his property • EAP claims signed consent dated 09/02/2024 • EAP indicates consent is "now indicated as withdrawn" in Appendix C • Meeting held 14/10/2025 after our objection raised this issue <p>B. Status of Landowner Consent - URGENT CLARIFICATION REQUIRED:</p> <ul style="list-style-type: none"> • Has the landowner's consent been withdrawn or not? • EAP states consent is "now indicated as withdrawn" - what does this mean? • If consent withdrawn, does application have legal standing? • What was outcome of 14/10/2025 meeting? <p>C. Timeline Raises Questions:</p> <ul style="list-style-type: none"> • Original consent: 09/02/2024 • Our objection mentioning landowner opposition: 02/10/2025 • Meeting with landowner: 14/10/2025 (12 days after our objection) • Was landowner pressured to maintain consent after we raised this issue? 	<p>3.A&B: Following the meeting held with the landowner on 14/10/2025 Mr Gert Janse van Rensburg has withdrawn landowners consent for prospecting. Hence why the original landowners consent is now indicated as withdrawn.</p> <p>To apply for a prospecting or mining right signed landowners consent is not required the Mineral and Petroleum Resources Development Act (MPRDA) of 2002 mandates that the state is the custodian of all mineral resources, allowing any legal entity or person to apply for rights to explore or mine them.</p> <p>The minutes of the 14/10/2025 meeting held with the landowner is available under Appendix C: Proof of Public Participation Process and is also recorded in the comments and response table.</p> <p>3.C: The landowner was not pressured to maintain consent, as indicated the landowner has chosen to withdraw his signed consent.</p>	
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<p>D. Landowner's Current Position:</p> <ul style="list-style-type: none"> • We request Mr. Janse van Rensburg's written statement of his current position • Did he voluntarily sign consent in February 2024 with full understanding of implications? • Has his position changed since learning more about mining impacts? • Was he fully informed of health risks, wetland threats, and community opposition? <p>E. Landowner Communication:</p> <ul style="list-style-type: none"> • EAP claims landowner "did not provide any form of objection or comments to the EAP" • However, he communicated his opposition to us as adjacent neighbor • Why didn't he communicate directly to EAP if he opposed the mining? • Was he aware of proper channels to withdraw consent? <p>F. Legal Implications:</p> <ul style="list-style-type: none"> • If landowner has withdrawn consent, can prospecting proceed on his property? • MPRDA provisions regarding landowner rights and access • Forced access to unwilling landowner's property raises legal and ethical concerns <p>CRITICAL REQUEST:</p> <ol style="list-style-type: none"> 1. Provide full Appendix C showing landowner consent status 2. Provide minutes of 14/10/2025 meeting 3. Provide landowner's current written statement on his position 4. Clarify legal standing of application if consent withdrawn 	<p>3.D&E: Mr Van Rensburg (landowner) were fully aware of the proposed prospecting methods and potential impacts and were also included as an interested and affected party throughout the assessment process followed to date.</p> <p>3.F: To apply for a prospecting or mining right signed landowners consent is not required the Mineral and Petroleum Resources Development Act (MPRDA) of 2002 mandates that the state is the custodian of all mineral resources, allowing any legal entity or person to apply for rights to explore or mine them.</p>	
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<p>OUR POSITION: If Mr. Janse van Rensburg opposes mining on his property (as he indicated to us), then forcing prospecting and eventual mining on an unwilling landowner is ethically wrong and legally questionable, regardless of MPRDA provisions.</p> <p>4. FARMER PETITION - NO RESPONSE</p> <p>Community Opposition: Multiple local farmers signed petition opposing this application.</p> <p>EAP Response: No acknowledgment of widespread agricultural community opposition.</p> <p>This Indicates Inadequate Consultation:</p> <ul style="list-style-type: none"> • Demonstrates failure to engage with interested and affected parties • Ignores collective agricultural expertise and local knowledge • Shows application lacks social license to operate <p>5. ALTERNATIVE SITES - EAP CONFIRMS ALTERNATIVES EXIST</p> <p>EAP States: "The applicant has submitted prospecting right applications for other potential prospecting properties within the Heidelberg and Riversdale areas."</p> <p>Our Response:</p> <p>THE EAP'S OWN STATEMENT PROVES OUR POINT:</p> <p>A. Multiple Sites Confirms Alternatives Available:</p> <ul style="list-style-type: none"> • IMERYS has submitted applications for OTHER properties • This proves bentonite prospecting is possible at alternative locations 	<p>3.Conclusion: Refer to replies above</p> <p>4.: The signed petition and all comments received have been included in the Appendix C: Proof of Public Participation Process and all comments provided recorded and responded to in the comments and response tables. Strong opposition to this application is noted and acknowledged. This, together with the potential physical impacts as assessed and the outcomes thereof is to be taken into consideration by the decision making authority.</p> <p>5.A-E: Strong opposition to this application on Farm Wegwyzersrivier RE/582 is noted and acknowledged. This, together with the potential physical impacts as assessed and the outcomes thereof is to be taken into consideration by the decision making authority when considering all relevant alternatives.</p>	
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- Confirms our argument that this site is not uniquely necessary

B. Why Choose This Site?:

- If multiple sites available, why select site with:
 - Adjacent sensitive wetland (despite buffers)
 - Established agricultural operations (our 100-hectare orchard)
 - Residential dwellings with visual impact
 - Property owner who opposes mining (disputed)
 - Multiple farmers objections (petition)
 - Adjacent neighbor with documented health concerns

C. Environmental Best Practice Requires Site Selection Optimization:

- NEMA principles require avoiding environmentally sensitive areas
- With multiple sites available, choose site with LEAST impact
- This site has most opposition, most environmental sensitivity, most agricultural value

D. EAP's "Low/Negligible Significance" Claim:

- EAP claims impacts "can be mitigated to a low/negligible significance"
- This assumes perfect mitigation compliance (unrealistic)
- Doesn't account for cumulative impacts of multiple applications
- Ignores mining-phase impacts that prospecting enables

E. Cumulative Regional Impact:

- IMERYS pursuing multiple prospecting applications simultaneously
- What is cumulative impact of multiple bentonite operations in region?
- Regional environmental carrying capacity must be considered

- Agricultural community faces multiple threats, not just this one site

F. Regulatory Approach:

- DMRE should compare all IMERYs applications
- Approve applications with least environmental and social impact
- Refuse applications where opposition is strongest and alternatives exist

CONCLUSION ON ALTERNATIVES: The EAP's admission that IMERYs has submitted applications for multiple sites proves alternatives exist. This site should be refused in favor of less contentious locations.

6. FUTILITY OF PROSPECTING - IGNORED

Our Argument: If mining impacts are unacceptable, why approve prospecting that leads nowhere?

EAP Response: No engagement with regulatory efficiency argument.

This Logic Cannot Be Dismissed:

- Precautionary principle supports refusing prospecting for unsuitable mining sites
- Prevents wasteful expenditure on this project that cannot proceed to mining
- Protects community from years of uncertainty and anxiety

7. AGRICULTURAL SCIENCE - NOT ADDRESSED

Our Evidence: Detailed scientific explanation of dust impacts on:

- Stomatal blockage
- Photosynthesis impairment

6. Potential mining operations impacts are not being assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process

7 Agricultural Science. Potential dust impacts are acknowledged in the basic assessment report. The prospecting activities as proposed to be conducted in such a manner as to not cause excessive dust that may

<ul style="list-style-type: none"> • Precautionary Approach: When scientific evidence shows health risks (Milos Island study), government must act preventively • Burden of Proof: When harm is foreseeable, government cannot approve activities that may cause that harm • Protection of Vulnerable Groups: Special duty to protect children, elderly, and those with existing health conditions <p>B. Section 25 - Property Rights: "(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property."</p> <p>Property Rights Protection:</p> <ul style="list-style-type: none"> • Our R60 000 000 agricultural investment in 100-hectare orchard development is constitutionally protected property • Adjacent mining operations cause property depreciation - this is effective deprivation of property value • Government has duty to protect property rights, not facilitate their destruction • While MPRDA grants mineral rights, it cannot arbitrarily deprive surface property owners of property use and value <p>C. Government's Duty of Care Under Common Law: Beyond constitutional obligations, government owes citizens a duty of care:</p> <p>Negligence Principles:</p> <ul style="list-style-type: none"> • Government must exercise reasonable care in regulatory decisions • Approving activities with foreseeable harmful consequences breaches duty of care • Milos Island study makes harm foreseeable - government cannot claim ignorance 	<p>7.B: No EAP response. I&AP provides statement on the DMRE's duties to protect property rights.</p> <p>7.C: No EAP response. I&AP provides statement on the DMRE's duties in terms of common law.</p>	
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<ul style="list-style-type: none"> • Our 2022 agricultural investment faces immediate depreciation • Property values decline when adjacent mining approved • Government must protect productive agricultural land • Food security concerns - should preserve agricultural operations over extractive industries <p>3. Duty to Protect Environment:</p> <ul style="list-style-type: none"> • Goukou/Kruis River palmiet peat wetland is irreplaceable ecosystem • Even with buffers, mining poses contamination risks • Government duty to "prevent pollution and ecological degradation" • Precautionary principle requires refusing activities that risk sensitive ecosystems <p>4. Duty to Consider Alternatives:</p> <ul style="list-style-type: none"> • NEMA requires consideration of alternatives • EAP confirms IMERYYS has multiple prospecting applications • Government must direct mining to least sensitive locations • Approving most contentious site when alternatives exist breaches duty to minimize harm <p>5. Duty to Future Generations:</p> <ul style="list-style-type: none"> • Section 24 explicitly mentions "present and future generations" • Short-term mining profits vs. long-term agricultural productivity • Wetland protection for future generations • Once mined, agricultural land and wetland ecosystems cannot be restored <p>F. Constitutional Framework Ignored by EAP: The EAP's response completely fails to engage with constitutional framework:</p>	<p>7.E2: Refer to property valuation statement outcome under 3A above, potential application and adjacent property value impacts have been included as a high potential negative impact for consideration by the decision making authority.</p> <p>7.E3: In accordance with the findings of the specialists reports it is not expected that the proposed prospecting activities will have any significant impacts on these features with the implementation of the Environmental Management Plan requirements. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.</p> <p>7.E4: The decision making authority to take all current relevant applications into consideration.</p> <p>7.E5: Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.</p> <p>7.F: As required in terms of the National Environmental Management Act, 1998 (as amended) a basic assessment process has been followed to determine and</p>	
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<ul style="list-style-type: none"> • No acknowledgment of Section 24 environmental rights • No consideration of Section 25 property rights • No engagement with government's duty of care • No application of precautionary principle • No balancing of rights: health and property vs. mining profits <p>G. DMRE Cannot Delegate Constitutional Duties:</p> <ul style="list-style-type: none"> • DMRE cannot rely on EMP compliance to fulfill constitutional duties • Private mining company's mitigation plans don't substitute for government protection • Constitutional obligations are non-delegable - government remains responsible • If IMERYS violates EMP, government bears constitutional liability for approving harmful activity <p>H. Judicial Review:</p> <p>If DMRE approves this application despite:</p> <ul style="list-style-type: none"> • Scientific evidence of health risks (Milos Island study) • Constitutional rights to health and property protection • Availability of alternative sites • Community opposition including property owner • Sensitive wetland proximity <p>Such approval would be reviewable under PAJA as:</p> <ul style="list-style-type: none"> • Unlawful: Violates Section 24 constitutional rights • Unreasonable: Ignores scientific evidence and alternatives • Procedurally Unfair: Dismisses substantive objections • Not in Public Interest: Prioritizes private profit over public health <p>I. International Law Obligations:</p>	<p>assess potential environmental impacts of the prospecting activities as proposed.</p> <p>7.G: This is the I&APs opinion/view on which the EAP provides no comments.</p> <p>7.H: This is the I&APs opinion/view on which the EAP provides no comments.</p>	
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<p>South Africa is signatory to international environmental agreements requiring:</p> <ul style="list-style-type: none"> • Precautionary principle in environmental decision-making • Protection of wetlands (Ramsar Convention principles) • Right to health (International Covenant on Economic, Social and Cultural Rights) • Environmental impact assessment (Rio Declaration principles) <p>Approving this application would contradict international obligations.</p> <p>J. Government Accountability:</p> <p>The DMRE decision-makers must understand:</p> <ul style="list-style-type: none"> • They are personally accountable for constitutional compliance • Approving harmful activities despite evidence creates liability • Public officials cannot hide behind "EMP compliance" when constitutional duties breached • Courts increasingly hold government accountable for inadequate environmental protection <p>CONCLUSION ON CONSTITUTIONAL DUTIES:</p> <p>The Government of South Africa, through the DMRE, has constitutional and legal duties to:</p> <ul style="list-style-type: none"> ✓ Protect Health: Section 24 right to environment not harmful to health ✓ Protect Property: Section 25 protection from arbitrary property deprivation ✓ Prevent Harm: Precautionary principle when scientific evidence shows risks ✓ Consider Alternatives: Choose least harmful sites when alternatives exist 	<p>7.I: This is the I&APs opinion/view on which the EAP provides no comments.</p> <p>7.J: This is the I&APs opinion/view on which the EAP provides no comments.</p>	
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- ✓ **Protect Environment:** Special duty for sensitive ecosystems like wetlands
- ✓ **Protect Future Generations:** Long-term thinking beyond short-term mining profits
- ✓ **Exercise Duty of Care:** Reasonable decision-making based on evidence
- ✓ **Administrative Justice:** Lawful, reasonable, procedurally fair decisions

Occupational hygiene data for workers does NOT fulfill these constitutional obligations to adjacent residents.

The Milos Island study proves that communities living near bentonite mining suffer documented health impacts. The DMRE cannot approve this application while claiming to fulfill its constitutional duty to protect citizens' health, property, and environmental rights.

THE FUNDAMENTAL FLAW: PROSPECTING VS. MINING ASSESSMENT

The EAP's entire response strategy is to minimize prospecting impacts while completely avoiding assessment of mining impacts. This is fundamentally dishonest because:

1. **Prospecting Purpose:** The sole purpose of prospecting is to enable mining - prospecting has no value except as gateway to mining
2. **Inevitable Progression:** If viable bentonite deposits are confirmed, IMERYS will apply for mining rights
3. **Real Impacts Come from Mining:**
 - 24/7 operations generating continuous dust
 - Heavy daily truck traffic to Heidelberg
 - Contaminated water runoff

Prospecting VS. Mining Assessment: Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.

- Visual and noise pollution
- Health risks from chronic exposure

4. **EAP's Deceptive Strategy:** By focusing only on "temporary prospecting," the EAP avoids assessing the real impacts that prospecting enables

5. **Regulatory Inefficiency:** Approving prospecting now means another application process, public participation, and objections later - wasting everyone's resources

6. **Precautionary Principle:** When mining impacts are clearly unacceptable, prospecting should be refused to prevent predictable future harm

CRITICAL INFORMATION - SECOND ADJACENT MINING APPLICATION

CUMULATIVE IMPACT CATASTROPHE

Since submitting our original objection, we are forced to mention that IMERY'S has submitted a SECOND mining application directly adjacent to our property:

Second Application Details:

- **Title:** Environmental Impact Assessment Report for Proposed Bentonite and Zeolite Mining Activities
- **Location:** Farm Zeekoekruis 651, Riversdale, Western Cape
- **Position:** South-east of our farm

This Creates Encirclement:

- **Wegwyzers Rivier RE/582 (THIS application):** North-east of our farm
- **Zeekoekruis 651:** South-east of our farm

- **OUR FARM WILL BE COMPLETELY SURROUNDED BY MINING OPERATIONS FROM TWO DIRECTIONS**

This fundamentally changes the impact assessment and creates grounds for immediate suspension of BOTH applications.

NEMA VIOLATION - CUMULATIVE IMPACT ASSESSMENT REQUIRED

Legal Requirement - NEMA Section 2(4)(i): "Environmental management must... take into account... the cumulative effect of activities"

The Fatal Flaw:

Each application has been assessed in isolation:

- Wegwyzers Rivier application (THIS application) assesses impacts as if it's the only operation
- Zeekoekruis 651 application presumably does the same
- NO assessment of COMBINED impacts on our property
- This violates NEMA's explicit statutory requirement

What Proper Cumulative Assessment Must Include:

- ✓ Combined dust modeling from BOTH operations impacting our property
- ✓ Combined traffic analysis - both operations using same roads
- ✓ Combined noise assessment from multi-directional sources
- ✓ Combined water contamination from multiple drilling/mining sites
- ✓ Combined health risk assessment for residential populations exposed from two sides
- ✓ Combined visual impact - property surrounded by mining in multiple directions
- ✓ Assessment of agricultural operations encircled by mining

Cumulative Impact Assessment Required: Due to the nature of the prospecting activities to take place at one site at a time and to be rehabilitated same day and monitored for successful rehabilitation it is not expected that the prospecting activities as proposed combined with other potential bentonite prospecting or mining taking place within the area will lead to any significant cumulative impacts in this regard as each application is assessed and managed in accordance with an approved Environmental Authorisation, Mining or Prospecting Right and Environmental Management Programme and Closure/Rehabilitation Plan to mitigate impacts. The bentonite and zeolite mining right application on Farm Zeekoekruis 651 is currently pending as indicated on Map 9 as available in Appendix B of the Basic Assessment Report. Should the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts are to be assessed during the environmental impact assessment to be conducted during the mining right application process.

Appendix B: Maps and Site Photos

- ✓ Property value impact of complete mining encirclement
- ✓ Regional environmental carrying capacity analysis

NONE of this legally required assessment has been conducted.

Legal Consequences:

1. **Automatic Grounds for Refusal:** Applications violating NEMA cannot be approved
2. **Judicial Review:** Approval without cumulative assessment subject to court challenge under PAJA
3. **Constitutional Violation:** Approving without proper assessment violates Section 24 environmental rights
4. **Administrative Illegality:** Decision-making process fundamentally flawed

IMERYS's Apparent Strategy:

- Fragment operations into separate applications
- Assess each individually claiming "low impact"
- Avoid revealing catastrophic combined impacts
- Regulatory gaming to circumvent NEMA requirements
- Target our property from multiple directions

DMRE's Legal Obligation:

The DMRE **cannot legally approve** either application without:

1. **Suspending BOTH applications** immediately
2. **Requiring comprehensive combined impact assessment**
3. **Coordinating decision-making** - cannot decide separately when cumulative
4. **Assessing alternatives** that don't encircle agricultural properties

CATASTROPHIC CUMULATIVE HEALTH IMPACTS

Catastrophic Cumulative Health Impacts: Due to the nature of the prospecting activities to take place at one

<p>Our Evidence - Single Operation:</p> <p>We provided peer-reviewed Milos Island study proving communities near Bentonite Mining suffer:</p> <ul style="list-style-type: none"> • Allergic rhinitis, pneumonia, COPD, bronchiectasis, asthma • Pneumoconiosis and silicosis • Pulmonary carcinoma risk • Oxidative cellular damage <p>EAP dismissed this with occupational hygiene data for workers - inadequate response to community health concerns.</p> <p>But Now - TWO Operations:</p> <p>A. Multi-Directional Continuous Exposure:</p> <ul style="list-style-type: none"> • Dust from north-east (Wegwyzers Rivier - THIS application) • Dust from south-east (Zeekoekruis 651) – Access road a few meters from Orchard • No escape direction - surrounded from both sides • Wind from ANY direction brings dust from one operation or the other • 24/7 exposure with zero respite periods <p>B. Exponentially Increased Risk:</p> <ul style="list-style-type: none"> • Milos Island study shows health impacts from ONE operation • TWO operations = cumulative exposure from multiple simultaneous sources • Respiratory disease risk doesn't add - it multiplies with increased exposure • Our family faces double or triple dust concentration <p>C. Vulnerable Populations at Extreme Risk:</p>	<p>site at a time and to be rehabilitated same day and monitored for successful rehabilitation it is not expected that the prospecting activities as proposed combined with other potential bentonite prospecting or mining taking place within the area will lead to any significant cumulative impacts in this regard as each application is assessed and managed in accordance with an approved Environmental Authorisation, Mining or Prospecting Right and Environmental Management Programme and Closure/Rehabilitation Plan to mitigate impacts. The bentonite and zeolite mining right application on Farm Zeekoekruis 651 is currently pending as indicated on Map 9 as available in Appendix B of the Basic Assessment Report. Should the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts are to be assessed during the environmental impact assessment to be conducted during the mining right application process.</p>	
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- Children in our household
- Elderly family members
- Farm workers spending full days outdoors
- All face continuous multi-directional bentonite dust exposure
- Constitutional Section 24 right to health violated by cumulative exposure

D. Worker Occupational Crisis:

- Farm workers exposed to dust from BOTH operations simultaneously
- No occupational standards for multi-source mining exposure
- We face liability for worker health impacts from surrounding mining
- How do we protect workers from dust coming from two directions?

E. No Community Health Monitoring:

- IMERYS monitors worker exposure at each site individually
- **ZERO monitoring** of residential/community exposure from combined sources
- No baseline health assessment before operations
- No ongoing surveillance for families surrounded by mining
- No compensation mechanism when health damage occurs

CRITICAL HEALTH QUESTION THE EAP CANNOT ANSWER:

If ONE bentonite operation causes documented respiratory disease (Milos Island study), what happens to families exposed to TWO operations simultaneously from multiple directions?

The EAP's occupational hygiene report for workers at one site is completely irrelevant to this cumulative community health crisis.

<p>Government's Constitutional Duty:</p> <p>The DMRE has constitutional obligation under Section 24 to answer this question and protect our family's and community's health BEFORE approving applications - not discover the answer after our children develop respiratory disease.</p> <p><u>CATASTROPHIC CUMULATIVE AGRICULTURAL IMPACTS</u></p> <p>EAP's Response to Single Operation:</p> <p>EAP dismissed our agricultural concerns, claiming “same day rehabilitation” and “temporary” prospecting means “no significant impact.”</p> <p>This Ignores Plant Science AND Ignores Second Operation:</p> <p>A. Scientific Reality - Dust Damages Trees: We provided detailed scientific explanation:</p> <ul style="list-style-type: none"> • Stomatal blockage preventing gas exchange • Photosynthesis impairment reducing productivity • Transpiration disruption affecting water/nutrient transport • Carbon assimilation reduction decreasing growth • Physical leaf damage and increased disease susceptibility <p>EAP provided NO response to this plant science.</p> <p>B. Cumulative Agricultural Destruction:</p> <p>With TWO operations surrounding our 100-hectare orchard:</p> <p>Multi-Directional Dust Coverage:</p> <ul style="list-style-type: none"> • Dust settling from north-east operation 	<p>Catastrophic Cumulative Agricultural Impacts: Due to the nature of the prospecting activities to take place at one site at a time and to be rehabilitated same day and monitored for successful rehabilitation it is not expected that the prospecting activities as proposed combined with other potential bentonite prospecting or mining taking place within the area will lead to any significant cumulative impacts in this regard as each application is assessed and managed in accordance with an approved Environmental Authorisation, Mining or Prospecting Right and Environmental Management Programme and Closure/Rehabilitation Plan to mitigate impacts. The bentonite and zeolite mining right application on Farm Zeekoekruis 651 is currently pending as indicated on Map 9 as available in Appendix B of the Basic Assessment Report. Should the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts are to be assessed during the environmental impact assessment to be conducted during the mining right application process.</p>	
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- Dust settling from south-east operation

Entire orchard exposed from multiple sources

- Wind from ANY direction brings dust
- No protected areas on our property

Exponential Tree Damage:

- Single operation dust load already harmful to sensitive crops
- TWO operations = double or triple dust accumulation on leaves
- Stomatal blockage severity multiplies
- Photosynthesis reduction accelerates
- Tree mortality risk increases exponentially

Fruit Quality Destruction:

- Dust particles from two sources contaminate fruit surfaces
- Export quality standards impossible to meet
- Premium markets reject contaminated fruit
- Organic/sustainable certification impossible
- Business model destroyed

Irrigation Water Contamination:

- Runoff from north-east mining (THIS application)
- Runoff from south-east mining (Zeekoekruis)
- **Combined contamination** affects our irrigation water
- Soil degradation from multiple pollution sources
- Long-term agricultural viability destroyed

Economic Impossibility:

- R60 000 000 invested in 2022 farm and orchard development
- 7-10 years for macadamias to reach full production
- 5-7 years for optimal citrus yields
- Investment destroyed before reaching economic return

- **How do we protect 100 hectares of trees from dust coming from TWO directions?**

The answer: We cannot.

EAP's "Same Day Rehabilitation" Response is Irrelevant:

- Applies only to prospecting boreholes, not mining operations
- Doesn't address dust from drilling activities
- Completely ignores cumulative dust from TWO operations
- Doesn't address inevitable mining phase that prospecting enables
- Shows fundamental misunderstanding of agricultural impacts

AGRICULTURAL QUESTION:

Can a 100-hectare premium fruit orchard survive when surrounded by mining operations from two directions generating continuous dust exposure?

Every agricultural expert would answer: NO.

Yet EAP claims "no significant impact" while ignoring the second operation entirely.

CATASTROPHIC CUMULATIVE PROPERTY VALUE DESTRUCTION

EAP's Response Proves Our Point:

The 14 October 2025 meeting minutes document **exactly what we warned about:**

Mr. Gert Janse van Rensburg (property owner of THIS application site):

- Signed consent February 2024
- **Formally withdrew consent October 2025**

Catastrophic Cumulative Property Value Destruction:

Refer to property valuation statement outcome under 3A above, potential application and adjacent property value impacts have been included as a high potential negative impact for consideration by the decision making authority.

- **Reason:** Potential buyer will **WITHDRAW THEIR OFFER** if prospecting rights granted
- Buyer refuses to purchase property with mining rights
- Buyer refuses even to be contacted by mining company

THIS PROVES:

- ONE adjacent mining operation makes agricultural property unsaleable
- Real buyer making real economic decision
- Market recognizes: mining rights = property value destruction
- Sophisticated buyers avoid mining-affected properties entirely

Now Consider TWO Operations:

Our Property Completely Surrounded:

- Mining north-east (THIS application)
- Mining south-east (Zeekoekruis)
- **If property WITH mining becomes unsaleable (as buyer proved)**
- **What happens to property SURROUNDED by mining from two sides?**

Complete Property Value Destruction:

- Unmarketable - no buyer would purchase
- Cannot sell to recover our R60 000 000 investment
- Cannot refinance - banks avoid mining-affected properties
- **Financially trapped** in property made worthless by surrounding mining

Constitutional Section 25 Property Rights Violation:

"No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property."

Cumulative mining encirclement = arbitrary property deprivation:

- Our property value destroyed
- Cannot sell, cannot use for agriculture, cannot live in
- No compensation mechanism
- MPRDA cannot be used to destroy property rights without compensation

EAP Claimed "No Investment Depreciation":

The landowner's buyer withdrawal **completely refutes** EAP's claim. Market reality proves:

- Mining rights destroy property values
- Buyers refuse mining-affected properties
- Our adjacent property faces even worse impact
- TWO operations = total property value destruction

CATASTROPHIC CUMULATIVE RESIDENTIAL IMPACTS

EAP's Response on Noise:

EAP claims 8h00-17h00 hours with 45 dBA compliance means "low significance."

This ignores:

1. Contradiction with our information about 24/7 operations
2. Mining phase operations (prospecting is just gateway)
3. **The SECOND operation creating cumulative noise**

Cumulative Residential Destruction:

Multi-Directional Noise Pollution:

Catastrophic Cumulative Residential Impacts:

Noise Pollution - With proposed prospecting activities to stay within normal working week day hours 8:00 – 17:00 and below 45 dBA compliance it will not be a source of significant noise impacts. No operations may be conducted that exceeds the Noise Regulations requirements, hence all operations are to be conducted within the regulatory requirements.

<ul style="list-style-type: none"> • Mining equipment noise from north-east (THIS application) • Mining equipment noise from south-east (Zeekoekruis) • No quiet area anywhere on our property • Surrounded by industrial noise from two directions • Even if each complies with 45 dBA individually, combined exceeds standards • Residential living impossible <p>Multi-Directional Visual Pollution:</p> <ul style="list-style-type: none"> • Both dwelling units have sight lines to BOTH mining sites • North-east: Wegwyzers Rivier operations visible • South-east: Zeekoekruis operations visible • Complete destruction of rural agricultural landscape • Industrial operations visible in all directions • Open pit mining, waste stockpiles, processing facilities, lighting • Property becomes uninhabitable <p>Safety Hazards:</p> <ul style="list-style-type: none"> • Heavy mining traffic from TWO directions 	<p>Visual Pollution – Neither the current prospecting right application on Farm Wegwyzers Rivier nor the pending mining right application on Farm Zeekoekruis will lead to the completed destruction of rural agricultural landscape. In terms of the prospecting as proposed the prospecting activities will only take place on already cultivated/ploughed agricultural lands and will be returned to its previous status quo on the same day as when drilling occurs. As part of rehabilitation requirements for mining operations the mined areas are also to be returned to its previous status quo of cultivated/ploughed agricultural land suitable to be used for crop cultivation once mining has been completed. In addition to rehabilitation requirements only one quarry may be mined at a time and the mining of the next phase may only commence once the active quarry has been rehabilitated i.e. backfilled and shaped in accordance with surrounding topography and topsoil returned. Also no processing plant is proposed by the applicant within the Riviersdale area and neither prospecting nor mining operations would require or lead to 24/7 operations or lighting.</p> <p>Safety Hazards: The holder of the prospecting right (or any other right as it may be relevant) takes full</p>	
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- Converging on our property and roads
- Safety risk for our family, especially children
- Dangerous interactions with agricultural operations

Quality of Life Destruction:

- Invested in rural agricultural property for family and farming
- Now face industrial environment from multiple directions
- Cannot raise family in healthy environment
- Stress and anxiety from mining encirclement
- **Where do we go?** Property unsaleable, cannot relocate

CATASTROPHIC CUMULATIVE TRAFFIC IMPACTS

EAP's "Two Trips Per Day" Claim:

responsibility for the implementation of the prospecting or mining activities in accordance with the requirements of the environmental authorisation, right and environmental management plan should authorisation be obtained. As part of these requirements the holder of the authorisation takes responsibility for the supervision and managing of the staff or contractors employed to implement any actions relating to the approved right in accordance with the requirements of the authorisation and management plan and in accordance with all Mine Health and Safety law requirements. Prospecting and mining are conducted under the supervision of suitably qualified personnel and vehicles are operated by suitably qualified personnel. Should any staff or contractors employed by the holder of the authorisation be found guilty of any safety or security transgressions these incidents are handled by implementing the relevant standard operating procedures and incident report procedures to ensure that safety and risks are prevented and minimized.

Quality of Life Destruction: Currently in the rural areas of Heidelberg there are various ongoing and historical mining and prospecting operations. Due to strict operational and rehabilitation management measures that are implemented during these operations mining and prospecting operations have not impacted on the quality of life of the farmers and their families and workers.

Catastrophic Cumulative Traffic Impacts: Mining is not currently proposed on Farm Wegwyzers Rivier. Should

<p>EAP repeatedly claims "negligible" traffic of "two trips per day" from THIS application.</p> <p>This is Misleading for Single Operation AND Ignores Second Operation:</p> <p>Reality for TWO Operations:</p> <p>Double the Heavy Vehicle Traffic:</p> <ul style="list-style-type: none">• "Two trips" from Wegwyzers Rivier (if even accurate)• Plus traffic from Zeekoekruis operation• BOTH operations using same rural road network• Heavy drilling equipment transport• Daily material transport to Heidelberg facility (from both sites)• Supply trucks, crew transport, maintenance vehicles (×2) <p>Our Gravel Roads Not Designed for This:</p> <ul style="list-style-type: none">• Rural agricultural roads• Two operations = double the heavy vehicle damage• Who pays for road repairs? Not mining companies - we do• Safety hazards multiply with traffic from two directions <p>Community Infrastructure Destroyed:</p> <ul style="list-style-type: none">• Other farms also use these roads• Entire agricultural community affected by cumulative traffic• Emergency services access compromised• School transport endangered <p>EAP's Analysis Inadequate:</p> <ul style="list-style-type: none">• Assessed single operation traffic only• Ignored second operation entirely	<p>the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts including traffic are to be assessed during the environmental impact assessment to be conducted during the mining right application process.</p>	
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- Ignored mining phase traffic (far more than prospecting)
- Ignored material transport to Heidelberg (continuous trucks)
- Municipality silence ≠ approval of cumulative impact

CATASTROPHIC CUMULATIVE WATER IMPACTS

EAP's Response on Water:

EAP claims "limited footprint" prospecting with "same day rehabilitation" means "very limited" water risks.

This Ignores Cumulative Water Contamination:

Multiple Contamination Sources:

- Drilling/prospecting at Wegwyzers Rivier (THIS application)
- Dri ling/mining at Zeekoekruis
- **Runoff from BOTH** sites flows toward our property and shared water resources
- Combined contamination load doubles or triples

Shared Groundwater System:

- Multiple drilling operations affect same aquifer
- Contamination from either site affects all users
- Cumulative depletion from multiple abstractions
- Regional groundwater stressed by combined operations

Irrigation Water Quality:

- Our 100-hectare orchard requires pristine water
- Contamination from EITHER operation destroys agricultural water quality
- Combined contamination exceeds all agricultural standards

Catastrophic Cumulative Water Impacts: As per the geohydrological investigations conducted for the proposed prospecting activities, it was concluded that the prospecting activities will not impact on the aquifer/groundwater resources nor or the Goukou/Kruis Rivier palmiet peat wetland. No water will be abstracted either during prospecting or mining hence there will be no depletion caused by the proposed prospecting or potential mining activities. Contamination risk during drilling will be prevented by implanting the mitigation measures as provided by groundwater specialist and included in the Environmental Management Programme requirements. . Should the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts including groundwater impacts are to be assessed during the environmental impact assessment to be conducted during the mining right application process.

- Cannot irrigate with contaminated water = agricultural operations impossible

Wetland Threat Multiplied:

- Goukou/Kruis River palmiet peat wetland already sensitive
- CapeNature expressed concerns about single operation
- TWO operations exponentially increase wetland threat
- Cumulative runoff, contamination, groundwater impacts
- Irreversible ecosystem damage

No Cumulative Water Assessment:

- Each application assesses water individually
- NO combined groundwater modelling
- NO combined contamination assessment
- NO cumulative wetland impact analysis
- Violates basic hydrogeological assessment principles

EAP's "Same Day Rehabilitation" Irrelevant:

- Doesn't eliminate contamination risk during drilling
- Doesn't address cumulative impact from two operations
- Doesn't address mining phase water impacts
- Doesn't protect shared groundwater from multiple sources

GOVERNMENT'S HEIGHTENED DUTY WITH CUMULATIVE IMPACTS

We detailed government's constitutional duties in our original objection.

But Cumulative Impacts Create HEIGHTENED Obligations:

Section 24 - Environmental Rights:

Single operation health risks already violate right to safe environment.

Governments Heightened Duty with Cumulative Impacts: This is the I&APs statement on expected government duties on which the EAP provides no comments.

TWO operations creating exponential cumulative health risks = SEVERE constitutional violation.

Government cannot claim: "Each operation individually acceptable, therefore both approved."

Cumulative harm requires cumulative assessment and refusal when combined impact unacceptable.

Section 25 - Property Rights:

Single operation devalues property (buyer withdrawal proves this).

TWO operations destroy property value entirely = arbitrary deprivation.

Government must protect property rights, not facilitate their cumulative destruction.

NEMA Obligations:

NEMA explicitly requires cumulative impact assessment (Section 2(4)(i)).

Approving applications separately without cumulative assessment is not just poor practice – it's ILLEGAL.

Precautionary Principle:

When scientific evidence shows health harm from ONE operation, and TWO operations create unknown exponential risks:

Precautionary principle REQUIRES refusal until cumulative safety proven - not approval hoping for the best.

Administrative Justice (PAJA):

Decisions must be:

- **Lawful:** Cumulative approval without cumulative assessment violates NEMA = unlawful
- **Reasonable:** Ignoring second operation in impact assessment = unreasonable
- **Procedurally Fair:** We weren't consulted on cumulative impact = unfair

Approving either application without proper cumulative assessment violates all three PAJA requirements.

REGULATORY GAMING AND DELIBERATE TARGETING

The Pattern is Clear:

IMERYS Strategy:

1. Owns processing facility in Heidelberg
2. Submits multiple prospecting/mining applications in region
3. **TWO applications directly adjacent to our 100-hectare orchard**
4. Positions our property between two operations
5. Fragments applications to avoid cumulative assessment
6. Each claims "low impact" while ignoring combined catastrophe

This Cannot Be Coincidence:

- Why TWO sites adjacent to same agricultural operation?
- Why target property from multiple directions?
- Why proceed where strong opposition exists?
- Why continue when property owner withdrew consent?
- Why ignore alternative sites (which EAP confirmed exist)?

Appears Deliberate to:

- Force us out of agricultural production

Regulatory Gaming and Deliberate Targeting: The applicant is not targeting the I&APs agricultural operations and has no intentions of buying any properties. Applications for prospecting or mining is made in terms of research done within the area showing where viable resources of bentonite and zeolite are potentially located and to be applied for to ultimately also increase the lifespan of the mining company whom provide valuable employment opportunities for and socio-economic investments made in the Hessequa Municipal area.

- Devalue property so IMERYs can acquire cheaply
- Circumvent NEMA cumulative assessment requirements
- Create facts on ground making refusal politically difficult

DMRE Must Not Enable This Strategy:

- Recognize regulatory gaming
- Require proper cumulative assessment
- Refuse applications that encircle established farms
- Protect agricultural operations from mining encirclement
- Enforce NEMA requirements, not rubber-stamp fragmented applications

WHY BOTH APPLICATIONS MUST BE SUSPENDED IMMEDIATELY

Legal Requirements:

1. **NEMA Compliance:** Cannot approve without cumulative assessment - law not optional
2. **Constitutional Duty:** Must protect health and property rights before approving, not after
3. **Administrative Justice:** Proper process requires cumulative evaluation when applications related
4. **Precautionary Principle:** Unknown cumulative risks require suspension until proven safe

Practical Reality:

1. **Cannot Assess Separately:** Impacts are cumulative - separate assessment meaningless
2. **Cannot Decide Sequentially:** Approving first creates pressure to approve second ("already one operation there")
3. **Must Coordinate:** Single comprehensive assessment of combined impacts required
4. **Must Consider Alternatives:** Both applications vs. alternative sites comparison needed

Why Both Applications Must be Suspended Immediately: This is the I&APs opinion/view on which the EAP provides no comments.

Evidence Requires It:

1. **Scientific Health Evidence:** Milos Island study + double exposure = severe risk
2. **Property Value Evidence:** Buyer withdrawal proves one operation destroys value, two operations catastrophic
3. **Agricultural Evidence:** Plant science shows dust harm, two sources = impossible to farm
4. **Community Opposition:** Property owner, neighbors, farmers all oppose
5. **Constitutional Rights:** Cumulative violations of Sections 24 & 25

Ethical Imperative:

Is it right for government to approve TWO mining operations that will:

- Surround agricultural family from two directions?
- Create documented cumulative health risks?
- Destroy property values without compensation?
- Force family out of home and livelihood?
- When alternative sites exist?
- Without proper cumulative assessment?

We submit: NO.

AMENDED REQUESTED RELIEF

Given knowledge of second adjacent application, we request the DMRE:

IMMEDIATE SUSPENSION:

1. **SUSPEND THIS** Wegwyzers Rivier RE/582 prospecting application (WC30/5/1/1/2/10507PR) immediately
2. **SUSPEND** the Zeekoekruis 651 mining application immediately

Amended Requested Relief: These are requests from the I&AP on which the EAP provides no comments.

3. **SUSPEND** both pending proper legally-required cumulative impact assessment

CUMULATIVE ASSESSMENT REQUIREMENTS:

4. **REQUIRE** comprehensive cumulative impact assessment including:

- Combined dust modeling from both operations impacting our property
- Combined traffic analysis for both operations
- Combined noise assessment from multi-directional sources
- Combined water contamination and groundwater impacts
- Combined health risk assessment for residential populations exposed from two sides
- Combined visual impact assessment - property surrounded by mining
- Assessment of agricultural operations encircled by mining from two directions
- Property value impact of complete mining encirclement
- Regional environmental carrying capacity analysis
- Alternatives assessment - why these two sites vs. other options?

5. **COORDINATE** decision-making on both applications - cannot decide separately when cumulative

6. **PROVIDE** opportunity for public comment on cumulative impact assessment

ULTIMATE RELIEF:

7. **REFUSE BOTH APPLICATIONS** when proper cumulative assessment demonstrates unacceptable combined impacts on:

- Health (constitutional Section 24)
- Property rights (constitutional Section 25)
- Agricultural operations (R60 000 000 investment)
- Residential living (family homes)
- Environment (wetland, water resources)
- Community (agricultural sector, rural character)

8. **DIRECT IMERYs** to alternative sites that:

- Do not surround established agricultural operations
- Have willing landowner consent
- Have community support
- Avoid sensitive environmental areas
- Do not create cumulative catastrophic impacts

1. CAPENATURE'S CURRENT POSITION

Request:

- Provide complete correspondence between CapeNature and EAP
- Provide CapeNature's final written position on this application
- Clarify: Does CapeNature's acceptance apply only to prospecting, or does it extend to mining?
- Provide groundwater specialist report referenced in EAP response
- Clarify adequacy of 100m and 300m buffers for mining operations

2. LANDOWNER CONSENT STATUS

Request:

- We acknowledge receipt of the 14/10/2025 meeting minutes documenting Mr. Janse van Rensburg's formal withdrawal of consent
- Clarify: Can prospecting legally proceed when landowner has withdrawn consent for legitimate economic reasons (loss of property sale)?

1. CapeNature's Current Position: All correspondence and associated timeline/dates between CapeNature and the EAP is as per the information available in the Comments and Response table and Proof of Public Participation conducted under Appendix C of the Basic Assessment Report. CapeNature's comments only pertain to prospecting as is currently being applied for. Groundwater specialist report is available and attached as Appendix G8 of the Basic Assessment Report.

2. LANDOWNER CONSENT STATUS: To apply for a prospecting or mining right signed landowners consent is not required the [Mineral and Petroleum Resources Development Act \(MPRDA\) of 2002](#) mandates that the state is the custodian of all mineral resources, allowing any legal entity or person to apply for rights to explore or mine them. If a landowner refuses access once a prospecting or mining right have been issued the holder

<ul style="list-style-type: none"> • Clarify: How will IMERYYS obtain property access when landowner opposes operations? • Provide legal analysis of proceeding with withdrawn consent under MPRDA vs. Section 25 Constitutional property rights • Explain how DMRE balances mining company interests vs. landowner property rights when consent withdrawn. <p>3. OPERATING HOURS COMMITMENT Request:</p> <ul style="list-style-type: none"> • Binding commitment that ALL operations (prospecting and any future mining) limited to 8h00-17h00, Monday- Friday • Legal mechanisms to enforce hours restriction • Penalties for violations • Right of community to monitor and report violations <p>4. HEALTH MONITORING PROGRAM Request:</p> <ul style="list-style-type: none"> • Baseline health assessment for my family and farm workers before any operations begin • Ongoing community health surveillance program • Independent medical monitoring, not company-controlled • Clear protocols for health concerns and compensation <p>5. AGRICULTURAL IMPACT INSURANCE Request:</p> <ul style="list-style-type: none"> • Performance bond or insurance covering agricultural damage • Defined compensation mechanisms for crop damage, tree health impacts, property devaluation • Independent agricultural expert to assess any claimed damages 	<p>of such a right must initiate the formal dispute resolution process under Section 54 of the Mineral and Petroleum Resources Development Act (MPRDA). This involves notifying the Regional Manager of the Department of Mineral Resources (DMRE) to facilitate negotiations for compensation. Signed landowner consent is not a legal requirement to apply for a prospecting or mining right as the law mandates that the state is the custodian of mineral resources.</p> <p>3. OPERATING HOURS COMMITMENT: As per the requirements of the EMP for proposed prospecting activities under Dust and Noise Control all prospecting working hours must be limited to normal working hours weekday 8h00 – 17h00.</p> <p>4. HEALTH MONITORING PROGRAM: In accordance with the basic assessment conducted relating to proposed prospecting activities, the proposed prospecting activities are not expected to lead to any significant health impacts with the implementation of the EMP requirements.</p> <p>5. AGRICULTURE IMPACT INSURANCE: In accordance with the basic assessment conducted relating to proposed prospecting activities, the proposed prospecting activities are not expected to lead to any significant agricultural impacts with the implementation of the EMP requirements.</p>	
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- Advance agreement on compensation methodology

6. HEIDELBERG OPERATIONS TRACK RECORD

Request:

- Environmental compliance reports from Cape Bentonite Mine, Heidelberg
- Any violations, penalties, complaints from last 10 years
- Community feedback from Heidelberg area residents
- Health studies of Heidelberg community members

7. CUMULATIVE REGIONAL ASSESSMENT

Request:

- **URGENT:** Provide cumulative impact assessment for BOTH adjacent applications (Wegwyzers Rivier RE/582 AND Zeekoekruis 651)
- Map showing all IMERY'S prospecting applications in Heidelberg-Riversdale area
- Combined dust modeling from multiple operations impacting our property
- Combined traffic assessment for both operations using our roads
- Combined noise assessment from multi-directional sources
- Combined water contamination risk from multiple drilling/mining sites
- Combined health risk assessment for residential exposure from multiple bentonite operations
- Justification for approving multiple sites that will surround our established agricultural operation
- NEMA compliance: How does separate assessment of adjacent applications comply with cumulative impact requirements?

8. MILOS ISLAND STUDY RESPONSE

Request:

6. HEIDELBERG OPERATIONS TRACK RECORD: The DMPR are in possession of all required audit reports as available for previous and ongoing Cape Bentonite Mine prospecting rights. Any violations, penalties, complaints, community feedback etc. are to be discussed with the application company directly and is outside of the scope of this assessment.

7. CUMULATIVE REGIONAL ASSESSMENT: Due to the nature of the prospecting activities to take place at one site at a time and to be rehabilitated same day and monitored for successful rehabilitation it is not expected that the prospecting activities as proposed combined with other potential bentonite prospecting or mining taking place within the area will lead to any significant cumulative impacts in this regard as each application is assessed and managed in accordance with an approved Environmental Authorisation, Mining or Prospecting Right and Environmental Management Programme and Closure/Rehabilitation Plan to mitigate impacts. The bentonite and zeolite mining right application on Farm Zeekoekruis 651 is currently pending as indicated on Map 9 as available in Appendix B of the Basic Assessment Report. Should the mining right application on Farm Zeekoekruis 651 continue all potential cumulative impacts are to be assessed during the environmental impact assessment to be conducted during the mining right application process.

8. MILO INSLAND STUDY RESPONSE: As previously stated potential mining operations impacts are not being

<ul style="list-style-type: none">• Substantive response to peer-reviewed health research• Why South African community health will differ from Greek experience• Comparative analysis: occupational exposure vs. community exposure• Health risk assessment specific to residential populations adjacent to mining <p>CONCLUSION The Environmental Practitioner's responses are inadequate because they:</p> <ol style="list-style-type: none">1. Focus on Prospecting While Ignoring Mining Reality:<ul style="list-style-type: none">• Minimal prospecting impacts don't address severe mining impacts• Prospecting is gateway to mining - full lifecycle must be assessed• "Evaluated separately" approach is inefficient and ignores cumulative impacts2. Rely on Theoretical Mitigation Instead of Prevention:<ul style="list-style-type: none">• EMP compliance assumed but not guaranteed• South African enforcement record shows implementation gaps• Our family's health cannot depend on voluntary compliance3. Dismiss Scientific Evidence:<ul style="list-style-type: none">• Milos Island study showing real community health impacts ignored• Occupational hygiene data irrelevant to residential exposure• Agricultural science on dust impacts not addressed	<p>assessed in the current prospecting right application. Should a mining right application be pursued all potential mining right impacts must be assessed during the mining right application process.</p> <p>CONCLUSION: These are conclusions made by the I&AP on which the EAP provides no further comments other than what was already provided in previous responses.</p>	
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4. Fail to Address Constitutional Rights:

- Section 24 right to health and safe environment
- Duty of care to prevent foreseeable harm
- Vulnerable populations (children, elderly) require special protection

5. Avoid Core Question:

- If mining impacts unacceptable, why approve prospecting?
- Alternative sites exist (EAP confirms)
- This site has most opposition, most sensitivity, most impacts
- Regulatory efficiency requires refusing unsuitable sites early

6. Leave Critical Issues Unresolved:

- CapeNature's exact position unclear
- Landowner consent status disputed
- Community health protection inadequate
- Compensation mechanisms absent

CRITICAL OUTSTANDING ISSUES:

Before any approval consideration, we require:

- Verification of CapeNature's current institutional position
- Clarification of landowner consent status
- Resolution of 24/7 vs. 8h00-17h00 operating hours discrepancy
- Substantive response to Milos Island health study
- Justification for this site when alternatives exist

CRITICAL OUTSTANDING ISSUES:

- Verification of CapeNature's current position is provided in the copies of CapeNature's commenting letters as provided in the Comments and Response Report table and in Appendix C: PPP.
- Clarification of landowner consent status has already been indicated. Landowner has withdrawn consent.
- Resolution on prospecting operation hours already provided i.e. weekdays 8:00 -17:00 as per EMP requirements.

MAINTAINED OBJECTION:

We maintain our strong objection to this application based on:

- ✓ **Scientific Evidence:** Peer-reviewed research proving health risks
- ✓ **Environmental Sensitivity:** Wetland proximity (even with buffers, mining impacts remain)
- ✓ **Agricultural Investment:** 100-hectare orchard faces depreciation and operational impacts
- ✓ **Community Opposition:** Property owner (disputed), adjacent neighbors, farmer petition
- ✓ **Alternative Sites:** IMERYYS has other applications - choose less contentious location
- ✓ **Constitutional Rights:** Health and safe environment protections
- ✓ **Regulatory Efficiency:** Refusing prospecting for site unsuitable for mining

THE FUNDAMENTAL QUESTION REMAINS UNANSWERED:

When scientific research proves health risks, when environmental authorities express concerns, when the property owner's position is disputed, when agricultural community opposes, when alternative sites exist, when our family's constitutional rights are at stake - **why should prospecting be approved at this particular location?**

The EAP has provided no compelling answer to this question.

- Milos Island Health Study not relevant to proposed prospecting activities.
- DMPR to take alternatives into consideration based on the impact assessment outcome of each.

MAINTAINED OBJECTION: Noted

THE FUNDAMENTAL QUESTION REMAINS UNANSWERED: These are statements made and questions asked by the I&AP on which the EAP provides no further comments other than what was already provided in previous responses.

<p>We respectfully request that the DMRE refuse this application and direct IMERYS to pursue prospecting at alternative locations with less environmental sensitivity, less community opposition, and less potential for harm.</p>		
<p>Department of Agriculture 16/02/2026</p> <p>DRAFT BASIC ASSESSMENT REPORT PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT: DIVISION RIVERSDALE REMAINDER OF THE FARM WEGWYZERS RIVIER NO 582</p> <p>Your application of 08 September 2025 has reference.</p> <p>Imerys Refractory Mineral South Africa (Pty) Ltd has appointed Enviro-EAP to prepare the Draft Basic Assessment Report (DBAR) and Draft Environmental Management Programme (EMPR) for the proposed bentonite and zeolite prospecting right at the Cape Bentonite Mine on Farm Wegwyzers Rivier RE/582, Riversdale, Western Cape. The total extent of the property is approximately 77.17ha.</p> <p>The Department notes that the proposed prospecting activities are limited in nature and will be undertaken primarily through drilling methods. No large-scale surface disturbance or trenching is proposed. Provided that prospecting activities are confined to the approved footprint and undertaken as described in the DBAR and EMPR, the impacts on agricultural land are expected to be localised and temporary.</p> <p>The Western Cape Department of Agricultura has no objection to the proposed prospecting application, subject to the following conditions:</p>	<p>No objection noted. Recommendations included as part of EMPr requirements.</p>	<p>BAR Part B: EMP</p>

<ul style="list-style-type: none"> • All prospecting activities must be undertaken in accordance with applicable national environmental legislation, regulations, and best practice standards. • Topsoil and subsoil must be stripped, stored, and replaced separately, and all disturbed areas must be rehabilitated progressively and timeously to restore the land to its pre-prospecting agricultural condition. • Rehabilitation must be implemented to the satisfaction of the landowner and in line with recognised agricultural and environmental rehabilitation standards. • Access to the property must be arranged in advance with the landowner, and all farm management, livestock, and biosecurity requirements must be adhered to. • Prospecting activities should, where possible, be scheduled to avoid critical planting, growing and harvesting periods to minimise impact on agricultural production. <p>These comments from the Western Cape Department of Agriculture apply to drilling-related prospecting activities only and do not extend to trenching or any other higher-impact prospecting methods not assessed in the current DBAR and EMPr.</p> <p>Please note:</p> <ul style="list-style-type: none"> • 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. 		
<p>Transnet 11/11/2025</p> <p>My e-mail dated 02 September 2025 refers.</p>	<p>Noted, Transnet to be removed from Key Departments.</p>	

<p>This application will not directly affect Transnet, the proposed site is approximately 8 km away from Riversdale Station on the Worcester to Riversdale railway line.</p> <p>Please take my name off the interested and affected party list.</p>		
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PROOF OF NOTICE/S SENT FOR 30 DAY COMMENTING PERIOD COMMENCED ON THE 1st REVISED DRAFT BASIC ASSESSMENT REPORT


From: Johmandie Pienaar

Sent: Monday, 10 November 2025 14:52

To: 'Nomfundo Magubane' <nomfundo.magubane@dmpr.gov.za>; 'Pumla Mntuyedwa' <pumla.mntuyedwa@dmre.gov.za>; 'elise.steenkamp@dmre.gov.za' <elise.steenkamp@dmre.gov.za>; 'Vusumuzi Mwelase' <vusumuzi.mwelase@dmre.gov.za>; 'Morne Koen' <morne.koen@dmre.gov.za>; 'Linda Njemla' <linda.njemla@dmre.gov.za>; 'Pieter Swart' <pieter.swart@dmre.gov.za>; 'Willry Van Breda' <willry.vanbreda@dmre.gov.za>; 'Rhett Smart' <rsmart@capenature.co.za>; 'Adri La Meyer' <adri.lameyer@westerncape.gov.za>; 'Thea Jordan' <thea.jordan@westerncape.gov.za>; 'Andre Oosthuizen' <andre.oosthuizen@westerncape.gov.za>; 'Brandon Layman' <brandon.layman@westerncape.gov.za>; 'Cor Van der Walt' <cor.vanderwalt@westerncape.gov.za>; 'Lutendo Netshilema' <lutendon@dalrrd.gov.za>; 'rhahabm@dalrrd.gov.za' <rhahabm@dalrrd.gov.za>; 'Rahab Maboja' <rahabm@dalrrd.gov.za>; 'Makhosi Mthimkhulu' <mmthimkhulu@bocma.co.za>; 'Makhosi Mthimkhulu' <mmthimkhulu@bgcma.co.za>; 'info@bgcma.co.za' <info@bgcma.co.za>; 'Shagon Carelse' <shagon@hessequa.gov.za>; 'Albert De Klerk De Klerk' <mm@hessequa.gov.za>; 'collab@hessequa.gov.za' <collab@hessequa.gov.za>; 'Collab Info' <info@hessequa.gov.za>; 'Bertus Hayward' <bertus@hessequa.gov.za>; 'Phillip Hendricks' <phillip@hessequa.gov.za>; 'nina@gardenroute.gov.za' <nina@gardenroute.gov.za>; 'admin@gouritz.com' <admin@gouritz.com>; 'pemohajane@nnr.co.za' <pemohajane@nnr.co.za>; 'queries@drdlr.gov.za' <queries@drdlr.gov.za>; 'snomdo@pgwc.gov.za' <snomdo@pgwc.gov.za>; 'marika.champion@westerncape.gov.za' <marika.champion@westerncape.gov.za>; 'natiedes@telkomsa.net' <natiedes@telkomsa.net>; 'raymond.auerbach@mandela.ac.za' <raymond.auerbach@mandela.ac.za>; 'Vanessa Stoffels' <vanessa.stoffels@westerncape.gov.za>; 'Anel Abrahams Transnet Freight Rail CPT' <anel.abrahams@transnet.net>; Stephanie Barnardt <stephanie.barnardt@westerncape.gov.za>; Ceoheritage <ceoheritage@westerncape.gov.za>
Cc: Siyanda Mabaso <siyanda.mabaso@imerys.com>; Admin admin@enviro-eap.co.za

Bcc:





Subject: NOTIFICATION OF 30 DAY COMMENTING PERIOD COMMENCEMENT: REVISED DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER RE/582, RIVERSDALE, WESTERN CAPE

NOTIFICATION OF AVAILABILITY OF THE REVISED DRAFT BASIC ASSESSMENT REPORT FOR 30 DAYS
PROJECT TITLE: REVISED DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER RE/582, RIVERSDALE, WESTERN CAPE
DMPR Ref: WC 30/5/1/1/2/10507PR

Dear Stakeholder

You have received this email as a registered interested and affected party, organ of state, and/ or key department for the ***PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER RE/582, RIVERSDALE, WESTERN CAPE***

This email serves as a written notification of the availability of the ***Revised Draft Basic Assessment Report*** for **30-day commenting period (excluding public holidays)**.

(1) AVAILABILITY OF THE REVISED DRAFT BASIC ASSESSMENT REPORT:

The Revised Draft Basic Assessment Report and appendices are accessible via: -

(i) electronic download on our website at <https://enviro-eap.co.za/public-participation/> (***available for download for the entire commenting period***). Please scroll down the public participation web page until you find the relevant project title as per the project details provided above.

(ii) hardcopies and/or cd copies will only be sent via SAPO – registered mail service **on request** or where a postal address is the only means of contact provided.

(2) COMMENTING PERIOD OF THE REVISED DRAFT BASIC ASSESSMENT REPORT AND DEADLINE FOR COMMENTS SUBMISSION

The commenting period of the Revised Draft Basic Assessment Report is **30 days (excluding public holidays)**, starting from the ***11 November 2025*** and ending on ***10 December 2025***. Your comments on the Revised Draft Basic Assessment Report must be provided within the regulatory 30-day commenting period or by no later than **10 December 2025**.

(3) SUBMISSION OF COMMENTS

Please direct your comments in writing for the attention of the responsible EAP as per the contact information provided below:

Responsible EAP: Johmandie Pienaar

Email: johmandie@enviro-eap.co.za or admin@enviro-eap.co.za

Direct #: 072 240 3092 (**contact methods:** *Calls, sms or whatsapp*)

Fax: 086 435 4691

CONSULTATION WITH ORGANS OF STATE / KEY DEPARTMENTS [NEMA S240]

To facilitate adequate consultation with State Departments that administers laws relating to a matter affecting the environment in accordance with the requirements of Section 240 of NEMA,

please be advised that all registered interested and affected parties, organs of state, key departments, and/or stakeholders were [in receipt of this email] notified electronically of the availability of the Revised Draft Basic Assessment Report on this day **10 November 2025**. As such all RI&APs and Stakeholders are considered to be “in possession” of the Revised Draft Basic Assessment Report and appendices from the date of electronic notification. A list of RI&APs and Stakeholders consulted, and their respective contact information to be included in ***Appendix C of the Final Basic Assessment Report to be submitted to the Department.***

SECTIONS 11 AND 18 OF POPI ACT, 2013 (Act No.14 of 2013):

The personal information and comments provided will be included in reports to be submitted to the Competent Authority to enable informed decision-making. Also, if you choose to register as an I&AP your personal information will be made available to an appellant in the case of an appeal, and an applicant/EAP/independent person for purposes of being informed and given access to an audit report. This information may be made available in terms of section 11(1)(c) and 11(1)(d) of the POPIA, without requiring consent.

Kind regards/Vriendelike groete

Johmandie Pienaar

Environmental Assessment Practitioner

EAPASA Registration Nr. 2020/2326



Email: johmandie@enviro-eap.co.za

Cell: 072 240 3092

Fax: 086 435 4691

Web: www.enviro-eap.co.za

Postal Address: Enviro-EAP

PO Box 205

Agulhas

7287

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Z



Enviro-EAP
Environmental Consultants



Postal Address	Proof
Department of Agriculture, Land Reform and Rural Development Attention: Lutendo Netshilema Polkadraai Road (R310) Stellenbosch 7600. Tel: 021 944 1423	POSTNET SOMERSET MALL Shop 1b Melcksloot Village Dickenson Ave., Somerset Mall Somerset West, 7130 Tel: (021) 851 5378 Fax: (021) 851 5357

DATE: 11 November 2025

Department of Agriculture, Land Reform and Rural Development
Directorate: Land and Soil Management
Private Bag X5015
Polkadraai Road
Stellenbosch
7599
Att: Lutendo Netshilema

**NOTIFICATION OF AVAILABILITY OF THE REVISED DRAFT BASIC ASSESSMENT REPORT
IMERYS REFRACTORY MINERALS SOUTH AFRICA: CAPE BENTONITE MINE
PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER
RE/582, RIVERSDALE, WESTERN CAPE
DMR Ref: WC 30/5/11/2/10507PR**

Good day,

Enclosed please find a CD copy of the Revised Draft Basic Assessment Report for the above mentioned application.

You are hereby notified of the 30 day commenting period (starting from the date of this letter and excluding public holidays) within which you must please provide your comments on the abovementioned report.


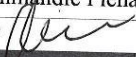


Johmandie Pienaar
Environmental Assessment Practitioner
EAPASA Registration Nr. 2020/2326



Enviro-EAP
Environmental Consultants



Email: johmandie@enviro-eap.co.za
Cell: 072 240 3092
Fax: 086 435 4691
Web: www.enviro-eap.co.za
Postal Address: Enviro-EAP
PO Box 205
Agulhas
7287

PostNet Name: PostNet - Somerset Mall		Senders Copy	
Tel. No.: (+27) 0218515378 Acc. No.: PN646		 PNA64655817544	
From: (Sender) PostNet - Somerset Mall Street Address Shop 1B Meicksloot Village, Somerset Mall Cnr Reese & De Beers Avenue Suburb Somerset West City/Town Somerset West		To: (Receiver) Department of Agriculture Street Address Polkadraai Rd (R310) Suburb STELLENBOSCH City/Town STELLENBOSCH - ST	
Country South Africa Code 7130 Contact Johmandie Pienaar Tel (+27) 722403092 E-mail smpostnet@gmail.com		Country South Africa Code 7600 Contact Luthendo Netshilema Tel (+27) 219441423 E-mail	
Insurance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, state value Print and sign if No.		Department of Agrculture, Land Reform & Rural Development	
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To track your shipment go to: www.postnet.co.za or download the PostNet Courier App			



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Postal Address	Proof
Department of Agriculture Attention: Mr Cor van der Walt Admin Building, Muldersvlei Road, Elsenburg 7606 Tel: 021 808 5099	

DATE: 11 November 2025

Department of Agriculture
Private Bag X1
Elsenburg
7606
Att: Cor van der Walt

**NOTIFICATION OF AVAILABILITY OF THE REVISED DRAFT BASIC ASSESSMENT REPORT
IMERY'S REFRACTORY MINERALS SOUTH AFRICA: CAPE BENTONITE MINE
PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER
RE/582, RIVERSDALE, WESTERN CAPE
DMR Ref: WC 30/5/1/1/2/10507PR**

Good day,

Enclosed please find a CD copy of the Revised Draft Basic Assessment Report for the above mentioned application.

You are hereby notified of the 30 day commenting period (starting from the date of this letter and excluding public holidays) within which you must please provide your comments on the abovementioned report.

Johmandie Pienaar

Environmental Assessment Practitioner
EAPASA Registration Nr. 2020/2326



Email: johmandie@enviro-eap.co.za

Cell: 072 240 3092

Fax: 086 435 4691

Web: www.enviro-eap.co.za

Postal Address: Enviro-EAP
PO Box 205
Agulhas
7287

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PROOF OF COMMENTS RECEIVED ON 1st REVISED DRAFT BASIC ASSESSMENT REPORT

CapeNature



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/6/5/582_prospecting_Riversdale
date 9 November 2025

Enviro-EAP (Pty) Ltd
P.O. Box 205
Agulhas
7287

Attention: Johmandie Pienaar
By email: johmandie@enviro-eap.co.za

Dear Ms Pienaar

Revised Basic Assessment Report and Environmental Management Programme Report for the Proposed Prospecting for Bentonite and Zeolite on the Remainder of Farm Wegweyzers Rivier 582, Riversdale (DMR ref. no.: WC30/5/1/1/2/10507PR)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.

CapeNature is satisfied that our concerns have been adequately addressed in the two rounds of public participation to date. As previously indicated, this does not mean that we will not have additional concerns if the prospecting progresses to the mining phase.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Regards

Rhett Smart
Digitally signed
by Rhett Smart
Date: 2025.12.10
08:10:04 +02'00'

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar



Department of Environmental Affairs and Development Planning
Adri La Meyer
Development Facilitation
Adri.Lameyer@westerncape.gov.za | Tel: 021 483 2887

Reference: 18/2/3/2025-2026

Attention: Ms Johmandie Pienaar

Enviro-EAP (Pty) Ltd
P.O. Box 205

AGULHAS

7287

johmandie@enviro-eap.co.za

Dear Madam

COMMENTS ON THE REVISED DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON THE REMAINDER OF FARM WEGWYZERS RIVIER NO. 582, RIVERSDALE (DMPR REF: WC 30/5/1/1/2/10507PR)

1. The Draft Basic Assessment Report ("BAR") dated 25 July 2025, the Department's comments thereto dated 03 October 2025, and the email notification of 10 November 2025 regarding the availability of the Revised Draft BAR, refer.
2. Thank you for the opportunity to review and provide comments on the Revised Draft BAR and Draft Environmental Management Programme ("EMPr") dated 10 November 2025 and accompanying documents that were available for download from your website.
3. The Department acknowledges the responses of the environmental assessment practitioner to our comments on the Draft BAR, as provided in section h(iii) of the Draft BAR (table with summary of issues raised). Where applicable, the required changes have been incorporated in the Revised Draft BAR.
4. The Department further acknowledges the email correspondence of the South African Council for Natural Scientific Professions dated 01 August 2025, which confirms that a freshwater/aquatic specialist conducting aquatic biodiversity assessments would typically register under the field of ecological sciences or aquatic sciences. This qualifies Mr Nicolaas Hanekom to undertake an Aquatic Compliance Statement. It is also noted that CapeNature and the Breede-Olifants Catchment Management Agency did not disapprove of the contents of the Animal and Aquatic Compliance Statements.

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning
Cape Town Office: Utilitas Building, 1 Dorp Street Cape Town, 8001
George Office: York Park Building, 93 York Street, George, 6529



5. With regards to our previous comments recommending that the proposed prospecting areas (Map 5) be superimposed on the no-go areas map (Map 8), this comment related to superimposing the proposed 5 prospecting areas of 46ha onto Map 8, or to superimpose the shaded red area (no-go areas) onto Map 5.
6. The Department has no further comments on the Revised Draft BAR and Draft EMPr.
7. Please note that the abovementioned comments and recommendations do not pre-empt the outcome of the application. No information provided, views expressed and/or comments made by the Department should in any way be regarded as an indication or confirmation that additional information or documents will not be requested; or of the outcome of any application submitted to the competent authority.
8. The applicant is reminded of its "general duty of care towards the environment" as prescribed in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) which states that "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 authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

The Department reserves the right to revise initial comments and request further information based on any or new information received.

Yours sincerely

Thea Jordan
pp **HEAD OF DEPARTMENT**
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Digitally signed by
Thea Jordan
Date: 2025.12.10
11:56:04 +02'00'

Letter signed by:

THEA JORDAN

Director: Development Facilitation

Date: 10 December 2025

Heritage Western Cape

From: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>

Sent: Monday, 10 November 2025 15:01

To: Johmandie Pienaar <johmandie@enviro-eap.co.za>

Subject: RE: NOTIFICATION OF 30 DAY COMMENTING PERIOD COMMENCEMENT: REVISED DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER RE/582, RIVERSDALE, WESTERN CAPE

Good day Johmandie

Thank you for giving HWC the opportunity to comment.

Please included HWC reference number in the initial email to prevent delay in responding to your emails.

Please note that our previous comment still stands, no further action is required from heritage.

Kind regards,

Stephanie-Anne Barnardt-Delport
Heritage Officer (Archaeologist)
Heritage Western Cape

Heritage Resource Management Services
Protea Assurance Building Greenmarket Square, Cape Town
(Currently working remotely)

Website: www.hwc.org.za / www.westerncape.gov.za





Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/8/527
YOUR REFERENCE : -
DMR REFERENCE : WC 30/5/1/1/2/10507PR
ENQUIRIES : Cor van der Wall/Ashraf Mohamed

Enviro-EAP Environmental Consultants
PO Box 205
AGULHAS
7287

Alt: Johmandie Pienaar

DRAFT BASIC ASSESSMENT REPORT
PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT: DIVISION RIVERSDALE
REMAINDER OF THE FARM WEGWYZERS RIVIER NO 582

Your application of 08 September 2025 has reference.

Imerys Refractory Minerals South Africa (Pty) Ltd has appointed Enviro-EAP to prepare the Draft Basic Assessment Report (DBAR) and Draft Environmental Management Programme (EMPr) for the proposed bentonite and zeolite prospecting right at the Cape Bentonite Mine on Farm Wegwyzers Rivier RE/582, Riversdale, Western Cape. The total extent of the property is approximately 77.17 ha.

The Department notes that the proposed prospecting activities are limited in nature and will be undertaken primarily through drilling methods. No large-scale surface disturbance or trenching is proposed. Provided that prospecting activities are confined to the approved footprint and undertaken as described in the DBAR and EMPr, the impacts on agricultural land are expected to be localised and temporary.

The Western Cape Department of Agriculture has no objection to the proposed prospecting application, subject to the following conditions:

- All prospecting activities must be undertaken in accordance with applicable national environmental legislation, regulations, and best practice standards.

- Topsoil and subsoil must be stripped, stored, and replaced separately, and all disturbed areas must be rehabilitated progressively and timeously to restore the land to its pre-prospecting agricultural condition.
- Rehabilitation must be implemented to the satisfaction of the landowner and in line with recognised agricultural and environmental rehabilitation standards.
- Access to the property must be arranged in advance with the landowner, and all farm management, livestock, and biosecurity requirements must be adhered to.
- Prospecting activities should, where possible, be scheduled to avoid critical planting, growing, and harvesting periods to minimise impacts on agricultural production.

These comments from the Western Cape Department of Agriculture apply to drilling-related prospecting activities only and do not extend to trenching or any other higher-impact prospecting methods not assessed in the current DBAR and EMPr.

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

2026-02-16

<u>Copies:</u>	
Department of Environmental Affairs & Development Planning 1 Dorp Street CAPE TOWN 8001	Hessequa Municipality PO Box 29 RIVERSDAL 6670
Department of Minerals & Resources Private Bag X9 Roggebay 8012	

Transnet

From: Anel Abrahams Transnet Freight Rail CPT <Anel.Abrahams@transnet.net>

Sent: Tuesday, 11 November 2025 07:50

To: Johmandie Pienaar <johmandie@enviro-eap.co.za>

Subject: RE: NOTIFICATION OF 30 DAY COMMENTING PERIOD COMMENCEMENT: REVISED DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED BENTONITE AND ZEOLITE PROSPECTING RIGHT ON FARM WEGWYZERS RIVIER RE/582, RIVERSDALE, WESTERN CAPE

Good morning Johmandie

My e-mail dated 02 September 2025 refers.

This application will not directly affect Transnet, the proposed site is approximately 8 km away from Riversdale Station on the Worcester to Riversdale railway line.

Please take my name off the interested and affected party list.

Thank you.



Anel Abrahams

Infrastructure Maintenance, Bellville
Transnet Rail Infrastructure Manager (TRIM)

☎ 021 940 2011 📠 000 000 000

📠 000 000 0000 ✉ anel.abrahams@transnet.net

www.transnet.net

Registered I&AP 10

From: [REDACTED]

Sent: Thursday, 11 December 2025 11:35

To: Johmandie Pienaar <johmandie@enviro-eap.co.za>

Subject: Revised draft basic assessment report Farm Wegwyzers Rivier RE/582 DMRE Ref WC 30/5/1/1/2/10507PR

TO whom it might concern

Comments on the Draft report

In numerous instances the concerns and questions raised by affected persons (I&AP) are answered on a vague and avoiding basis. The responses are on a basis of "Trust us" and the concerns are therefore not answered.

To refer to a few:

In response to I&AP 8:

Veiligheid: "Proposed prospecting activities are temporary..... "

There is no attempt to advise on how the safety and security risks that are created by introducing new people to the area will be limited. The enquiry is addressed as if it was a question relating to road safety.

To the extent that the enquiry was in relation to road safety it is no answer to state that the vehicle drivers are to adhere to road safety regulation. In the absence of any policing of such compliance the issue has not been adequately addressed.

Geraas en stof: " as per experience with previous prospecting activities will not create excessive noise..... expected noise impacts will be of low significance"

The answer is of the kind : "trust us we will not make noise" Without any control measures or policing the vague assurances are of no value and is not a response to the concern raised.

Gesondheid: the allegation that "expected dust impact will be of low significance" is not correct. There are houses close to the road that rely on rainwater catchment on the roof. Any additional dust is of significance and the impact of heavy vehicles on dust production and impact on the road causing more dust to be created by subsequent

vehicles cannot be ignored by a statement that “it is of low significance”

Swak laagwater brue: The response does not address the question whether the low water bridges can support the weight of the intended vehicles.

I&AP10 item 5.3 It is not indicated what the intended socio economic investment that is planned and undertaken to be made in the Riversdale area.

Item 6.1 and 6.2 I understand that the application is not for mining activities albeit that the drilling is in effect mining. How will the noise level and impacts be monitored? Is there an independent monitor or is it left to the miner to monitor its own activities?

Items 6.3 and 6.4 What is considered “low significance”?

Item 7: the concern is addressed as if the exploration is completely removed and has no relation to the intended mining . The loss of productive land through mining is certainly an issue that is to be addressed in considering whether exploration and its consequences are to be allowed in the first place.

Please advise of the mining areas that have been rehabilitated and are again used for productive farming purposes? Does the writer of the report intend to state that the areas in Heidelberg that have been excavated were filled and rehabilitated to the extend that the excavated areas are again used for farming after the alleged rehabilitation?

(The fotos I have seen does no speak of excavation having been filled in and I will visit the areas referred to if the addresses are identified.

I&AP 12

I support the grounds raised by this I&AP fully. A mining activity will destroy the area farming capacity and views/use. We have in the last year invested a considerable amount in building a house that will face towards the mountain and to the east. The mine will be right in our sight and will destroy the investment hat had been made. The mere exploration will have an material negative effect on the investment (same with I&AP 12). Once exploration is being allowed to continue the value of the land will drop as the area will be at risk of mining activities. It is therefore no a response or answer to the concerns that the exploration activities are temporary.

The health risks caused by Bentonite is material and substantial and cannot be ignored by again stating that the exploration is unrelated to mining of Bentonite. The two cannot be separated. If the mining will create health risks there is no basis on which exploration should be allowed. It is not an answer to say that the community’s health will only

be affected if and once the exploration is successful. This issue should be dealt with at this stage already.

Who will do the monitoring during exploration? Is the monitoring done by or on behalf of the miner and how is those living in the area protected?

The allegation that it has not been proven that during prospecting there are dangerous concentration of contaminants. The test should be “has it been proven that there will not be high levels of contaminants during prospecting.” Or should someone become sick and prove that it is due to prospecting or mining before it is a risk that will be considered.

Conclusion: I and the trust which owns the land, oppose any destruction of the environment and in particular the destruction of the proposed exploration /prospecting area through prospecting or mining and we fully support the community’s objections to the proposed destruction of the area. Please add my name to the list of I&AP.

We ask the Department to refuse any prospecting / explaration rights for the proposed mining of Bentonite.

A black rectangular redaction box covering the signature area of the document.

RESPONSE TO ENVIRONMENTAL PRACTITIONER'S COMMENTS

RE: PROSPECTING APPLICATION WC30/5/1/1/2/10507PR

Date: 9 December 2025

From: [REDACTED] and represents all farmers opposing mining activities

To: Environmental Practitioner / DMRE Regional Manager

Re: Rebuttal to Environmental Assessment Practitioner's Response

INTRODUCTION

We acknowledge receipt of the Environmental Practitioner's response to our objection. However, we find the responses inadequate, dismissive of scientifically documented risks, and fundamentally flawed in their assessment of cumulative and long-term impacts. This response addresses each point raised and demonstrates why our objections remain valid and compelling.

POINT-BY-POINT REBUTTAL

1. WATER CONTAMINATION RISK - EAP RESPONSE INADEQUATE

EAP Claims: "Limited footprint and same day rehabilitation" with "very limited" risks to water resources.

Our Response:

The EAP's response fundamentally misunderstands the issue and underestimates environmental risks:

A. Prospecting is Not the End Goal:

- The EAP focuses solely on prospecting impacts while ignoring that prospecting is merely the gateway to full-scale mining operations
- Our water contamination concerns primarily relate to the inevitable mining operations that will follow successful prospecting
- If bentonite deposits are confirmed, 24/7 mining operations will generate significant contaminated runoff that will flow onto our adjacent agricultural property
- The EAP cannot claim "same day rehabilitation" for mining operations - yet provides no assessment of mining-phase water impacts

B. Cumulative Impact Ignored:

- Multiple prospecting boreholes create multiple contamination risk points

- "Same day rehabilitation" does not eliminate contamination risk - it merely reduces exposure time
- The Goukou/Kruis River palmiet peat wetland proximity means any contamination has severe ecosystem consequences
- CapeNature's opposition specifically cited water table concerns that the EAP dismisses

C. Hazardous Substance Risk Acknowledged but Understated:

- The EAP admits risk "from hazardous substances/materials being introduced or discharged or spilled"
- Implementation of mitigation measures depends on human compliance - spills and accidents are foreseeable
- Our irrigation water sources and the sensitive wetland cannot tolerate any contamination risk
- "Can be prevented" is not the same as "will be prevented" - enforcement is notoriously weak

D. Runoff Management Unproven:

- EMP requirements are theoretical - no evidence of successful implementation at other sites
- Agricultural land contours, once disturbed, affect water flow patterns permanently
- "Effective restoration" is subjective and unverifiable without long-term monitoring
- Our 2022 orchard development requires pristine water quality - any degradation causes economic loss

CONCLUSION ON WATER: The EAP's dismissal of water contamination risks is unacceptable given the sensitive wetland proximity, CapeNature's opposition, and the inevitable progression to mining operations with significant water impact potential.

2. TRAFFIC IMPACT - EAP RESPONSE MISLEADING

EAP Claims: "Temporary" activities with "negligible" traffic of "two trips per day."

Our Response:

The EAP's traffic assessment is deliberately misleading and factually incorrect:

A. Grossly Understated Traffic Volume:

- "Two trips per day" may apply to prospecting reconnaissance, but not to actual drilling operations
- Drilling equipment, support vehicles, crew transport, and supply trucks generate far more than two trips
- No assessment provided for mining-phase traffic when materials must be transported to Heidelberg daily
- Heavy drilling rigs and equipment require specialized transport - not addressed

B. Road Infrastructure Reality:

- Our gravel roads were not designed for heavy industrial vehicle traffic

- Even "temporary" heavy vehicle use causes permanent road degradation
- The EAP provides no commitment for road maintenance or repair
- Agricultural operations require functional road access year-round

C. Municipality Silence Does Not Equal Approval:

- The EAP claims Hessequa Municipality has "not provided any road maintenance requirements"
- Absence of comment does not constitute approval or acceptance of impacts
- Municipalities may lack resources to assess or respond to all **applications**
- Our farm has the direct impact and cost of road damage

D. Safety Concerns Ignored:

- Heavy vehicle traffic on narrow gravel roads creates safety hazards for farm operations
- No traffic management plan provided for interaction with agricultural vehicles
- School transport and community traffic safety not assessed

E. Mining Phase Completely Ignored:

- If prospecting succeeds, mining operations will require continuous heavy vehicle traffic
- Material transport to Heidelberg facility means daily truck movements for years
- The "temporary prospecting" argument deliberately avoids assessing the real traffic impact of mining

CONCLUSION ON TRAFFIC: The EAP's "two trips per day" assessment is misleadingly simplistic and fails to address the real traffic impacts of drilling operations or the inevitable mining phase that prospecting enables.

3. INVESTMENT DEVALUATION - EAP RESPONSE SHOWS IGNORANCE OF AGRICULTURAL ECONOMICS

EAP Claims: Prospecting "will not lead to depreciation of investment" due to "same day rehabilitation" and "temporary" nature.

Our Response:

The EAP demonstrates fundamental ignorance of agricultural economics and property valuation:

A. Property Value Impact is Immediate and Permanent:

- The mere existence of prospecting rights on adjacent property immediately devalues our farm
- Potential buyers will not purchase agricultural property adjacent to mining operations
- Banking institutions reduce lending capacity for properties near mining activities

- Our 2022 investment of R60 000 000 in farm and orchard development faces immediate depreciation

B. Agricultural Investment is Long-Term:

- Macadamia trees take 7-10 years to reach full production
- Citrus orchards require 5-7 years for optimal yields
- Our business plan spans 30+ years - "temporary prospecting" does not eliminate mining threat
- Future mining operations (the inevitable goal of prospecting) will destroy our agricultural investment

C. Operational Impacts During Prospecting:

- Dust from drilling operations will affect tree health and fruit quality immediately
- Noise disruption affects farm operations and residential quality of life
- Visual impact of drilling equipment reduces property amenity
- Agricultural certification requirements may be compromised by adjacent industrial activity

D. Market Access Concerns:

- Export markets have strict environmental and quality standards
- Adjacent mining operations may disqualify us from premium markets
- Organic or sustainable agriculture certifications become impossible
- Buyer concerns about contamination affect marketability even if actual contamination doesn't occur

E. "Same Day Rehabilitation" is Irrelevant to Economic Impact:

- Investment depreciation occurs from the threat of mining, not just physical disturbance
- Financial institutions assess risk based on mining rights, not rehabilitation promises
- Agricultural insurance premiums increase near mining operations
- Our economic model is permanently disrupted by mining uncertainty

CONCLUSION ON INVESTMENT: The EAP's claim that temporary prospecting causes no investment depreciation reveals complete ignorance of agricultural economics, property valuation, and the long-term nature of horticultural investments.

4. ENVIRONMENTAL POLLUTION - EAP'S EMPRELIANCE IS INSUFFICIENT

EAP Claims: Pollution will be "prevented" or "mitigated in accordance with requirements of the EMP."

Our Response:

Reliance on EMP compliance is inadequate given enforcement realities and documented failures:

A. EMP Compliance is Not Guaranteed:

- South Africa has well-documented problems with mining regulation enforcement
- EMPs are frequently violated with minimal consequences
- Our family's health and agricultural investment cannot depend on IMERY'S voluntary compliance
- Monitoring and enforcement resources are severely limited

B. Prevention vs. Mitigation:

- The EAP admits prevention is "not possible" for some impacts
- Mitigation means damage occurs but is supposedly reduced
- For sensitive agricultural operations and residential dwellings, mitigation is inadequate
- The precautionary principle requires prevention, not mitigation

C. No Track Record Provided:

- IMERY'S operates Cape Bentonite Mine in Heidelberg - what is their compliance record?
- No evidence provided of successful EMP implementation at other sites
- Past performance is the best predictor of future compliance

D. Irreversible Impacts:

- Some environmental damage cannot be mitigated (wetland contamination, health impacts)
- EMP cannot restore health once respiratory disease develops
- Tree damage from dust accumulation is cumulative and irreversible

CONCLUSION ON POLLUTION: EMP requirements are theoretical protections that cannot guarantee prevention of documented environmental and health risks, particularly given South Africa's weak enforcement capacity.

5. VISUAL POLLUTION - EAP MINIMIZES PERMANENT IMPACTS

EAP Claims: Visual transformation "temporary only" with "same day rehabilitation" on "already transformed cultivated agricultural areas."

Our Response:

A. Prospecting vs. Mining Visual Impact:

- EAP again focuses on minimal prospecting visual impact while ignoring inevitable mining operations
- Open pit bentonite mining creates permanent visual transformation - not temporary
- Our dwelling units will overlook mining operations for decades, not just during drilling

B. "Already Transformed" is Misleading:

- Agricultural land is productive, managed landscape - not degraded or industrial
- There is fundamental difference between agricultural use and industrial mining
- Our property value depends on maintaining agricultural character of surrounding area

C. Mining Infrastructure Ignored:

- Processing facilities, waste stockpiles, access roads create permanent visual impact
- 24/7 mining operations include lighting, equipment, vehicles
- Agricultural landscape permanently transformed into industrial site

CONCLUSION ON VISUAL IMPACT: Temporary drilling visual impact is irrelevant - the real concern is permanent mining visual impact that prospecting enables.

6. NOISE POLLUTION - EAP'S 8H00-17H00 CLAIM CONTRADICTS MINING REALITY

EAP Claims: "Normal working hours weekday 8h00-17h00" with "negligible" noise from "two trips per day."

Our Response:

A. This Directly Contradicts Information We Received:

- We were informed that mining operations would be 24/7
- EAP now claims 8h00-17h00 for prospecting only
- Which is accurate? This inconsistency raises serious credibility concerns

B. Mining Operations Are 24/7:

- IMERYYS operates Cape Bentonite Mine in Heidelberg - what are their operating hours?
- Industrial mineral processing typically operates continuously
- Economic viability of mining requires maximum production - not 8-hour days

C. "Two Trips Per Day" Remains Implausible:

- Drilling operations require equipment transport, crew transport, supply vehicles
- Mining operations require continuous truck traffic to Heidelberg facility
- This claim appears deliberately misleading

D. 45 dBA Standard May Be Exceeded:

- Drilling equipment, heavy vehicles, processing activities exceed 45 dBA

- Rural area residents are highly sensitive to industrial noise
- Residential dwellings deserve protection, not just compliance with minimum standards

E. Monitoring and Enforcement Concerns:

- Who monitors noise levels? How frequently?
- What are consequences of violations?
- Rural areas often lack enforcement capacity

CONCLUSION ON NOISE: The 8h00-17h00 claim conflicts with information about 24/7 operations and doesn't address mining-phase noise impacts.

7. AIR QUALITY AND DUST - EAP'S MONITORING PLAN IS REACTIVE, NOT PREVENTIVE

EAP Claims: Prospecting "will not lead to continuous dust generation" with dust monitoring program and management plan if standards exceeded.

Our Response:

A. Reactive Approach Unacceptable:

- EAP proposes monitoring first, then management plan "if" standards exceeded
- This means allowing dust exposure until damage is measured
- Our family's health and tree health cannot wait for reactive responses
- Precautionary principle requires prevention, not reaction

B. One-Month Delay for Management Plan:

- If dust standards exceeded, management plan implemented "within a month"
- Our crops and family are exposed to harmful dust for weeks before action
- Respiratory damage and stomatal blockage occur immediately
- One month of dust exposure causes irreversible agricultural damage

C. Dust Standards May Be Inadequate for Agriculture:

- National dust regulations designed for general environmental protection
- Agricultural crops, especially fruit trees, require pristine air quality
- Stomatal function impaired by dust levels below regulatory thresholds
- Export quality standards more stringent than environmental dust regulations

D. Milos Island Study Shows Real-World Impacts:

- Despite regulations and monitoring, Greek communities near bentonite mining suffered documented health impacts
- Compliance with dust standards doesn't prevent respiratory disease
- Our peer-reviewed evidence trumps theoretical monitoring programs

E. Mining Operations = Continuous Dust:

- Prospecting creates temporary dust during drilling
- Mining operations create continuous dust from excavation, transport, processing
- 24/7 operations mean 24/7 dust exposure
- No "same day rehabilitation" for mining activities

CONCLUSION ON DUST: Reactive monitoring program is inadequate protection. Milos Island study proves that even with regulations, bentonite mining causes respiratory disease in adjacent communities.

8. ROAD INFRASTRUCTURE - REPEATED "TWO TRIPS" CLAIM LACKS CREDIBILITY

EAP Claims: Repeats "two trips per day" claim with "negligible" impact.

Our Response:

This response is identical to previous claims and remains unconvincing:

A. Drilling Operations Reality:

- Equipment transport requires heavy vehicles
- Crew transport, supplies, water, fuel deliveries
- Emergency/maintenance vehicles
- Geological sample transport

B. No Commitment to Road Maintenance:

- EAP claims no municipality requirements provided
- Does not commit IMERYYS to road repair or maintenance
- Our farm bears cost of road damage from industrial operations

C. Mining Phase Completely Different:

- Continuous material transport to Heidelberg processing facility
- Multiple daily truck loads for economically viable operation
- Years of heavy vehicle traffic, not temporary prospecting

CONCLUSION ON ROADS: "Two trips per day" claim lacks credibility and avoids addressing mining-phase traffic impact.

9. INVESTMENT DEPRECIATION - EAP SHOWS FUNDAMENTAL MISUNDERSTANDING

EAP Claims: "Will not lead to depreciation" due to temporary nature and mitigation.

Our Response:

A. EAP Appears to Confuse Parties:

- EAP states "depreciation of investment made by the applicant in mixed macadamia and citrus orchards"
- This is OUR investment, not the applicant's
- Does EAP even understand whose property contains the orchards?
- This error suggests inadequate site assessment and confusion about affected parties

B. Property Value Impact is Immediate:

- Mining rights on adjacent property immediately affect property values
- Agricultural banks reduce lending near mining operations
- Potential buyers avoid properties near mining activities
- This is basic property economics that EAP ignores

C. Agricultural Certification Risks:

- Export markets, organic certification, sustainable agriculture standards
- Adjacent industrial operations may disqualify us from premium markets
- Economic model based on premium product quality

D. Long-Term Agricultural Investment:

- Our business plan spans 30+ years
- "Temporary prospecting" doesn't eliminate mining threat
- Once prospecting confirms deposits, mining pressure continues for decades

CONCLUSION ON INVESTMENT: EAP's confusion about whose property contains orchards raises serious questions about assessment quality.

10. OPERATIONAL COSTS - EAP'S "NOT EXPECTED" PROVIDES NO GUARANTEE

EAP Claims: Prospecting "not expected" to require protective measures by adjacent landowners.

Our Response:

A. "Not Expected" is Not "Guaranteed":

- No commitment to compensate for protective measures we may need
- No insurance or bond for agricultural damage
- "Not expected" is opinion, not enforceable commitment

B. We Will Require Protective Measures:

- Additional irrigation if dust damages trees
- Protective netting or barriers
- Water quality testing and treatment
- Enhanced pest management (dust harbors pests)
- Crop monitoring and documentation

C. Who Bears the Cost?:

- EAP provides no mechanism for compensation
- Our agricultural business absorbs all protective costs
- Mining company profits while we bear defensive expenses

CONCLUSION ON COSTS: We will incur additional operational costs, and EAP provides no protection or compensation mechanism.

11. RESIDENTIAL DISRUPTION - REPEATS INADEQUATE NOISE RESPONSE

EAP Claims: Repeats 8h00-17h00 hours and 45 dBA standards.

Our Response:

See detailed response under "Noise Pollution" above. Additionally:

A. Residential Quality of Life:

- Our dwelling units are homes, not just noise monitoring stations
- Industrial operations fundamentally change residential character
- Family life, agricultural management, property enjoyment all affected

B. 8h00-17h00 May Not Apply to Mining:

- This is prospecting hours claim only

- Mining operations economics require longer operating hours
- No commitment provided for mining-phase hours

CONCLUSION ON RESIDENTIAL IMPACT: Compliance with minimum standards doesn't protect residential quality of life and property amenities.

CRITICAL OMISSIONS IN EAP RESPONSE

The Environmental Practitioner's response completely fails to address our most serious concerns:

6. HEALTH RISKS - EAP'S OCCUPATIONAL HYGIENE REPORT IS IRRELEVANT TO COMMUNITY EXPOSURE

EAP Response: References Appendix G6 showing geologist assistant exposure of 0.04 (below 0.5 AGI limit) during prospecting.

Our Response:

THE EAP FUNDAMENTALLY MISUNDERSTANDS OUR HEALTH CONCERNS:

A. Occupational vs. Community Exposure:

- EAP provides worker exposure data wearing protective equipment during 8-hour shifts
- My family and workers face 24/7 environmental exposure without protective equipment
- Residential exposure standards are different from occupational exposure limits
- Children, elderly, and pregnant women face higher risks than healthy adult workers

B. Prospecting vs. Mining Exposure:

- Report measures geologist during limited prospecting drilling
- Mining operations create massive dust from excavation, crushing, screening, loading, transport
- Continuous 24/7 operations vs. temporary drilling measurements
- Completely different exposure scenarios

C. Milos Island Study Ignored:

- We provided peer-reviewed research showing COMMUNITY health impacts near bentonite mining
- Statistically significant elevated rates of allergic rhinitis, pneumonia, COPD, bronchiectasis, asthma
- These are community populations, not workers with protective equipment
- Greek study shows REAL WORLD impacts, not theoretical compliance measurements

D. AGI Limit May Not Protect Chronic Exposure:

- Occupational limits designed for healthy adult workers in 8-hour shifts
- Residential exposure is continuous (24/7) over years
- Cumulative exposure causes health effects even below instantaneous limits
- Vulnerable populations (children, elderly) need stricter protection

E. Distance and Duration Matter:

- Worker measurements taken during active drilling activity
- Community exposure includes ambient dust, transport activities, processing
- Dust travels beyond immediate work area
- Long-term chronic exposure vs. short-term occupational exposure

F. Types of Dust Differ:

- Worker exposure during drilling (wet drilling may suppress dust)
- Community exposure from dry mining operations, stockpiles, transport, wind-blown dust
- Different particle sizes and exposure routes

G. No Community Health Monitoring Proposed:

- EAP provides worker monitoring plan
- No baseline health assessment for adjacent residents
- No ongoing community health surveillance
- How will health impacts on my family and the local community be detected and addressed?

CRITICAL POINT: Showing that workers wearing protective equipment during limited prospecting drilling have low exposure DOES NOT prove that my family living adjacent to 24/7 mining operations will be safe.

The Milos Island Study Evidence:

- Real community exposure near bentonite mining
- Documented statistically significant health impacts
- Peer-reviewed scientific research
- Directly applicable to our situation

This trumps theoretical occupational hygiene measurements.

CONCLUSION ON HEALTH: EAP's occupational hygiene report is irrelevant to community health protection. Milos Island study proves bentonite mining causes respiratory disease in adjacent communities regardless of worker exposure compliance.

2. CAPENATURE OPPOSITION - CRITICAL ISSUE REQUIRING VERIFICATION

EAP Claims: "CapeNature is satisfied that concerns have been adequately addressed and does not object to the revised prospecting proposal."

Our Response:

THIS IS A CRITICAL DEVELOPMENT THAT REQUIRES IMMEDIATE VERIFICATION:

A. Request for Documentation:

- We request copies of ALL correspondence between CapeNature and the EAP
- Specifically, CapeNature's written statement that they "do not object"
- Timeline of when this position changed from opposition to no objection
- What specific changes were made to address CapeNature's concerns

B. "Revised Prospecting Proposal" Raises Questions:

- What was revised? Original proposal vs. current proposal?
- Were we consulted on revisions that affect our property?
- Does "upslope of public road" adequately protect the wetland?
- Have buffer zones been increased? By how much?

C. Prospecting vs. Mining Distinction:

- EAP admits: "Should a mining proposal be pursued... impacts on the Goukou/Kruis River wetland system will be evaluated separately"
- So CapeNature may not object to limited prospecting, but mining impacts remain unassessed
- This proves prospecting approval doesn't indicate mining acceptability
- Wetland protection concerns remain valid for mining phase

D. Aquiclude vs. Aquifer Claim:

- Groundwater specialist claims "aquiclude rather than aquifer"
- Does this apply to entire area or just prospecting zone?
- Mining operations go deeper than prospecting - different geological layers
- Water table threats remain for mining operations

E. 100m and 300m Buffers:

- Are these buffers adequate for mining operations?
- Prospecting drilling vs. open pit mining have vastly different impact zones

- Groundwater contamination, runoff, dust travel beyond these distances
- Our property is within affected zone regardless of buffers from wetland

F. CapeNature's Institutional Position:

- We were informed CapeNature opposed this application
- Has CapeNature's institutional position truly changed, or just for this revised prospecting scope?
- We request direct communication from CapeNature confirming their current position
- One division or officer's view may not represent full institutional position

CRITICAL POINT: Even if CapeNature doesn't object to limited prospecting with buffers, this doesn't address:

- Mining phase impacts (explicitly to be assessed separately)
- Cumulative impacts on surrounding properties
- Health risks to adjacent residents
- Agricultural impacts beyond wetland zone
- Our constitutional rights to health and safe environment

CONCLUSION ON CAPENATURE: If CapeNature's opposition has been withdrawn for revised prospecting proposal, we need full documentation. However, their acceptance of prospecting doesn't indicate mining acceptability or address impacts on our property.

3. LANDOWNER OPPOSITION - SERIOUS DISCREPANCY REQUIRING RESOLUTION

EAP Claims: Landowner consent signed 09/02/2024; meeting held 14/10/2025; landowner's rights "not ignored."

Our Response:

THIS IS A CRITICAL FACTUAL DISPUTE:

A. Conflicting Information:

- We were informed by Mr. Gert Janse van Rensburg that he opposes mining on his property
- EAP claims signed consent dated 09/02/2024
- EAP indicates consent is "now indicated as withdrawn" in Appendix C
- Meeting held 14/10/2025 after our objection raised this issue

B. Status of Landowner Consent - URGENT CLARIFICATION REQUIRED:

- Has the landowner's consent been withdrawn or not?
- EAP states consent is "now indicated as withdrawn" - what does this mean?
- If consent withdrawn, does application have legal standing?

- What was outcome of 14/10/2025 meeting?

C. Timeline Raises Questions:

- Original consent: 09/02/2024
- Our objection mentioning landowner opposition: 02/10/2025
- Meeting with landowner: 14/10/2025 (12 days after our objection)
- Was landowner pressured to maintain consent after we raised this issue?

D. Landowner's Current Position:

- We request Mr. Janse van Rensburg's written statement of his current position
- Did he voluntarily sign consent in February 2024 with full understanding of implications?
- Has his position changed since learning more about mining impacts?
- Was he fully informed of health risks, wetland threats, and community opposition?

E. Landowner Communication:

- EAP claims landowner "did not provide any form of objection or comments to the EAP"
- However, he communicated his opposition to us as adjacent neighbor
- Why didn't he communicate directly to EAP if he opposed the mining?
- Was he aware of proper channels to withdraw consent?

F. Legal Implications:

- If landowner has withdrawn consent, can prospecting proceed on his property?
- MPRDA provisions regarding landowner rights and access
- Forced access to unwilling landowner's property raises legal and ethical concerns

CRITICAL REQUEST:

1. Provide full Appendix C showing landowner consent status
2. Provide minutes of 14/10/2025 meeting
3. Provide landowner's current written statement on his position
4. Clarify legal standing of application if consent withdrawn

OUR POSITION: If Mr. Janse van Rensburg opposes mining on his property (as he indicated to us), then forcing prospecting and eventual mining on an unwilling landowner is ethically wrong and legally questionable, regardless of MPRDA provisions.

4. FARMER PETITION - NO RESPONSE

Community Opposition: Multiple local farmers signed petition opposing this application.

EAP Response: No acknowledgment of widespread agricultural community opposition.

This Indicates Inadequate Consultation:

- Demonstrates failure to engage with interested and affected parties
- Ignores collective agricultural expertise and local knowledge
- Shows application lacks social license to operate

5. ALTERNATIVE SITES - EAP CONFIRMS ALTERNATIVES EXIST

EAP States: "The applicant has submitted prospecting right applications for other potential prospecting properties within the Heidelberg and Riversdale areas."

Our Response:

THE EAP'S OWN STATEMENT PROVES OUR POINT:

A. Multiple Sites Confirms Alternatives Available:

- IMERYYS has submitted applications for OTHER properties
- This proves bentonite prospecting is possible at alternative locations
- Confirms our argument that this site is not uniquely necessary

B. Why Choose This Site?:

- If multiple sites available, why select site with:
 - Adjacent sensitive wetland (despite buffers)
 - Established agricultural operations (our 100-hectare orchard)
 - Residential dwellings with visual impact
 - Property owner who opposes mining (disputed)
 - Multiple farmers objections (petition)
 - Adjacent neighbor with documented health concerns

C. Environmental Best Practice Requires Site Selection Optimization:

- NEMA principles require avoiding environmentally sensitive areas
- With multiple sites available, choose site with LEAST impact
- This site has most opposition, most environmental sensitivity, most agricultural value

D. EAP's "Low/Negligible Significance" Claim:

- EAP claims impacts "can be mitigated to a low/negligible significance"
- This assumes perfect mitigation compliance (unrealistic)
- Doesn't account for cumulative impacts of multiple applications
- Ignores mining-phase impacts that prospecting enables

E. Cumulative Regional Impact:

- IMERYYS pursuing multiple prospecting applications simultaneously
- What is cumulative impact of multiple bentonite operations in region?
- Regional environmental carrying capacity must be considered
- Agricultural community faces multiple threats, not just this one site

F. Regulatory Approach:

- DMRE should compare a IMERYYS applications
- Approve applications with least environmental and social impact
- Refuse applications where opposition is strongest and alternatives exist

CONCLUSION ON ALTERNATIVES: The EAP's admission that IMERYYS has submitted applications for multiple sites proves alternatives exist. This site should be refused in favor of less contentious locations.

6. FUTILITY OF PROSPECTING - IGNORED

Our Argument: If mining impacts are unacceptable, why approve prospecting that leads nowhere?

EAP Response: No engagement with regulatory efficiency argument.

This Logic Cannot Be Dismissed:

- Precautionary principle supports refusing prospecting for unsuitable mining sites
- Prevents wasteful expenditure on this project that cannot proceed to mining
- Protects community from years of uncertainty and anxiety

7. AGRICULTURAL SCIENCE - NOT ADDRESSED

Our Evidence: Detailed scientific explanation of dust impacts on:

- Stomatal blockage
- Photosynthesis impairment
- Transpiration disruption
- Carbon assimilation reduction

EAP Response: No acknowledgment of plant physiological impacts.

This Shows Inadequate Agricultural Impact Assessment:

- Demonstrates lack of agricultural expertise in EAP team
- Ignores documented scientific impacts on tree crops
- Fails to assess long-term agricultural productivity impacts

7. CONSTITUTIONAL RIGHTS - OCCUPATIONAL HYGIENE DATA DOESN'T ADDRESS CONSTITUTIONAL OBLIGATIONS

EAP Response: Repeats reference to Occupational Hygiene Survey.

Our Response:

A. Government's Constitutional Duty to Protect Citizens:

The South African Constitution imposes non-negotiable duties on government, including the DMRE:

Section 24 - Environmental Rights: "Everyone has the right— (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (i) promote conservation; and (i) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."

The DMRE's Constitutional Obligations:

- **Duty to Prevent Harm:** Must prevent environmental conditions harmful to health, not merely mitigate after harm occurs
- **Precautionary Approach:** When scientific evidence shows health risks (Milos Island study), government must act preventively
- **Burden of Proof:** When harm is foreseeable, government cannot approve activities that may cause that harm
- **Protection of Vulnerable Groups:** Special duty to protect children, elderly, and those with existing health conditions

B. Section 25 - Property Rights:

"(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property."

Property Rights Protection:

- Our R60 000 000 agricultural investment in 100-hectare orchard development is constitutionally protected property
- Adjacent mining operations cause property depreciation - this is effective deprivation of property value
- Government has duty to protect property rights, not facilitate their destruction
- While MPRDA grants mineral rights, it cannot arbitrarily deprive surface property owners of property use and value

C. Government's Duty of Care Under Common Law:

Beyond constitutional obligations, government owes citizens a duty of care:

Negligence Principles:

- Government must exercise reasonable care in regulatory decisions
- Approving activities with foreseeable harmful consequences breaches duty of care
- Milos Island study makes harm foreseeable - government cannot claim ignorance
- Failure to protect citizens from known risks is actionable negligence

D. Administrative Justice Act (PAJA):

The Promotion of Administrative Justice Act requires:

- **Lawful decisions:** Must comply with constitutional obligations
- **Reasonable decisions:** Must be rationally connected to evidence
- **Procedurally fair decisions:** Must properly consider objections and evidence
- **Decisions in public interest:** Must balance economic interests against health and property protection

Approving this application would violate PAJA because:

- Ignores scientific evidence of health risks
- Dismisses property depreciation impacts
- Fails to properly weigh public health against mining company profits
- Inadequately considers alternative sites with less impact

E. Specific Government Duties in This Case:

1. Duty to Protect Health:

- Peer-reviewed research proves bentonite mining causes respiratory disease
- Government cannot approve activity with documented health risks
- Worker safety measurements don't fulfill duty to protect adjacent residents
- My family's and the community's constitutional right to health trumps mining company's economic interests

2. Duty to Protect Property:

- Our 2022 agricultural investment faces immediate depreciation
- Property values decline when adjacent mining approved
- Government must protect productive agricultural land

- Food security concerns - should preserve agricultural operations over extractive industries

3. Duty to Protect Environment:

- Goukou/Kruis River palmiet peat wetland is irreplaceable ecosystem
- Even with buffers, mining poses contamination risks
- Government duty to "prevent pollution and ecological degradation"
- Precautionary principle requires refusing activities that risk sensitive ecosystems

4. Duty to Consider Alternatives:

- NEMA requires consideration of alternatives
- EAP confirms IMERYYS has multiple prospecting applications
- Government must direct mining to least sensitive locations
- Approving most contentious site when alternatives exist breaches duty to minimize harm

5. Duty to Future Generations:

- Section 24 explicitly mentions "present and future generations"
- Short-term mining profits vs. long-term agricultural productivity
- Wetland protection for future generations
- Once mined, agricultural land and wetland ecosystems cannot be restored

F. Constitutional Framework Ignored by EAP:

The EAP's response completely fails to engage with constitutional framework:

- No acknowledgment of Section 24 environmental rights
- No consideration of Section 25 property rights
- No engagement with government's duty of care
- No application of precautionary principle
- No balancing of rights: health and property vs. mining profits

G. DMRE Cannot Delegate Constitutional Duties:

- DMRE cannot rely on EMP compliance to fulfill constitutional duties
- Private mining company's mitigation plans don't substitute for government protection
- Constitutional obligations are non-delegable - government remains responsible
- If IMERYYS violates EMP, government bears constitutional liability for approving harmful activity

H. Judicial Review:

If DMRE approves this application despite:

- Scientific evidence of health risks (Milos Island study)
- Constitutional rights to health and property protection
- Availability of alternative sites
- Community opposition including property owner
- Sensitive wetland proximity

Such approval would be reviewable under PAJA as:

- **Unlawful:** Violates Section 24 constitutional rights
- **Unreasonable:** Ignores scientific evidence and alternatives
- **Procedurally Unfair:** Dismisses substantive objections
- **Not in Public Interest:** Prioritizes private profit over public health

I. International Law Obligations:

South Africa is signatory to international environmental agreements requiring:

- Precautionary principle in environmental decision-making
- Protection of wetlands (Ramsar Convention principles)
- Right to health (International Covenant on Economic, Social and Cultural Rights)
- Environmental impact assessment (Rio Declaration principles)

Approving this application would contradict international obligations.

J. Government Accountability:

The DMRE decision-makers must understand

- They are personally accountable for constitutional compliance
- Approving harmful activities despite evidence creates liability
- Public officials cannot hide behind "EMP compliance" when constitutional duties breached
- Courts increasingly hold government accountable for inadequate environmental protection

CONCLUSION ON CONSTITUTIONAL DUTIES:

The Government of South Africa, through the DMRE, has constitutional and legal duties to:

- ✓ **Protect Health:** Section 24 right to environment not harmful to health
- ✓ **Protect Property:** Section 25 protection from arbitrary property deprivation

- ✓ **Prevent Harm:** Precautionary principle when scientific evidence shows risks
- ✓ **Consider Alternatives:** Choose least harmful sites when alternatives exist
- ✓ **Protect Environment:** Special duty for sensitive ecosystems like wetlands
- ✓ **Protect Future Generations:** Long-term thinking beyond short-term mining profits
- ✓ **Exercise Duty of Care:** Reasonable decision-making based on evidence
- ✓ **Administrative Justice:** Lawful, reasonable, procedurally fair decisions

Occupational hygiene data for workers does NOT fulfill these constitutional obligations to adjacent residents.

The Milos Island study proves that communities living near bentonite mining suffer documented health impacts. The DMRE cannot approve this application while claiming to fulfill its constitutional duty to protect citizens' health, property, and environmental rights.

THE FUNDAMENTAL FLAW: PROSPECTING VS. MINING ASSESSMENT

The EAP's entire response strategy is to minimize prospecting impacts while completely avoiding assessment of mining impacts. This is fundamentally dishonest because:

1. **Prospecting Purpose:** The sole purpose of prospecting is to enable mining - prospecting has no value except as gateway to mining
 2. **Inevitable Progression:** If viable bentonite deposits are confirmed, IMERYYS will apply for mining rights
 3. **Real Impacts Come from Mining:**
 - 24/7 operations generating continuous dust
 - Heavy daily truck traffic to Heidelberg
 - Contaminated water runoff
 - Visual and noise pollution
 - Health risks from chronic exposure
 4. **EAP's Deceptive Strategy:** By focusing only on "temporary prospecting," the EAP avoids assessing the real impacts that prospecting enables
 5. **Regulatory Inefficiency:** Approving prospecting now means another application process, public participation, and objections later - wasting everyone's resources
 6. **Precautionary Principle:** When mining impacts are clearly unacceptable, prospecting should be refused to prevent predictable future harm
-

CRITICAL INFORMATION - SECOND ADJACENT MINING APPLICATION

CUMULATIVE IMPACT CATASTROPHE

Since submitting our original objection, we are forced to mention that IMERYS has submitted a SECOND mining application directly adjacent to our property:

Second Application Details:

- **Title:** Environmental Impact Assessment Report for Proposed Bentonite and Zeolite Mining Activities
- **Location:** Farm Zeekoekruis 651, Riversdale, Western Cape
- **Position:** South-east of our farm

This Creates Encirclement:

- **Wegwyzers Rivier RE/582 (THIS application):** North-east of our farm
- **Zeekoekruis 651:** South-east of our farm
- **OUR FARM WILL BE COMPLETELY SURROUNDED BY MINING OPERATIONS FROM TWO DIRECTIONS**

This fundamentally changes the impact assessment and creates grounds for immediate suspension of BOTH applications.

NEMA VIOLATION - CUMULATIVE IMPACT ASSESSMENT REQUIRED

Legal Requirement - NEMA Section 2(4)(i): "Environmental management must... take into account... **the cumulative effect of activities**"

The Fatal Flaw:

Each application has been assessed in isolation:

- Wegwyzers Rivier application (THIS application) assesses impacts as if it's the only operation
- Zeekoekruis 651 application presumably does the same
- **NO assessment of COMBINED impacts on our property**
- **This violates NEMA's explicit statutory requirement**

What Proper Cumulative Assessment Must Include:

- ✓ Combined dust modeling from BOTH operations impacting our property
- ✓ Combined traffic analysis - both operations using same roads
- ✓ Combined noise assessment from multi-directional sources
- ✓ Combined water contamination from multiple drilling/mining sites
- ✓ Combined health risk assessment for residential populations exposed from two sides
- ✓ Combined visual impact - property surrounded by mining in multiple directions
- ✓ Assessment of agricultural operations encircled by mining

- ✓ Property value impact of complete mining encirclement
- ✓ Regional environmental carrying capacity analysis

NONE of this legally required assessment has been conducted.

Legal Consequences:

1. **Automatic Grounds for Refusal:** Applications violating NEMA cannot be approved
2. **Judicial Review:** Approval without cumulative assessment subject to court challenge under PAJA
3. **Constitutional Violation:** Approving without proper assessment violates Section 24 environmental rights
4. **Administrative Illegality:** Decision-making process fundamentally flawed

IMERYS's Apparent Strategy:

- Fragment operations into separate applications
- Assess each individually claiming "low impact"
- Avoid revealing catastrophic combined impacts
- Regulatory gaming to circumvent NEMA requirements
- Target our property from multiple directions

DMRE's Legal Obligation:

The DMRE **cannot legally approve** either application without:

1. **Suspending BOTH applications** immediately
2. **Requiring comprehensive combined impact assessment**
3. **Coordinating decision-making** - cannot decide separately when cumulative
4. **Assessing alternatives** that don't encircle agricultural properties

CATASTROPHIC CUMULATIVE HEALTH IMPACTS

Our Evidence - Single Operation:

We provided peer-reviewed Milos Island study proving communities near Bentonite Mining suffer:

- Allergic rhinitis, pneumonia, COPD, bronchiectasis, asthma
- Pneumoconiosis and silicosis
- Pulmonary carcinoma risk
- Oxidative cellular damage

EAP dismissed this with occupational hygiene data for workers - inadequate response to community health concerns.

But Now - TWO Operations:

A. Multi-Directional Continuous Exposure:

- Dust from north-east (Wegwyzers Rivier - THIS application)
- Dust from south-east (Zeekoekruis 651) – Access road a few meters from Orchard
- **No escape direction** - surrounded from both sides
- Wind from ANY direction brings dust from one operation or the other
- **24/7 exposure with zero respite periods**

B. Exponentially Increased Risk:

- Milos Island study shows health impacts from ONE operation
- TWO operations = cumulative exposure from multiple simultaneous sources
- Respiratory disease risk doesn't add - it **multiplies** with increased exposure
- Our family faces double or triple dust concentration

C. Vulnerable Populations at Extreme Risk:

- Children in our household
- Elderly family members
- Farm workers spending full days outdoors
- All face continuous multi-directional bentonite dust exposure
- Constitutional Section 24 right to health violated by cumulative exposure

D. Worker Occupational Crisis:

- Farm workers exposed to dust from BOTH operations simultaneously
- No occupational standards for multi-source mining exposure
- We face liability for worker health impacts from surrounding mining
- How do we protect workers from dust coming from two directions?

E. No Community Health Monitoring:

- IMERYS monitors worker exposure at each site individually
- **ZERO monitoring** of residential/community exposure from combined sources
- No baseline health assessment before operations

- No ongoing surveillance for families surrounded by mining
- No compensation mechanism when health damage occurs

CRITICAL HEALTH QUESTION THE EAP CANNOT ANSWER:

If ONE bentonite operation causes documented respiratory disease (Milos Island study), what happens to families exposed to TWO operations simultaneously from multiple directions?

The EAP's occupational hygiene report for workers at one site is completely irrelevant to this cumulative community health crisis.

Government's Constitutional Duty:

The DMRE has constitutional obligation under Section 24 to answer this question and protect our family's and community's health BEFORE approving applications - not discover the answer after our children develop respiratory disease.

CATASTROPHIC CUMULATIVE AGRICULTURAL IMPACTS

EAP's Response to Single Operation:

EAP dismissed our agricultural concerns, claiming "same day rehabilitation" and "temporary" prospecting means "no significant impact."

This Ignores Plant Science AND Ignores Second Operation:

A. Scientific Reality - Dust Damages Trees:

We provided detailed scientific explanation:

- Stomatal blockage preventing gas exchange
- Photosynthesis impairment reducing productivity
- Transpiration disruption affecting water/nutrient transport
- Carbon assimilation reduction decreasing growth
- Physical leaf damage and increased disease susceptibility

EAP provided NO response to this plant science.

B. Cumulative Agricultural Destruction:

With TWO operations surrounding our 100-hectare orchard:

Multi-Directional Dust Coverage:

- Dust settling from north-east operation
- Dust settling from south-east operation

Entire orchard exposed from multiple sources

- Wind from ANY direction brings dust
- **No protected areas** on our property

Exponential Tree Damage:

- Single operation dust load already harmful to sensitive crops
- TWO operations = double or triple dust accumulation on leaves
- Stomatal blockage severity multiplies
- Photosynthesis reduction accelerates
- Tree mortality risk increases exponentially

Fruit Quality Destruction:

- Dust particles from two sources contaminate fruit surfaces
- Export quality standards impossible to meet
- Premium markets reject contaminated fruit
- Organic/sustainable certification impossible
- Business model destroyed

Irrigation Water Contamination:

- Runoff from north-east mining (THIS application)
- Runoff from south-east mining (Zeekoeekruis)
- **Combined contamination** affects our irrigation water
- Soil degradation from multiple pollution sources
- Long-term agricultural viability destroyed

Economic Impossibility:

- R60 000 000 invested in 2022 farm and orchard development
- 7-10 years for macadamias to reach full production
- 5-7 years for optimal citrus yields
- Investment destroyed before reaching economic return
- **How do we protect 100 hectares of trees from dust coming from TWO directions?**

The answer: We cannot.

EAP's "Same Day Rehabilitation" Response is Irrelevant:

- Applies only to prospecting boreholes, not mining operations
- Doesn't address dust from drilling activities
- Completely ignores cumulative dust from TWO operations
- Doesn't address inevitable mining phase that prospecting enables
- Shows fundamental misunderstanding of agricultural impacts

AGRICULTURAL QUESTION:

Can a 100-hectare premium fruit orchard survive when surrounded by mining operations from two directions generating continuous dust exposure?

Every agricultural expert would answer: NO.

Yet EAP claims "no significant impact" while ignoring the second operation entirely.

CATASTROPHIC CUMULATIVE PROPERTY VALUE DESTRUCTION

EAP's Response Proves Our Point:

The 14 October 2025 meeting minutes document **exactly what we warned about:**

Mr. Gert Janse van Rensburg (property owner of THIS application site):

- Signed consent February 2024
- **Formally withdrew consent October 2025**
- **Reason:** Potential buyer will **WITHDRAW THEIR OFFER** if prospecting rights granted
- Buyer refuses to purchase property with mining rights
- Buyer refuses even to be contacted by mining company

THIS PROVES:

- ONE adjacent mining operation makes agricultural property unsaleable
- Real buyer making real economic decision
- Market recognizes: mining rights = property value destruction
- Sophisticated buyers avoid mining-affected properties entirely

Now Consider TWO Operations:

Our Property Completely Surrounded:

- Mining north-east (THIS application)
- Mining south-east (Zeekoekruis)

- **If property WITH mining becomes unsaleable (as buyer proved)**
- **What happens to property SURROUNDED by mining from two sides?**

Complete Property Value Destruction:

- Unmarketable - no buyer would purchase
- Cannot sell to recover our R60 000 000 investment
- Cannot refinance - banks avoid mining-affected properties
- **Financially trapped** in property made worthless by surrounding mining

Constitutional Section 25 Property Rights Violation:

"No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property."

Cumulative mining encirclement = arbitrary property deprivation:

- Our property value destroyed
- Cannot sell, cannot use for agriculture, cannot live in
- No compensation mechanism
- MPRDA cannot be used to destroy property rights without compensation

EAP Claimed "No Investment Depreciation":

The landowner's buyer withdrawal **completely refutes** EAP's claim. Market reality proves:

- Mining rights destroy property values
- Buyers refuse mining-affected properties
- Our adjacent property faces even worse impact
- TWO operations = total property value destruction

CATASTROPHIC CUMULATIVE RESIDENTIAL IMPACTS

EAP's Response on Noise:

EAP claims 8h00-17h00 hours with 45 dBA compliance means "low significance."

This Ignores:

1. Contradiction with our information about 24/7 operations
2. Mining phase operations (prospecting is just gateway)

3. The SECOND operation creating cumulative noise

Cumulative Residential Destruction:

Multi-Directional Noise Pollution:

- Mining equipment noise from north-east (THIS application)
- Mining equipment noise from south-east (Zeekoekruis)
- **No quiet area anywhere on our property**
- Surrounded by industrial noise from two directions
- Even if each complies with 45 dBA individually, **combined exceeds standards**
- Residential living impossible

Multi-Directional Visual Pollution:

- Both dwelling units have sight lines to BOTH mining sites
- North-east: Wegwyzers Rivier operations visible
- South-east: Zeekoekruis operations visible
- **Complete destruction of rural agricultural landscape**
- Industrial operations visible in all directions
- Open pit mining, waste stockpiles, processing facilities, lighting
- Property becomes uninhabitable

Safety Hazards:

- Heavy mining traffic from TWO directions
- Converging on our property and roads
- Safety risk for our family, especially children
- Dangerous interactions with agricultural operations

Quality of Life Destruction:

- Invested in rural agricultural property for family and farming
 - Now face industrial environment from multiple directions
 - Cannot raise family in healthy environment
 - Stress and anxiety from mining encirclement
 - **Where do we go?** Property unsaleable, cannot relocate
-

CATASTROPHIC CUMULATIVE TRAFFIC IMPACTS

EAP's "Two Trips Per Day" Claim:

EAP repeatedly claims "negligible" traffic of "two trips per day" from THIS application.

This is Misleading for Single Operation AND Ignores Second Operation:

Reality for TWO Operations:

Double the Heavy Vehicle Traffic:

- "Two trips" from Wegwyzers Rivier (if even accurate)
- Plus traffic from Zeekoekruis operation
- **BOTH operations using same rural road network**
- Heavy drilling equipment transport
- Daily material transport to Heidelberg facility (from both sites)
- Supply trucks, crew transport, maintenance vehicles (×2)

Our Gravel Roads Not Designed for This:

- Rural agricultural roads
- Two operations = double the heavy vehicle damage
- Who pays for road repairs? Not mining companies - we do
- Safety hazards multiply with traffic from two directions

Community Infrastructure Destroyed:

- Other farms also use these roads
- Entire agricultural community affected by cumulative traffic
- Emergency services access compromised
- School transport endangered

EAP's Analysis Inadequate:

- Assessed single operation traffic only
- Ignored second operation entirely
- Ignored mining phase traffic (far more than prospecting)
- Ignored material transport to Heidelberg (continuous trucks)
- Municipality silence ≠ approval of cumulative impact

CATASTROPHIC CUMULATIVE WATER IMPACTS

EAP's Response on Water:

EAP claims "limited footprint" prospecting with "same day rehabilitation" means "very limited" water risks.

This Ignores Cumulative Water Contamination:

Multiple Contamination Sources:

- Drilling/prospecting at Wegwyzers Rivier (THIS application)
- Drilling/mining at Zeekoekuis
- **Runoff from BOTH sites** flows toward our property and shared water resources
- Combined contamination load doubles or triples

Shared Groundwater System:

- Multiple drilling operations affect same aquifer
- Contamination from either site affects all users
- Cumulative depletion from multiple abstractions
- Regional groundwater stressed by combined operations

Irrigation Water Quality:

- Our 100-hectare orchard requires pristine water
- Contamination from EITHER operation destroys agricultural water quality
- Combined contamination exceeds all agricultural standards
- Cannot irrigate with contaminated water = agricultural operations impossible

Wetland Threat Multiplied:

- Goukou/Kruis River palmiet peat wetland already sensitive
- CapeNature expressed concerns about single operation
- TWO operations exponentially increase wetland threat
- Cumulative runoff, contamination, groundwater impacts
- Irreversible ecosystem damage

No Cumulative Water Assessment:

- Each application assesses water individually

- NO combined groundwater modeling
- NO combined contamination assessment
- NO cumulative wetland impact analysis
- Violates basic hydrogeological assessment principles

EAP's "Same Day Rehabilitation" Irrelevant:

- Doesn't eliminate contamination risk during drilling
- Doesn't address cumulative impact from two operations
- Doesn't address mining phase water impacts
- Doesn't protect shared groundwater from multiple sources

GOVERNMENT'S HEIGHTENED DUTY WITH CUMULATIVE IMPACTS

We detailed government's constitutional duties in our original objection.

But Cumulative Impacts Create HEIGHTENED Obligations:

Section 24 - Environmental Rights:

Single operation health risks already violate right to safe environment.

TWO operations creating exponential cumulative health risks = SEVERE constitutional violation.

Government cannot claim: "Each operation individually acceptable, therefore both approved."

Cumulative harm requires cumulative assessment and refusal when combined impact unacceptable.

Section 25 - Property Rights:

Single operation devalues property (buyer withdrawal proves this).

TWO operations destroy property value entirely = arbitrary deprivation.

Government must protect property rights, not facilitate their cumulative destruction.

NEMA Obligations:

NEMA **explicitly requires** cumulative impact assessment (Section 2(4)(i)).

Approving applications separately without cumulative assessment is not just poor practice - it's ILLEGAL.

Precautionary Principle:

When scientific evidence shows health harm from ONE operation, and TWO operations create unknown exponential risks:

Precautionary principle REQUIRES refusal until cumulative safety proven - not approval hoping for the best.

Administrative Justice (PAJA):

Decisions must be:

- **Lawful:** Cumulative approval without cumulative assessment violates NEMA = unlawful
- **Reasonable:** Ignoring second operation in impact assessment = unreasonable
- **Procedurally Fair:** We weren't consulted on cumulative impact = unfair

Approving either application without proper cumulative assessment violates all three PAJA requirements.

REGULATORY GAMING AND DELIBERATE TARGETING

The Pattern is Clear:

IMERY'S Strategy:

1. Owns processing facility in Heidelberg
2. Submits multiple prospecting/mining applications in region
3. **TWO applications directly adjacent to our 100-hectare orchard**
4. Positions our property between two operations
5. Fragments applications to avoid cumulative assessment
6. Each claims "low impact" while ignoring combined catastrophe

This Cannot Be Coincidence:

- Why TWO sites adjacent to same agricultural operation?
- Why target property from multiple directions?
- Why proceed where strong opposition exists?
- Why continue when property owner withdrew consent?
- Why ignore alternative sites (which EAP confirmed exist)?

Appears Deliberate to:

- Force us out of agricultural production
- Devalue property so IMERY'S can acquire cheaply
- Circumvent NEMA cumulative assessment requirements
- Create facts on ground making refusal politically difficult

DMRE Must Not Enable This Strategy:

- Recognize regulatory gaming
 - Require proper cumulative assessment
 - Refuse applications that encircle established farms
 - Protect agricultural operations from mining encirclement
 - Enforce NEMA requirements, not rubber-stamp fragmented applications
-

WHY BOTH APPLICATIONS MUST BE SUSPENDED IMMEDIATELY

Legal Requirements:

1. **NEMA Compliance:** Cannot approve without cumulative assessment - law not optional
2. **Constitutional Duty:** Must protect health and property rights before approving, not after
3. **Administrative Justice:** Proper process requires cumulative evaluation when applications related
4. **Precautionary Principle:** Unknown cumulative risks require suspension until proven safe

Practical Reality:

1. **Cannot Assess Separately:** Impacts are cumulative - separate assessment meaningless
2. **Cannot Decide Sequentially:** Approving first creates pressure to approve second ("already one operation there")
3. **Must Coordinate:** Single comprehensive assessment of combined impacts required
4. **Must Consider Alternatives:** Both applications vs. alternative sites comparison needed

Evidence Requires It:

1. **Scientific Health Evidence:** Milos Island study + double exposure = severe risk
2. **Property Value Evidence:** Buyer withdrawal proves one operation destroys value, two operations catastrophic
3. **Agricultural Evidence:** Plant science shows dust harm, two sources = impossible to farm
4. **Community Opposition:** Property owner, neighbors, farmers all oppose
5. **Constitutional Rights:** Cumulative violations of Sections 24 & 25

Ethical Imperative:

Is it right for government to approve TWO mining operations that will:

- Surround agricultural family from two directions?
- Create documented cumulative health risks?

- Destroy property values without compensation?
- Force family out of home and livelihood?
- When alternative sites exist?
- Without proper cumulative assessment?

We submit: NO.

AMENDED REQUESTED RELIEF

Given knowledge of second adjacent application, we request the DMRE:

IMMEDIATE SUSPENSION:

1. **SUSPEND** THIS Wegwyzers Rivier RE/582 prospecting application (WC30/5/1/1/2/10507PR) immediately
2. **SUSPEND** the Zeekoekruis 651 mining application immediately
3. **SUSPEND** both pending proper legally-required cumulative impact assessment

CUMULATIVE ASSESSMENT REQUIREMENTS:

4. **REQUIRE** comprehensive cumulative impact assessment including:
 - Combined dust modeling from both operations impacting our property
 - Combined traffic analysis for both operations
 - Combined noise assessment from multi-directional sources
 - Combined water contamination and groundwater impacts
 - Combined health risk assessment for residential populations exposed from two sides
 - Combined visual impact assessment - property surrounded by mining
 - Assessment of agricultural operations encircled by mining from two directions
 - Property value impact of complete mining encirclement
 - Regional environmental carrying capacity analysis
 - Alternatives assessment - why these two sites vs. other options?
5. **COORDINATE** decision-making on both applications - cannot decide separately when cumulative
6. **PROVIDE** opportunity for public comment on cumulative impact assessment

ULTIMATE RELIEF:

7. **REFUSE BOTH APPLICATIONS** when proper cumulative assessment demonstrates unacceptable combined impacts on:

- Health (constitutional Section 24)
- Property rights (constitutional Section 25)
- Agricultural operations (R60 000 000 investment)
- Residential living (family homes)
- Environment (wetland, water resources)
- Community (agricultural sector, rural character)

8. **DIRECT IMERYYS** to alternative sites that:

- Do not surround established agricultural operations
- Have willing landowner consent
- Have community support
- Avoid sensitive environmental areas
- Do not create cumulative catastrophic impacts

1. CAPENATURE'S CURRENT POSITION

Request:

- Provide complete correspondence between CapeNature and EAP
- Provide CapeNature's final written position on this application
- Clarify: Does CapeNature's acceptance apply only to prospecting, or does it extend to mining?
- Provide groundwater specialist report referenced in EAP response
- Clarify adequacy of 100m and 300m buffers for mining operations

2. LANDOWNER CONSENT STATUS

Request:

- We acknowledge receipt of the 14/10/2025 meeting minutes documenting Mr. Janse van Rensburg's formal withdrawal of consent
- Clarify: Can prospecting legally proceed when landowner has withdrawn consent for legitimate economic reasons (loss of property sale)?
- Clarify: How will IMERYYS obtain property access when landowner opposes operations?
- Provide legal analysis of proceeding with withdrawn consent under MPRDA vs. Section 25 Constitutional property rights
- Explain how DMRE balances mining company interests vs. landowner property rights when consent withdrawn

3. OPERATING HOURS COMMITMENT

Request:

- Binding commitment that ALL operations (prospecting and any future mining) limited to 8h00-17h00, Monday-Friday
- Legal mechanisms to enforce hours restriction
- Penalties for violations
- Right of community to monitor and report violations

4. HEALTH MONITORING PROGRAM

Request:

- Baseline health assessment for my family and farm workers before any operations begin
- Ongoing community health surveillance program
- Independent medical monitoring, not company-controlled
- Clear protocols for health concerns and compensation

5. AGRICULTURAL IMPACT INSURANCE

Request:

- Performance bond or insurance covering agricultural damage
- Defined compensation mechanisms for crop damage, tree health impacts, property devaluation
- Independent agricultural expert to assess any claimed damages
- Advance agreement on compensation methodology

6. HEIDELBERG OPERATIONS TRACK RECORD

Request:

- Environmental compliance reports from Cape Bentonite Mine, Heidelberg
- Any violations, penalties, complaints from last 10 years
- Community feedback from Heidelberg area residents
- Health studies of Heidelberg community members

7. CUMULATIVE REGIONAL ASSESSMENT

Request:

- **URGENT:** Provide cumulative impact assessment for BOTH adjacent applications (Wegwyzers Rivier RE/582 AND Zeekoekruis 651)

- Map showing all IMERYYS prospecting applications in Heidelberg-Riversdale area
- Combined dust modeling from multiple operations impacting our property
- Combined traffic assessment for both operations using our roads
- Combined noise assessment from multi-directional sources
- Combined water contamination risk from multiple drilling/mining sites
- Combined health risk assessment for residential exposure from multiple bentonite operations
- Justification for approving multiple sites that will surround our established agricultural operation
- NEMA compliance: How does separate assessment of adjacent applications comply with cumulative impact requirements?

8. MILOS ISLAND STUDY RESPONSE

Request:

- Substantive response to peer-reviewed health research
- Why South African community health will differ from Greek experience
- Comparative analysis: occupational exposure vs. community exposure
- Health risk assessment specific to residential populations adjacent to mining

CONCLUSION

The Environmental Practitioner's responses are inadequate because they:

- 1. Focus on Prospecting While Ignoring Mining Reality:**
 - Minimal prospecting impacts don't address severe mining impacts
 - Prospecting is gateway to mining - full lifecycle must be assessed
 - "Evaluated separately" approach is inefficient and ignores cumulative impacts
- 2. Rely on Theoretical Mitigation Instead of Prevention:**
 - EMP compliance assumed but not guaranteed
 - South African enforcement record shows implementation gaps
 - Our family's health cannot depend on voluntary compliance
- 3. Dismiss Scientific Evidence:**
 - Milos Island study showing real community health impacts ignored
 - Occupational hygiene data irrelevant to residential exposure

- Agricultural science on dust impacts not addressed

4. **Fail to Address Constitutional Rights:**

- Section 24 right to health and safe environment
- Duty of care to prevent foreseeable harm
- Vulnerable populations (children, elderly) require special protection

5. **Avoid Core Question:**

- If mining impacts unacceptable, why approve prospecting?
- Alternative sites exist (EAP confirms)
- This site has most opposition, most sensitivity, most impacts
- Regulatory efficiency requires refusing unsuitable sites early

6. **Leave Critical Issues Unresolved:**

- CapeNature's exact position unclear
- Landowner consent status disputed
- Community health protection inadequate
- Compensation mechanisms absent

CRITICAL OUTSTANDING ISSUES:

Before any approval consideration, we require:

- Verification of CapeNature's current institutional position
- Clarification of landowner consent status
- Resolution of 24/7 vs. 8h00-17h00 operating hours discrepancy
- Substantive response to Milos Island health study
- Justification for this site when alternatives exist

MAINTAINED OBJECTION:

We maintain our strong objection to this application based on:

- ✓ **Scientific Evidence:** Peer-reviewed research proving health risks
- ✓ **Environmental Sensitivity:** Wetland proximity (even with buffers, mining impacts remain)
- ✓ **Agricultural Investment:** 100-hectare orchard faces depreciation and operational impacts
- ✓ **Community Opposition:** Property owner (disputed), adjacent neighbors, farmer petition
- ✓ **Alternative Sites:** IMERYYS has other applications - choose less contentious location
- ✓ **Constitutional Rights:** Health and safe environment protections
- ✓ **Regulatory Efficiency:** Refusing prospecting for site unsuitable for mining

THE FUNDAMENTAL QUESTION REMAINS UNANSWERED:

When scientific research proves health risks, when environmental authorities express concerns, when the property owner's position is disputed, when agricultural community opposes, when alternative sites exist, when our family's constitutional rights are at stake - **why should prospecting be approved at this particular location?**

The EAP has provided no compelling answer to this question.

We respectfully request that the DMRE refuse this application and direct IMERYYS to pursue prospecting at alternative locations with less environmental sensitivity, less community opposition, and less potential for harm.

Yours faithfully,



Date: 10 December 2025

ATTACHMENTS:

- Original objection letter with all supporting documentation
- Milos Island scientific study on bentonite mining health impacts
- Farmer petition opposing application

CC:

- Department of Mineral Resources and Energy (DMRE)
- Environmental Assessment Practitioner
- Imerys Refractory Minerals South Africa (Pty) Ltd
- Mr. Gert Janse van Rensburg (Property Owner) - requesting clarification of position
- CapeNature - requesting verification of current position
- Hessequa Municipality
- Department of Health (Western Cape)
- Department of Water and Sanitation
- All signatories of farmer petition