

SAND MINING OPERATIONS OF COLMON MINING ON FARM ARIS NO.29

Proof of Public Consultation



Assessed by:



Assessed for:

**COLMON
MINING CC**

August 2020

1 INTRODUCTION

Original public consultation for the environmental assessment for Colmon Mining's sand mining operations in the Usip River was conducted in 2015. This document combines extracts of all public consultation and comments and responses which were previously submitted for clearance application. All registered parties have been notified of the re-submission of the documents for environmental clearance application as requested by the Ministry of Environment, Forestry and Tourism.

APPENDIX D: Public Consultation

Notification Letter



TEL.: (+264-61) 257411 ♦ FAX.: (+264) 88626368

CELL.: (+264-81) 1220082

PO BOX 11073 ♦ WINDHOEK ♦ NAMIBIA

E-MAIL: gpt@thenamib.com

To: Potential Interested and Affected Party May 2015
Re: Environmental Impact Assessment: for the sand and stone mining operations of Colmon Mining CC and Kunene Building Supplies CC

Dear Sir/Madam

In terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (Government Notice No 30 of 2012), notice is hereby given to all potential interested and affected parties that an application will be made to the Environmental Commissioner for an environmental clearance for the following project.

Project: Sand and stone mining operations of Colmon Mining CC and Kunene Building Supplies CC

Proponent: Colmon Mining CC and Kunene Building Supplies CC

Environmental Assessment Practitioner: Geo Pollution Technologies (Pty) Ltd

Colmon Mining CC operate a sand mine in the Usib River on Farm Aris (No 29). Operations consist of the excavation of sand, loading onto tipper trucks and transport to clients. Kunene Building Supplies CC also operates a sand mine in the Usib River and also a stone quarry on the farm. Both sand and stone quarries have been in existence for many years.

Geo Pollution Technologies (Pty) Ltd has been appointed by the Proponents to conduct an Environmental Impact Assessment (EIA) for the mining operations. As part of the assessment we consult with interested and affected parties. You are hereby invited to share with Geo Pollution Technologies, any comments, issues or concerns related to the proposed project, for consideration in the EIA.

Please register as an interested or affected party or forward your inputs to:

E-mail: aris@thenamib.com

Fax: 088-62-6368.

Should you require any additional information please contact Geo Pollution Technologies at telephone 061-257411.

Comments should reach us by 5 June 2015.

Thank you in advance.

Sincerely,
 Geo Pollution Technologies

André Faul
 M.Sc. Conservation Ecology



Directors:

Page 1 of 2
 P. Botha (B.Sc. Hons. Hydrogeology) (Managing)

P. Botha

28/05/2015


Advertisements

The Namibian – 27 April 2015

THE NAMIBIAN
MONDAY 27 APRIL 2015 13

**PUBLIC PARTICIPATION NOTICE
ENVIRONMENTAL IMPACT ASSESSMENT
FOR THE SAND MINING AND STONE
QUARRYING OPERATIONS ON FARM ARIS
NO. 29**

Colmom Mining CC and Kunene Building Supplies CC intend to apply for Environmental Clearance Certificates for sand mining and stone quarrying activities on Farm Aris (No 29). Sand mining operations include the excavation of sand, screening and loading onto trucks for transport. Stone quarrying includes blasting, crushing, screening and loading onto trucks for transport.




To apply for an Environmental Clearance Certificate, Environmental Impact Assessments and Environmental Management Plans have to be submitted to the Ministry of Environment and Tourism of Namibia. Geo Pollution Technologies (Pty) Ltd has been appointed to undertake the assessment for the developments.

All Interested and Affected Parties are invited to register with the environmental consultant. Background information can be requested and any comments, issues or concerns related to the project communicated with Geo Pollution Technologies.

All comments and concerns must be submitted to Geo Pollution Technologies by 11 May 2015. For further information regarding the project and/or to register as an Interested and Affected Party, please contact:

Mr. André Faul
Geo Pollution Technologies (Pty) Ltd.
Telephone: +264-61-257411
Fax: +264-88626368
E-Mail: aris@thenamb.com



Purpose of the Job: To coordinate all day-to-day engineering functions of the Roads Authority, including performance reviews and reports to the Board and Stakeholders and to ensure compliance to technical, quality and management standards. The incumbent is responsible for enhancing efficiency and effectiveness of the Engineering Business Unit through the implementation of management and coordination of Strategic Business Objective in cooperation with divisional heads.

Key Performance Areas:

- Resources planning and management
- Stakeholders management
- Coordination of Engineering Strategic Business Performance
- Human capital capacity development
- Reviewing and reporting on projects, programmes and processes progress


Qualifications and Experience Required:

- Relevant B degree in Engineering, Business Management or Financial Management (NCF Level 7)
- Five (5) years working experience in the road construction or similar industry
- B code Driving Licence

Skills & knowledge requirement

- Ability to formulate / draft / document Standards, Policies, Processes, Operating Procedures, etc.
- Quality and Process Improvements for successful Customer Satisfaction
- Extremely visible role, high impact, must be able to interface at all levels within the organisation
- Experience in business administration
- Experience in technical / strategic management business fields related to the operations of Road Network Planning, Construction, Maintenance or Road Management Systems

Job content enquiries on the above positions can be directed to Ms R. Hanghuwo Tel: +264 61 284 7022.



Roads Authority, Private Bag 12030, Aussspanplatz, Windhoek, Namibia, www.ra.org.na

Die Republiekin – 27 April 2015

City of Windhoek
18 DIE MARK
Maandag 27 April 2015

City of Windhoek
Vision: To enhance the quality of life of all our people

PUBLIC NOTICE

**POWER OUTAGE IN
KLEIN WINDHOEK AREA**

The City of Windhoek periodically upgrades and maintains electrical substations, overhead lines, circuit breakers or underground cables to name but a few, in order to ensure efficient and effective service delivery. Such works, carried out under planned and scheduled maintenance may result in a power outage to an affected area.

The City of Windhoek would therefore like to inform its valued clients of a **power outage** on the **Maria Electrical Mini-Substation** in the **Klein Windhoek Area** on **Tuesday, 28th April 2015** where work for upgrading the min-substation will be carried out between **08h30 and 14h00**.

NB: Clients and Residents are cautioned that all electrical installations must be treated as "LIVE" at all times and during any power outage, as the City of Windhoek will restore power supply without prior notification.

Residents in the following areas are informed about the power outage and encouraged to implement precautionary measures:

- Maria Street
- Jeanette Street
- Gevers Street
- Ahrens Street

While apologizing for any inconvenience as a result of the temporary power outage, the City of Windhoek remains committed to delivering effective and efficient services, thereby enhancing the quality of life of all our people.

Issued by:

Office of the Chief Executive Officer
Corporate Communications, Marketing, Tourism and Customer Care
Tel: +264 61 290 2365 / 2044
Fax: +264 61 290 2344
E-mail: communication@windhoekcc.org.na

Enquiries:


Department of Electricity
Electricity Control Room
Senior Electrical System Controller
Tel: +264 61 290 2452/3/4
Fax: +264 61 290 2494
E-mail: Festus.Nuunyang@windhoekcc.org.na

LOSING CONTROL?
If you want to drink, that's your business.
If you want to stop, that's ours.
+264 61 222 477
+264 81 325 6144

AA ALCOHOLICS ANONYMOUS NAMIBIA

**PUBLIC PARTICIPATION NOTICE
ENVIRONMENTAL IMPACT ASSESSMENT
FOR THE SAND MINING AND STONE
QUARRYING OPERATIONS ON FARM ARIS
NO. 29**

Colmom Mining CC and Kunene Building Supplies CC intend to apply for Environmental Clearance Certificates for sand mining and stone quarrying activities on Farm Aris (No 29). Sand mining operations include the excavation of sand, screening and loading onto trucks for transport. Stone quarrying includes blasting, crushing, screening and loading onto trucks for transport.




To apply for an Environmental Clearance Certificate, Environmental Impact Assessments and Environmental Management Plans have to be submitted to the Ministry of Environment and Tourism of Namibia. Geo Pollution Technologies (Pty) Ltd has been appointed to undertake the assessment for the developments.

All Interested and Affected Parties are invited to register with the environmental consultant. Background information can be requested and any comments, issues or concerns related to the project communicated with Geo Pollution Technologies.

All comments and concerns must be submitted to Geo Pollution Technologies by 11 May 2015. For further information regarding the project and/or to register as an Interested and Affected Party, please contact:

Mr André Faul
Geo Pollution Technologies (Pty) Ltd.
Telephone: +264-61-257411
Fax: +264-88626368
E-Mail: aris@thenamb.com



Republiekin
Jou land. Jou taal. Jou koerant.

Nuus in Afrikaans

**24 uur
7 dae
'n week**

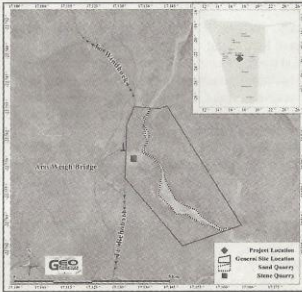
www.republiekin.com.na

The Namibian – 5 May 2015

2 TUESDAY 5 MAY 2015
INSIDE NEWS
THE NAMIBIAN

PUBLIC PARTICIPATION NOTICE ENVIRONMENTAL IMPACT ASSESSMENT FOR THE SAND MINING AND STONE QUARRYING OPERATIONS ON FARM ARIS NO. 29

Colmom Mining CC and Kunene Building Supplies CC intend to apply for Environmental Clearance Certificates for sand mining and stone quarrying activities on Farm Aris (No 29). Sand mining operations include the excavation of sand, screening and loading onto trucks for transport. Stone quarrying includes blasting, crushing, screening and loading onto trucks for transport.



To apply for an Environmental Clearance Certificate, Environmental Impact Assessments and Environmental Management Plans have to be submitted to the Ministry of Environment and Tourism of Namibia. Geo Pollution Technologies (Pty) Ltd has been appointed to undertake the assessment for the developments.

All Interested and Affected Parties are invited to register with the environmental consultant. Background information can be requested and any comments, issues or concerns related to the project communicated with Geo Pollution Technologies.

All comments and concerns must be submitted to Geo Pollution Technologies by 11 May 2015. For further information regarding the project and/or to register as an Interested and Affected Party, please contact:

Mr André Faul
Geo Pollution Technologies (Pty) Ltd.
Telephone: +264-61-257411
Fax: +264-88626368
E-Mail: aris@thensamb.com

DEADLY FROM PAGE 1

Julieta Kataluka (5) died on the spot when she was hit by a car while crossing the road at Robert Mugabe and Bahnhof Road on Thursday. The police said Julieta's sister Sharon was injured and admitted to hospital where her condition was said to be stable.

An unidentified man died on the spot when he was run over by three cars at Brakwater along the B1 road.

At Oshakati, two men died on the spot when the car they were travelling in collided head-on with another car on Saturday evening along the Oshakati road. Werner Iyambo (35) died on the spot, while Julius Iyambo (33) died later in hospital.

On the same day, 57-year-old Frieda Kalilo died when the car she was travelling in collided head-on with another car on the Oshakati and Ongwediva main road at the Okandjenedi location on Saturday evening.

In the Kavango West's Kurenkuru road, Alfons Kavindja died after his car rolled several times, while a 24-year-old cyclist, Naidula Kotoke, was hit by a car in the Mhora village on Friday evening. In Kavango East, a 32-year-old Namibian male lost control of the vehicle he was driving and it overturned. He died on the spot. His next of kin has not been informed of his death.

In the Kunene, 50-year-old Gisela Namises died when the driver of the bus she was travelling in lost control along the Khorixas and Baoemhof gravel road.


"There were 17 people, including the driver in the bus but only one person died and the rest sustained minor injuries," Matheus said.

In Lüderitz, 36-year-old Hipandua Johannes was found hanging in his garage after he had fled an accident scene.

"He drove into a public toilet and fled the accident scene. In a separate incident, 16-year-old Rosaline Gacces from a farm near Grootfontein was found dead with foam coming from her mouth," Matheus said.

Forty-seven-year-old Titus Kharuxab was found hanging from a tree in the Kamanjab area after he had had an argument with his wife, and 23-year-old Johann Kock hanged himself outside his flat in Rosh Pinah in the early hours of Friday. He left a suicide note saying that he was tired of living.

Mama Taxi™ (words by) Deni Brown (pictures by) Gavin Thomson



Panel 1: A sign on a taxi reads "MANWEATHER WINS FIGHT OF CENTURY".

Panel 2: A man asks the taxi driver, "I WANTED TO BE A CHAMPION BOXER BUT I HAD TO CHOOSE BETWEEN MY GLOVES AND MY GIRLFRIEND. WAS SHE WORTH IT?"

Panel 3: The taxi driver replies, "YA, SHE WAS A KNOCK OUT".

Die Republiein – 5 Mei 2015

Dinsdag 5 Mei 2015
Republiein
DIE MARK 13

PUBLIC PARTICIPATION NOTICE ENVIRONMENTAL IMPACT ASSESSMENT FOR THE SAND MINING AND STONE QUARRYING OPERATIONS ON FARM ARIS NO. 29

Colmom Mining CC and Kunene Building Supplies CC intend to apply for Environmental Clearance Certificates for sand mining and stone quarrying activities on Farm Aris (No 29). Sand mining operations include the excavation of sand, screening and loading onto trucks for transport. Stone quarrying includes blasting, crushing, screening and loading onto trucks for transport.



To apply for an Environmental Clearance Certificate, Environmental Impact Assessments and Environmental Management Plans have to be submitted to the Ministry of Environment and Tourism of Namibia. Geo Pollution Technologies (Pty) Ltd has been appointed to undertake the assessment for the developments.

All Interested and Affected Parties are invited to register with the environmental consultant. Background information can be requested and any comments, issues or concerns related to the project communicated with Geo Pollution Technologies.

All comments and concerns must be submitted to Geo Pollution Technologies by 11 May 2015. For further information regarding the project and/or to register as an Interested and Affected Party, please contact:

Mr André Faul
Geo Pollution Technologies (Pty) Ltd.
Telephone: +264-61-257411
Fax: +264-88626368
E-Mail: aris@thensamb.com

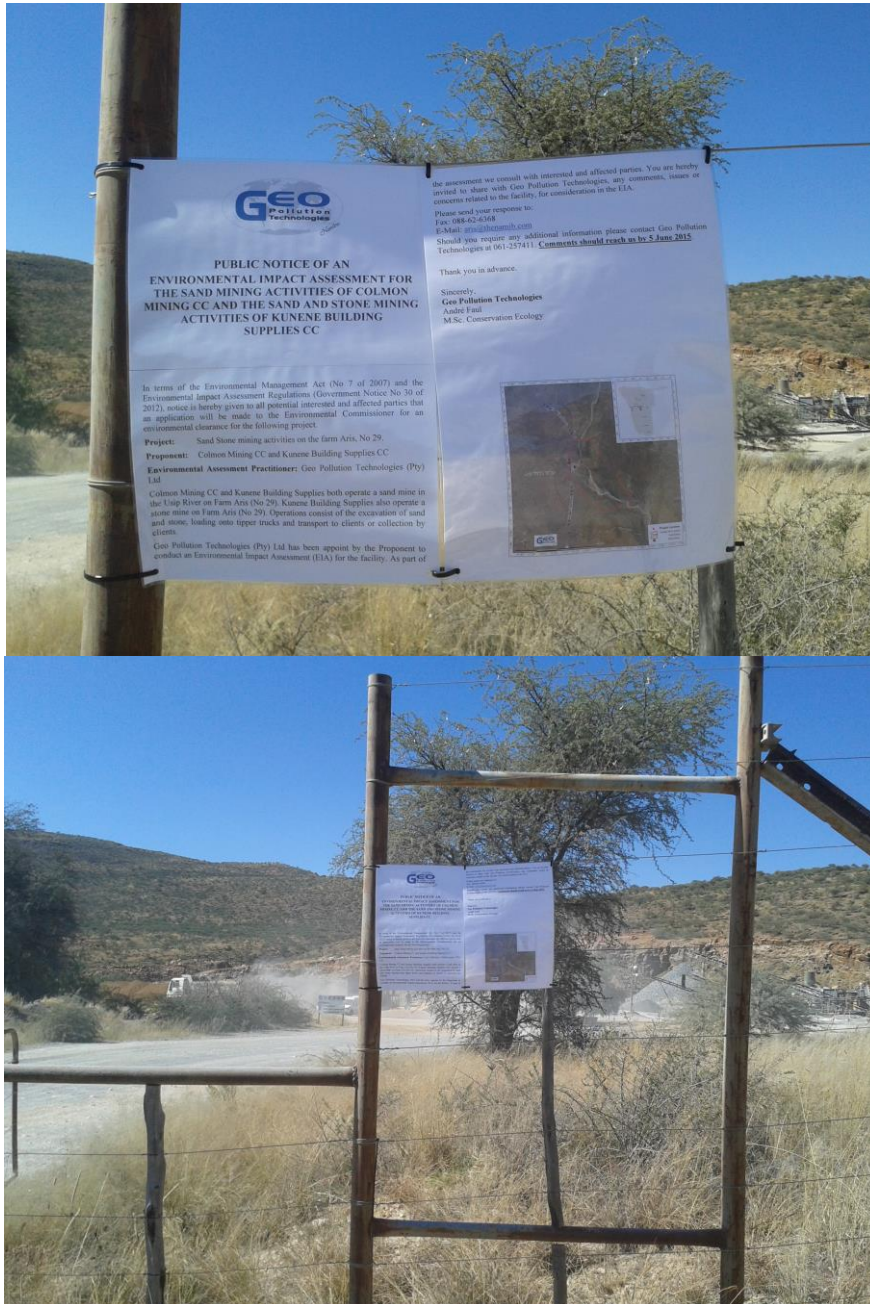
Boeredag Donderdag 28 Mei
HARTEBEESTLOOP veiling Vrydag 29 Mei






www.bonsmara.com.na
Joggie 0812316169 Japie 0812360880 Klep 0811240648
jbried@joggie.com.na

Site Notice



APPENDIX C: Communication Received

FROM: AFRICAN CHRISTIAN SUPPORT MISSION TRUST

(Trust Registration No: T 329/13 dated 2 October 2013 at the

Master of the High Court),

P. O. Box 6209

WINDHOEK

TO: Mr Andre Faul,

Geo Pollution Technologies (Pty) Ltd.,

Fax: +264-88626368

E-Mail: aris@thenamib.com

Telephone:+264-61-257411

Dear Sir

SUBJECT: PUBLIC PARTICIPATION: ENVIRONMENT IMPACT ASSESSMENT FOR THE SAND MINING AND STONE QUARRYING OPERATIONS ON FARM ARIS No:29, KHOMAS REGION, DISTRICT WINDHOEK: NAMIBIA

1.1 Please be informed that the AFRICAN CHRISTIAN SUPPORT MISSION TRUST, (ACSMT) registers herewith its interest in this matter, being application for an Environment Clearance Certificate, and Plans for Environmental Impact Assessment to be submitted to the Ministry of Environment and Tourism of Namibia, on behalf of COLMAN MINING CC AND KUNENE BUILDING SUPPLIES CC for Sand mining and stone quarrying activities on Farm Aris (No:29).

1.2 Your clients have the further responsibility that should an Environment Clearance Certificate be issued by the Ministry of Environment and Tourism, to apply to the Ministry of Agriculture, Water and Forestry, for a concession to mine or remove sand, stone, soil, or aggregate from the Usib River.

2 Your Company called for comments, issues or concerns, as was contained in your advertisement in the "Republikein" of Monday 27 April 2015.

3. The comments, issues and concerns have, according to the information contained in your advertisement, application to lithe excavation of sand, screening and loading onto trucks for transport," and stone quarrying includes blasting, crushing, screening, and loading onto trucks for transport."

4 ACSM Trust as a concerned person herewith makes the following comments, takes issue with, and expresses its concerns in the following matters which have direct or indirect relevance to the applications by the two Closed Corporations.

5 THE ISSUES

5.1 Colman Mining CC and Kunene Building Supplies CC have both been extracting sand, at different sites, and for quite some period, from the Usib River which traverses Farm Aris 29, from where the river flows south-east to the farm Groot Aub No:267 and further. 5.2 The two sites are open to the public from where customers' trucks transport the sand and aggregate mostly to the City. The operations of the two entities are thus known to the construction industry and the sale of sand from these sites is common/public knowledge. These facts therefore are and should not be in dispute.

5.2 Enquiries at the Ministry of Agriculture, Water and Forestry and the Ministry of Environment and Tourism revealed that neither of your clients had been granted written permission to mine, quarry or remove sand from the particular sites, or any other site at the Usib River.

5.3 This means that your clients did not follow lawful procedures in order to mine, or remove the sand from the sites. Their actions to mine, or remove sand, stone or other aggregate was therefore unlawful.

5.4 Your clients also did not take other concession holders further south along the Usib River, such as at Groot Aub, into consideration before they started with their mining/removal of sand, stone etc., from the present sites. There was no consultation or consideration that other persons' or entities already legitimate established rights, may be prejudiced by their actions.

5.5 The relevant authorities such as the Khomas Regional Council, the Council of the City of Windhoek, the Department of Water Affairs, which include the Division Hydrology, and the Division of Law Application, of the Ministry of Agriculture, Water and Forestry, or the Department of Environment of the Ministry of Environment and Tourism seemed not to be aware of the situation until they were alerted by concerned and affected citizens.

5.6 Unfortunately this attitude of negating lawful prescriptions appears to be the norm over many years especially by certain persons and other institutions in the mining/removal of sand, stone, and aggregate industry to the north of the City.

5.7 The self-enrichment culture extends to operations that violate the common law, statutory and common sense protection of the environment and the river ecosystems, negatively affected by rogue operation methods. Unfortunately your clients were also guilty of such unlawful practices.

5.8 Colman Mining CC caused serious damage to the environment and ecosystems of the Usib River and officials of the Ministries of Environment and Tourism and Agriculture, Water and Forestry were shocked at the complete disdain for the environment and the Usib River ecosystem, when these

officials performed inspections of all operations being carried out at the Usib River.

5.9 However, had your clients followed prescribed procedures before they embarked on their mining/removal of sand operations, they too would/should have been informed of the restriction on mining/removing sand, stone etc., from any part within kilometres from the centre of the City of Windhoek.

5.10 The moratorium has up till recently favoured the sand and stone extractors operating in the northern part of Windhoek. Over the years they have built up substantial economies and capital and wealth. But, sadly as already pointed out above, they did not use their economic and financial advantage to protect the environment and ecosystems, and the seriously scarred land at the larger operations such as in the Klein Windhoek River (the BCI operations of RCC), and at Okapuka farm to the north of the City, are evident of an uncaring attitude and culture.

5.11 The Windhoek aquifer is the last back-up system to provide water to the City in times of severe drought, or in times when water provision to the City is under severe stress. All inhabitants of Windhoek City surely must be aware of the recent call by Namwater for conservation of at least 15 water savings, especially within the City of Windhoek, due to low levels of water in the dams supplying water to the city. We must admit that the moratorium has extreme significance for exactly the situation now being experienced, so much more because the aquifer from which the City pumps water is within the southern part of the City, and the Usib River is an important part of the water conservation ecosystem for the City's needs.

5.12 The sites from where sand has, or still being removed, and is the subject of these two applications, namely on the farm Aris No 29, district of Windhoek, are situate within a thirty kilometre south from the centre of the City of Windhoek. They both thus fall within the moratorium distance.

5.13 When AC5M Trust applied for a concession during 2001 it had to observe and respect this decision and adjust its application accordingly. 50 too did it apply for others thereafter, and, it is submitted should be equally applicable to your clients.

5.14 It is our submission that to grant to your clients concessionary rights at the Farm Aris No. 29, will seriously and adversely prejudice the protection of the Windhoek aquifer and also the legitimate rights of concessionary holders to the south of the sites for which you are now applying on behalf of your clients. The holders of the concessions at Groot Aub, belong to former disadvantaged groups, whose legitimate rights should in no way be negated by any further concessionary grants to the north of their present concessions. Our submission is that this matter and issues should be considered by the relative authorities within the prescripts and meaning of Article 23(2) read with ARTICLE 95(g) and (I) of the

Namibian Constitution.

5.15 Accordingly, ACSM Trust will vigorously oppose by all means available to it in terms of law, any concessions that may be granted within the thirty kilometres, or any other area to the north of our legitimate concessions that have an adverse effect or prejudice our existing legitimate rights.

5.16 We place it on record that we have no objection to the issuance of a concession to your clients as long as these do not encroach or violate our existing rights and obviously that no rights be issued in the Usib River area to the north of our present concessions held at Groot Aub. There is sufficient opportunity available to the south of the present concession holders.

5.17 A further consideration is that ACSM Trust is in the process of establishing agronomic activities at its concessionary area and is concerned that the water in the River will be diminished or polluted by any mining/removal of sand and stone operations above its concessionary area as the River flows from north to south.

5.18 Lastly, the African Christian Support Mission Trust was granted the concessionary rights to mine, remove sand from the Usib River, at the State owned farm Groot Aub, No: 267 and also to set up hothouses for horticulture as far back as 26 February 2002. The object was to re-invest in the impoverished community of Groot Aub, create employment, impart necessary skills and technology after consultation with the community. This effort was to be funded from the proceeds from the sale and or utilisation of the sand and stone. For reasons already stated more clearly above,

it was constrained by the operations of the advantaged sand miners closer to the City. Now that the tide has changed with the depletion of the sand reserves in the northern areas, and the southern based legitimate concessionary holders may benefit from their granted rights, your clients want to gain an unfair advantage above us, jump the line, and in so doing further prejudice our efforts to bring about economic and social development to the indigent inhabitants at Groot Aub.

5.19 This is a matter dear to us and accordingly we are intent to fight the matter with all the remedies available to us by law.

5.20 However, it is now the time and opportunity to bring this whole unacceptable matter to the attention of the relevant authorities. At the same time to convince everybody concerned that the constitutional prescriptions, principles and policies as far as they are designed to protect and conserve our natural beauty and heritage for our future generations, be observed and implemented in an equitable manner for the benefit of all the citizens of the City, and not just the already fat cats.

5.21 The Constitution of the Republic of Namibia, the law, and the declared policies of our Government are the lawful foundation of our comments, concerns and actions to resolve this matter as set out above. I am sure that all who love the beauty of our beloved country and care for the environment and ecology, but who also endorse financial and economic justice, will add their support to our concerns. We submit that a medium and long term resolution is called for and goes beyond the applications by your clients.

6 COMMENTS AND SUBMISSIONS

6.1 It is our submission that decisions by the Cabinet and the individual Ministers when acting in terms of the powers conferred to them by the Constitution, and the law, should be equally applied and not applied to benefit a few.

6.2 It is also our submission that the ratio for the moratorium is of major importance to the City of Windhoek and its residents, and should be upheld until such time that the relevant authorities, which include also the Khomas Regional Council and the Council of the City of Windhoek have resolved the burning issue of negation of the environment and ecosystems in the rivers within the City's boundaries.

6.3 Furthermore there is more urgency and relevance for the water resources to be protected and well managed. This must entail such decisions as will preserve and sustain the Windhoek aquifer, the rights of present concessionary holders in the Usib River, and the sand and stone industry as a whole.

6.4 The circumstances and factors leading to the original decision still exist. Indeed, we consider it to be more relevant in these unsure times of drought, late and insufficient rain to fill the Country's reservoirs and dams, from which Windhoek City receives most of its water. The aquifer is kept for emergency contingencies. This situation is of national concern and importance and has precedence to applications for new (and legitimate) entrants into the industry. The water table of the City of Windhoek must be protected and sustained as the population grows and more pressure is placed on the scarce water resources.

6.5 Groot Aub and its community and indeed those residing in the lower southern parts of the River are now part of the City's community since the boundaries of the City were extended. This is mainly an impoverished community and their needs and rights must in collective consideration, be given their just importance.

6.6 It is therefore, we submit, of the utmost importance that your clients reflect a sense of responsibility towards all other affected or potential concessionary holders, and, particularly, that of the impoverished Groot Aub community, their collective welfare and development. To negate this will have dire consequences in an already very challenging situation which our Trust is seized to ameliorate.

6.7 It is repeated that we have no objection to your clients being granted concessionary rights by the relevant Minister(s), or Ministries, but surely within the parameters of the concerns that have been raised above, and definitely not within the confines of the Usib River to the north of our legitimate concessions, or within the southern thirty kilometres from the centre of the City.

6.8 Furthermore, our concern is aggravated and directed to the propensity exhibited by your clients to not observe lawful prescriptions. The question begs, by already showing indifference to legal requirements, and to the rights of those who could potentially, and indeed were adversely affected by their initial operations, what guarantee is there that they will not repeat the same disregard for the environment and eco systems, as long as they can profit from their operations and actions? Surely such temperament must be a concern to the authorities and taken into account when considering these applications? Our submission is that the rule laid down in matter "Dadoo v Krugersdorp Municipal Council" 1920 AD 530, in which it was held that a person cannot benefit from their unlawful deeds, has relevance to these applications.

7 THE SOLUTION

7.1 It is proposed that a permanent equitable, just solution be found for the prevailing undesirable situation within the industry. Not only that which has emerged because of the illegitimate actions of your clients, but also of the widespread rape of the soil, the environment and ecosystems so prevalent by the past and some present miners of sand, stone etc., in the northern areas of the City, which unfortunately has now been transferred to the southern parts as evidenced by the illegitimate actions of the clients you represent.

7.2 It should not be allowed for these illegitimate and "greed" based type of operations to now mar the southern beautiful ranges of our City. It is our submission that the authorities, and of course your clients *too*, should give serious consideration to the concerns we have raised.

7.3 The Ministries involved in this matter, including the Khomas Regional Council, and the Council of the City of Windhoek, should collectively consider this (national) matter as of urgency during which time no (further) concessions for the removal of sand, stone, soil, clay or any other aggregate, etc., be granted, until a sustainable policy, (which expressly takes into consideration the rehabilitation of area(s) where permanent damage has been or still is caused to the environment and ecological systems) within the City boundaries, has been designed and agreed upon, and to be implemented by all stakeholders.

7.4 In order to give effect to the proposal in 7.3 above, the Ministries of Environment and Tourism, and Agriculture, Water and Forestry, together with representatives from the Khomas Regional Council, and the Council of the City of Windhoek inspect all sites where sand, stone, soil, etc., have been mined/removed within the boundary of the City of Windhoek. Wherever damage has been, or is currently caused to the environment or eco-system(s), and where rehabilitation is necessary to restore the environment to be productive land once more, for future generations the culprits be brought to book and steps taken to have the damaged areas rehabilitated before any further damage is caused.

7.5 Public awareness should be cultivated to oppose these undesirable malpractices which have been allowed to continue for too long.

7.6 Recommendations as to what steps need to be taken for the rehabilitation of the affected area(s), should be made. (The measures applicable in the mining industry may give guidance as to what measures need to be taken). (The area that was formerly mined by the BCI company, (RCC), is an example of such serious damage to the environment which is now left for future generations and the taxpayer to bear the cost of rehabilitation). (The situation at the Okapuka quarry, to the north of the City, is another example of the ongoing damage to the environment which will require millions to

rehabilitate).

7.7 It would be a serious breach of the policies envisaged in Article 95 (I) of the Constitution to leave these two areas for future generations to rehabilitate. To just continue to issue further concessions to mine/remove or quarry sand and stone where applicants have or are making themselves guilty of serious negligence towards the environment, or where operations were established without the necessary authority, will only contribute to condone ongoing illegitimate actions and reinforce the displayed "greed" and self-enrichment attitude.

7.8 The steps taken against damage caused to the environment and eco systems of the rivers and land within the boundaries of the City of Windhoek, be the same as for corruption.

7.9 That the authorities consider to require legitimate stakeholders and others affected by the necessity to have a sustainable supply of sand and stone and other aggregate(s), to engage and support the authorities in their constitutional national responsibility to protect our natural resources and the productivity of our land, and not to impede the development of the City, especially housing provision. This could be achieved by the establishment of a representative body for the industry and the initiative to do this to be taken by the City Council of Windhoek.

Yours faithfully

President, African Christian Support Mission Trust

08 May 2015

Copy to: The Minister of Environment and Tourism;

The Minister of Agriculture, Water and Forestry;

(NOTE: Please ignore the submissions of 03.5.2015)

The Governor of Khomas Regional Council;

The Council of the City of Windhoek, pp The Acting Chief
Executive Officer, City of Windhoek.

E-mail Correspondence Received from Mr Stritter

Comment	Response
<p>2015-05-08</p> <p>To: Mr. Andre Faul, GEO POLLUTION TECHNOLOGIES (PTY) LTD. WINDHOEK</p> <p>Dear Mr. Faul,</p> <p>Re: MATTER: ENVIRONMENTAL ASSESSMENT, ARIS SAND MINING PROJECT</p> <p>- REGISTRATION OF INTERESTED / AFFECTED PARTIES, REGARDING HEREUNDER MENTIONED PROPERTIES:-</p> <p>Our recent telephonic discussions have reference and I very much indeed thank you for having granted me time until the 15th May 2015 pertaining to the entire matter on behalf of the two Gocheganas Farms bordering onto the Farm Aris Nr 29, KHOMAS REGION to register the under mentioned two companies with the hereunder mentioned properties as Affected and Interested Parties of which I UDO MANFRED STRITTER am the Executive Chairman, CEO, Director and Co-Shareholder.</p> <p>Thank you also very much for your mail hereunder with further Particulars and the attached map of the envisaged Environmental Clearance Certificates for sand mining and stone quarrying activities on farm Aris (No 29) in respect of which I also refer to our telephonic discussions pertaining to my hereunder mentioned Gocheganas Farms bordering to the North onto Farm Aris Nr 29 in the Khomas Region, namely:-</p> <p>(1) JAPONICA INVESTMENTS NINETEEN (PTY) LTD. Which is the registered owner of:-</p> <p>(a) CERTAIN:- REMAINING EXTENT OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION MEASURING: 4967,8964 hectares</p> <p>AND</p> <p>(b) CERTAIN: REMAINING EXTENT OF THE FARM LEOPARD NO 218, KHOMAS REGION MEASURING 321,3094 hectares</p> <p>(Jointly referred to as “GOCHEGANAS MILK”)</p> <p>(2) NAMIBIA ESTATE ENTERPRISES (PTY) LTD. Which is the registered owner of:-</p> <p>(a) CERTAIN:- PORTION 7 OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION MEASURING: 5 170, 6880 HECTARES</p>	<p>Objection has been received and all parties as mentioned is registered as interested and affected parties. The objection will be included in the EIA to be submitted for clearance approval.</p>

AND

(b) CERTAIN:- REMAINING EXTENT OF PORTION 1 OF THE FARM WALDECK NO 28, KHOMAS REGION MEASURING: 181, 1891 HECTARES

AND

(c) CERTAIN PORTION 1 OF THE FARM LEOPARD NO 218, KHOMAS REGION, MEASURING 265,4810 HECTARES

(jointly referred to as “GOCHEGANAS LODGE”)

NAMIBIA ESTATE ENTERPRISES (PTY) LTD is conducting business as a lodge under the name and style of (GOCHEGANAS NATURE RESERVE AND WELLNESS VILLAGE) with a private Game reserve and is in the process since 2009 of developing a HIGH CLASS PROPERTY DEVELOPMENT WITH VILLAS on 163 hectares with one hectare erven, further details of which can be furnished under separate mail, WHICH DEVELOPMENT WILL BE MAINLY EFFECTED BY THE ENVISGAD SAND MINING PROJECT AS IT IS SITUATED VERY CLOSE TO THE FENCE BORDERING ONTO THE ENVISAGED ARIS SAND MINING PROJECT IN THE USIB RIVER WHILST THE

JAPONICA PROPERTY KNOWN AS GOCHEGANAS MILK IS DEVELOPING “CAMELTHORN ESTATE” WITH 43 SMALLHOLDINGS AT 5 -10 HECTARES SMALLHOLDINGS similar to Mala Mala or Sabi Sabi in South Africa, which can also be forwarded to you in more detail.

THIS DEVELOPMENT IS EVEN MUCH CLOSER TO THE USIB RIVER ON THE FARM ARIS AND VERY MUCH SO EFFECTED BY DUST AND NOISE FROM THE ENVISAGED “ ARIS SAND MINING PROJECT” INCLUDING THE EXCAVATION OF SAND, SCREENING AND LOADING ONTO TRUCKS FOR TRANSPORT AND STONE QUARRING INCLUDING BLASTING, CRUSHING, SCREENING AND LOADING ONTO TRUCKS FOR TRANSPORT. both of which, i.e. KANONKOP & CAMELTHORN ESTATE are the MAIN REASON FOR HEREBY OBJECTING TO THE envisaged operations as described in the advertisement and hereunder ESPECIALLY BECAUSE OF THE DUST , NOISE AND THE SPOILING OF THE MOST IMPORTANT VIEW FROM EVEN THE LODGE LET ALONE THE TWO DEVELOPMENTS MENTIONED.

<p>Please advise the undersigned, whether this objection and the registration as INTERESTED AND AFFECTED PARTIES ARE IN ORDER.</p>	
<p>13 May 2015</p> <p>Thank you very much indeed for your acknowledgement of the hereunder mentioned parties as seriously Affected and Interested Parties.</p> <p>Kindly take note of the minor changes made hereunder with special regard to the NAMES of the Developments described hereunder and which are very much indeed affected, namely:-</p> <p>1) “KANONKOP” ON GOCHEGANAS “LODGE” as it is known for,</p> <p style="text-align: center;">And</p> <p>2) “ CAMELTHORN ESTATE” ON GOCHEGANAS “MILK” as it is known for.</p> <p>Awaiting further Background information PLEASE and FULL DETAILS of what and where exactly the operation envisaged will be activated with many more EXACT details of where and what is envisaged PLEASE are required, also pertaining to what structures are envisaged with time frames connected thereto and up to where exactly the planned operations of Sand Mining and Stone Crushing will come near the fence as indicated on your attached PLAN to the NORTHERN BOUNDARY FENCE BETWEEN ARIS AND THE TWO GOCHEGANAS FARMS as stated in detail below and precise details pertaining to the exact structures and mining operations in the USIB River as indicated on your plan UP to the fence of both GocheGanas Farms referred to hereunder, before the submission of the envisaged EIA report is submitted for scrutiny pertaining to issues and concerns related to the project communicated BY Geo Pollution Technologies, to enable us to properly raise our concerns and objections in more detail, related to the envisaged ENVIRONMENTAL CLEARANCE CERTIFICATES in regard to mainly the two property Developments KANONKOP and CAMELTHORN ESTATE in detail please, AS ARE REFERRED TO HEREUNDER.</p>	<p>Noted</p>
<p>2015-06-10</p> <p>Dear Mr. Faul,</p> <p>Kindly see the response from our Town planner Mr. Günther Stubenrauch on both Gocheganas Lodge and Milk regarding your request.</p> <p>This MAIL serves to inform you that we need to have much more detail about the existing operation – INCLUDING AN INSPECTION IN LOCO - as well,</p>	<p>In order to address the issues an onsite meeting was organised with Mr Stritter and his representatives. The minutes of this meeting can be seen below.</p>

together with our team which includes MRS. Stephanie Van Zyl of ENVIRO DYNAMICS CC as the appointed Environmentalist for all projects we have mentioned to you on both GocheGanas properties.

As advised I will forward the Development Plans and Sub Divisions of KANONKOP, AUASZICHT and CAMELTHORN ESTATE to you as soon as these are received, please see mail from Günther Stubenrauch hereunder.

Kindly, in the meantime furnish us with much more details pertaining to the existing Aris Sand and Stone Mining Operations with a DETAILED map clearly indicating where these operations are conducted at the moment including exactly what is envisaged in the future, full details of the operations as such including the volumes mined and details pertaining to the existing Aris Sand and Stone Mining per se as well as an indication please when we can have the inspection in loco as soon as it is suitable to all parties in order to avoid any misunderstandings. Which will include Mr. Stubenrauch, Mrs. Stephanie Van Zyl, the Legal Team and the direct effected parties mentioned herein and in previous correspondence.

Looking forward hearing from you, I remain, with Best regards

Minutes of a Meeting held on Farm Aris (No 29) to discuss the Environmental Impact Assessment of the Aris Sand and Stone Mines

Date: 29 June 2015

Attendees:

A. Faul (GPT), L. Brews (GPT), Stephanie Van Zyl (Enviro Dynamics), Mr Udo Stritter (GocheGanas), Mr Heiko Stritter (GocheGanas), Mr Frikkie Castens (Colmon Mining CC) and Mr Kai Schmidt (Kunene Building Supplies CC)

Location:

All parties met at Farm Aris to discuss mining activities and the effects on the neighbouring farm GocheGanas and their current developments.

1.1 Mr Schmidt and Mr Carstens explained the extent of their mining operations on Farm Aris. Mr Stritter explained the planned developments on GocheGanas

1.2 Mr Stritter and his representatives mentioned the following factors as important for consideration in the EIA:

- The need for limiting dust suppression
- Estimation of the effects of mining and mining expansion over the next 20 years
- Elaboration on existing and future plans
- More detail on socio-economic effects
- Elaborate more on the mitigation methods of each impact associated with mining activities
- Both parties agreed that once the EIA has been relooked at, and updated according to specifications discussed at the meeting, it must then be redistributed again in order for further comments to be made.

Mr Udo Stritter expressed his concern about the mining activities and the effects it will have on his developments on GocheGanas, especially if the mining activities gets too close to the fence bordering the farms in the river.

Mr Stritter noted that dust was recently seen at the mining site from their lodge. Mr Carstens and Mr Schmidt confirmed that it was when blasting occurred which is an event taking place on average only once every two months, and then at the stone mine only.

The zoning of Farm Aris was discussed, it was mentioned that it had agricultural zoning.

Both parties agreed that they had a conflict of interest.

Our ref: 264
Date: 10 July 2015



Dear Mr Faul,

I write in connection with the e-mail you received on 8 May 2015 from Mr Udo Stritter representing:

JAPONICA INVESTMENTS NINETEEN (PTY) LTD. Which is the registered owner of:-

CERTAIN: REMAINING EXTENT OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION

MEASURING: 4967,8964 hectares

AND

CERTAIN: REMAINING EXTENT OF THE FARM LEOPARD NO 218, KHOMAS REGION

MEASURING 321,3094 hectares

(Jointly referred to as " GOCHEGANAS MILK")

NAMIBIA ESTATE ENTERPRISES (PTY) LTD. Which is the registered owner of:-

CERTAIN: PORTION 7 OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION

MEASURING: 5 170, 6880 HECTARES

AND

CERTAIN: REMAINING EXTENT OF PORTION 1 OF THE FARM WALDECK NO 28, KHOMAS REGION

MEASURING: 181, 1891 HECTARES

AND

CERTAIN: PORTION 1 OF THE FARM LEOPARD NO 218, KHOMAS REGION,

MEASURING 265,4810 HECTARES

(jointly referred to as "GOCHEGANAS LODGE")

Enviro Dynamics cc

16 Seder Street, Suiderhof P.O. Box 4039 Windhoek, Namibia
Tel : (+264 61) 223 336 Fax : (+264 61) 307 437 Email: info@envirod.com
Reg No: CC2010/1935

Directors: S van Zyl (Managing Director) B(TRP) MEM / N van Zyl (Director) Dip (Civ), BA Hons (Psyc), Msc (Proj. Man.)

regarding the Aris Sand Mining project. This letter serves as a formal submission of our issues which need to be considered during the EIA process of your Aris Sand Mining Project (which includes the **entire quarrying operation** as well, as confirmed by yourselves in writing and at the site meeting). Mr Stritter asked me to represent their business concerns as spelt out above, as far as the environmental assessment process is concerned. I requested a proper project description (i.e. background information document or the like) but this was never forthcoming. I therefore base the comments below on the site visit we had on 30 July 2015 which assisted greatly in understanding the extent, locality, and risks involved in the quarrying, crushing, mining and associated operations.

1. Project description for public consultation

To this end there is no proper project description that was presented to the interested and affected parties, explaining the various project aspects, e.g. locality of the existing operations on a map, components of the operations, years in operation, owners, numbers of employed people and where they are accommodated, types of vehicles used and how many, current environmental policy, legal requirements, environmental assessment process required and your Terms of Reference, methodology to be used, specialist studies to be undertaken, if any, time frame of the study, potential issues to be addressed, and any other information that might be useful to the reader. I am not certain whether this is a scoping study or a full environmental impact assessment. This information is normally provided at the outset of the public consultation process, without which it is impossible to meaningfully participate.

Nevertheless we now proceed on the basis of what we heard verbally about the project and what we saw on site, assuming that you will include the above information in the draft reports to be circulated and demonstrate that you have indeed based your assessment on it.

2. Life of mine

Over and above the above information, kindly also provide the following information in your project description:

- a. The area already mined indicated on a map, with volumes estimated
- b. The area to be mined indicated on a map, with volumes estimated
- c. The plan of how the remaining sand is to be mined, per area, and attached to a time frame, as an estimate.
- d. The details of the quarry – geological information of the deposit, indicating the resource that can still be quarried, and an estimated life of mine for this.

3. Impact assessment

We request that the following issues be studied as part of the assessment:

- a. Noise impact on the existing and proposed activities on the properties listed above. Kindly indicate the existing and future developments which have been provided to you by Mr Stritter on a map and explain the noise impact, considering the land use involved, distance from your existing and future activities (for the entire expected life of mine), topography, etc. The noise sources need to be identified and their impact determined given the background noise. Post-mitigation noise levels need to be provided and an assessment made whether they are acceptable given the land uses affected.
- b. Impact of dust on the existing and proposed activities on the properties listed above. Kindly indicate the existing and future developments which have been provided to you by Mr Stritter on a map and explain the air quality (mostly dust) impact on these developments, considering the land use involved, distance from your existing and future activities (for the entire expected life of mine), topography, etc. The dust generating sources need to be identified and their impact determined given the ambient air quality. Post-mitigation air quality needs to be provided and an assessment made whether they are acceptable given the land uses affected. The impact of watering as mitigation also needs to be considered (i.e. impact on water source).
- c. Ecological impact on the river – indicate the impact of the activities on the river as a water source, a corridor for vegetation, and other ecosystem services, etc. Concern exists that the water source of the farm owners downstream is affected. The vegetation on the banks of the river bed are currently not affected from what we could see, but they need to be identified as no-go areas (as zones, not individual trees), with sufficient buffers. Please note that it is illegal to remove vegetation within 100m from the banks of any riverbed in Namibia (Forest Act). Note also that there are probably protected trees in this zone, and they need to be identified and mapped.
- d. Traffic impact, based on current and estimated traffic volumes. Is there approval from Roads Authority for this, or what will the future plan be to mitigate the access point onto the main road, and any other traffic issues identified?
- e. Visual impact of the quarry and the sand mining – based on the locality of the nearby sensitive receptors and what would be done to mitigate this.
- f. Rehabilitation – a concurrent rehabilitation plan needs to be provided based on sound ecological principles for the riverbed. Estimated costs for this need to be provided with a commitment that the funds are available to implement it.
- g. Impact on tourism and property development projects, i.e. Gocheganas Lodge, and the upcoming residential developments in the area. These impacts will be caused by, amongst other, noise-, visual-, air quality-impacts, the workforce being present at the site, traffic and the existing high impact that the quarrying

itself has on the existing character of the landscape. The objective is to preserve the existing character of the landscape, and to minimise any contrasts to the existing and surrounding landscape character. The assessment should therefore include consideration to the effect of the existing and future sand mining and quarrying on these qualities.

- h. EMP – the EMP needs to provide costs for the mitigation, with a plan of when the owner will implement the mitigation measures.
- i. We assume that you will be addressing all the other generic issues (or perhaps we have missed some key issues?) such as workforce accommodation, labour issues, HIV/AIDS, pollution from day to day operations, waste management, poaching etc. in your documents.

4. Other legal requirements

Kindly investigate the following list of additional legal requirements in your study:

- a. **Water Act 54 of 1956**, including the permit required for the diversion of the river
- b. **Soil Conservation Act 76 of 1969**
- c. **Noise Control Regulations** - The site falls within the Windhoek Municipal area, so presumably the Windhoek **Noise Control Regulations** would apply. IF these are not applicable, then other accepted standards such as those of SANS need to be considered.
- d. **National Heritage Act, 2004** - Disturbing or destroying of national heritage sites (archaeological / paleontological sites)
- e. **Local Authorities Act, 1992** - Other than the Noise Regulations, further regulations may apply and require authorisations for any activities conducted by Aris Sand Mining.
- f. **Town Planning Ordinance** – confirm the zoning of the land and the primary and consent uses allowed on the property. Also investigate the Town Planning Scheme for the area.
- g. **Subdivision of Land ordinance** – confirm the Title Deed Conditions applicable on the land.
- h. **Atmospheric Pollution Prevention Ordinance, No. 11 of 1976** - Prevention of air pollution by dust. It may be required that an Air Pollution Certificate be issued. Consider also the Labour Act in this regard, as well as international standards in the absence of local standards.
- i. **Access Roads** – Access required in terms of the Roads Ordinance and/or local authority regulations.
- j. **Minerals (Prospecting and Mining) Act 33 of 1992** - Aris Sand Mining and quarrying may require to hold a mineral licence under the Minerals (Prospecting and Mining) Act 33 of 1992. Please confirm if this is the case.

5. Your obligation as an EAP in terms of the Environmental Management Act

We remind you that the Environmental Management Act Regulations (Section 15 j) require of the Environmental Assessment Practitioner to give an indication of whether the activities would be acceptable ecologically and socially. This operation can only be tolerated if it can prove to be reasonably well suited and that the impacts can be reasonably well mitigated in its environment. The fact that it has been going for so long without, seemingly very little environmental care, is degrading to the environment, to the nearby community, to the road users and all other stakeholders of the area. Its long history gives it no licence to continue relatively uncontrolled into the future, and you as EAP has the responsibility to independently assess whether the operations can continue sustainably and on what conditions. If it can indeed not, then you have the responsibility to communicate this in your report, independently of your client and the likely pressures they may be putting on you at this stage.

Kindly confirm:

- That you have received this letter
- That you will include these issues in the draft scoping report and full EIA
- That you will circulate the draft reports to this address

Kindly indicate the timeline of your EIA process and when we may expect the reports to be circulated.

Yours Faithful,



Addendum 1
of the
Environmental Impact Assessment Scoping Report for the Sand Mining Activities of Colmom
Mining CC in the Usip River, Farm Aris No. 29

Letter Received via E-mail from Stephanie van Zyl on 24 September 2015

Our ref: 264\comments on dsr Kunene building supplies,
Colmon Mining

Date: 24 September 2015



André Faul

Geopollution Technologies

Per e-mail: andre@thenamib.com

Dear Mr Faul,

COMMENTS ON EIA's AND EMP's FOR THE SAND AND STONE MINING ACTIVITIES OF
KUNENE BUILDING SUPPLIES AND COLMAN MINING ON FARM ARIS No 29

I herewith represent the following interested and affected parties of the above projects
(hereafter referred to as "the neighbour"):

JAPONICA INVESTMENTS NINETEEN (PTY) LTD. Which is the registered owner of:-

CERTAIN: REMAINING EXTENT OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION
MEASURING: 4967,8964 hectares

AND

CERTAIN: REMAINING EXTENT OF THE FARM LEOPARD NO 218, KHOMAS REGION
MEASURING 321,3094 hectares

(Jointly referred to as " GOCHEGANAS MILK")

NAMIBIA ESTATE ENTERPRISES (PTY) LTD. Which is the registered owner of:-

CERTAIN: PORTION 7 OF THE FARM GOCHEGANAS NO 26, KHOMAS REGION
MEASURING: 5 170, 6880 HECTARES

AND

CERTAIN: REMAINING EXTENT OF PORTION 1 OF THE FARM WALDECK NO 28,
KHOMAS REGION
MEASURING: 181, 1891 HECTARES

AND

CERTAIN: PORTION 1 OF THE FARM LEOPARD NO 218, KHOMAS REGION,
MEASURING 265,4810 HECTARES

(jointly referred to as "GOCHEGANAS LODGE")

Enviro Dynamics cc
16 Seder Street, Suiderhof P.O. Box 4039 Windhoek, Namibia
Tel : (+264 61) 223 336 Fax : (+264 61) 307 437 Email: info@envirod.com
Reg No: CC2010/1935

Directors: S van Zyl (Managing Director) B(TRP) MEM / N van Zyl (Director) Dip (Civ), BA Hons (Psyc), Msc (Proj. Man.)

This letter contains our comments on your EIA's and EMP's, circulated on Friday 11 September 2015 and Tuesday 15 September 2015 respectively. The initial deadline for comments was Friday 18 September 2015, and Tuesday 22 September respectively. You were persuaded that a time frame of 7 days for making comments on a project that could severely impact the existing developments and future prospects and viability of projects on the neighbour's land, is unreasonable. The Comments period was therefore extended to Thursday 24 September 2015.

Our key comments and recommendations are provided here, and they are followed by more detailed comments which go along with the flow of the reports, per heading.

Key comments

Your argument for the Need and Desirability of the activity

The existing and future sand mining area on your map (Figure 1) is shown as an island of mining and industrial activity in a vast area of residential, game and livestock farming, nature estate, tourism establishments and related activities. The land is developing even further to make the most of its sense of place, unspoilt landscapes, and overall character. There is a ribbon of industrial activity along the B1, where the quarry has been operating for a long time, but the (very new, since 2013) sand mining operations encroach severely and impinge on the qualities just mentioned. Further downstream toward Groot Aub there are more residential estates and a large community of less affluent people that are all directly dependent on the groundwater resource, the grazing and other natural resources of the area. If one would take a clean slate and make a list of suitable land uses for this area, sand mining and related activities would not be on that list. The river is otherwise pristine and serves a very important socio-ecological function in the area. Had the authorities regulated the sand mining activity from the beginning, it would not have been there. One only needs to refer to the Aris Town Planning scheme to realise it does not accommodate this use in its current Agricultural zone.

Reports from the owners of neighbouring farms (Mr. Udo Stritter, pers. Comm, 17 Sept 2015), indicate that the sand mining per se has only been active for the last 2 to 3 years. In fact, the lease contract with Mr Frowerk (Owners of Aris No 29, attached to the Scoping Report) was only signed in July 2015! While the stone quarry has been operating for many years, the sand mining is a very new operation in the area. Therefore to argue that the sand mining activity has a right based on its history and that it existed before all the other activities is simply not true.

Furthermore, in a larger zone of tourism, hunting and nature estate attractions, the employment benefit of the project seems rather small. Sand resources are relatively wide spread and their quarrying should be selected well in areas where the surrounding resources can be respected. To use the argument that this particular sand mining operation is indirectly supporting thousands of workers, is an over statement. Surely there are many sand resources throughout the area and around Windhoek, some which are more suitable to exploit than others. Their current operations just demonstrate how invasive they are, demonstrating that this current scenario is everything but sustainable.

What gives these operators the right to start mining without doing their proper homework and studying their impacts on the neighbours and on the environment, without a single legal requirement in place?

It becomes clear, that the argument for the project as currently operated in the bigger scheme of how the area is developing is not very strong, and cannot solidly support the requirement for a need and desirability case and a case that this is the only real alternative as required in Regulation 8(g and 15(d) and the EMA.

This is the broad picture that needs to triumph when considering the need and desirability and the limits of acceptable change or restrictions that need to be set for this development.

Extent of operations

The area indicated in Figure 1, Page 2, of the Scoping Report clearly shows a very large intrusion on the river, and far exceeding the normal riverbed. Clearly this impact of this should not be taken lightly.

Land use conflict

If one zooms in to the developments proposed by the Neighbour, currently not indicated on your maps, the sand mining zone comes right up to the border of their land. Their interests consist of GocheGanas-Milk/West (Leopard Valley; Camel Thorn Nature Estate & GocheGanas Private Game Reserve)-Japonica Investments Nineteen (Pty) Ltd and GocheGanas-Lodge/East (GocheGanas Nature Reserve and Wellness Village; Kanonkop; Little Switzerland & Auzsicht)- Namibia Estate Enterprises (Pty) Ltd. The GochaGanas Private Game Reserve and the GohaGanas Lodge currently use the land for game hunting, hiking, game drives, bird watching, and related activities in nature. It is reported that the valley surrounding the Usib River is a main attraction of the area (See Figures 1 and 2 below), around which many activities are focussed, and others planned. It is particularly Camel Thorn and Kanonkop sites (planned nature estates, see Figure 1) that are situated in close proximity to the sand mining activities.

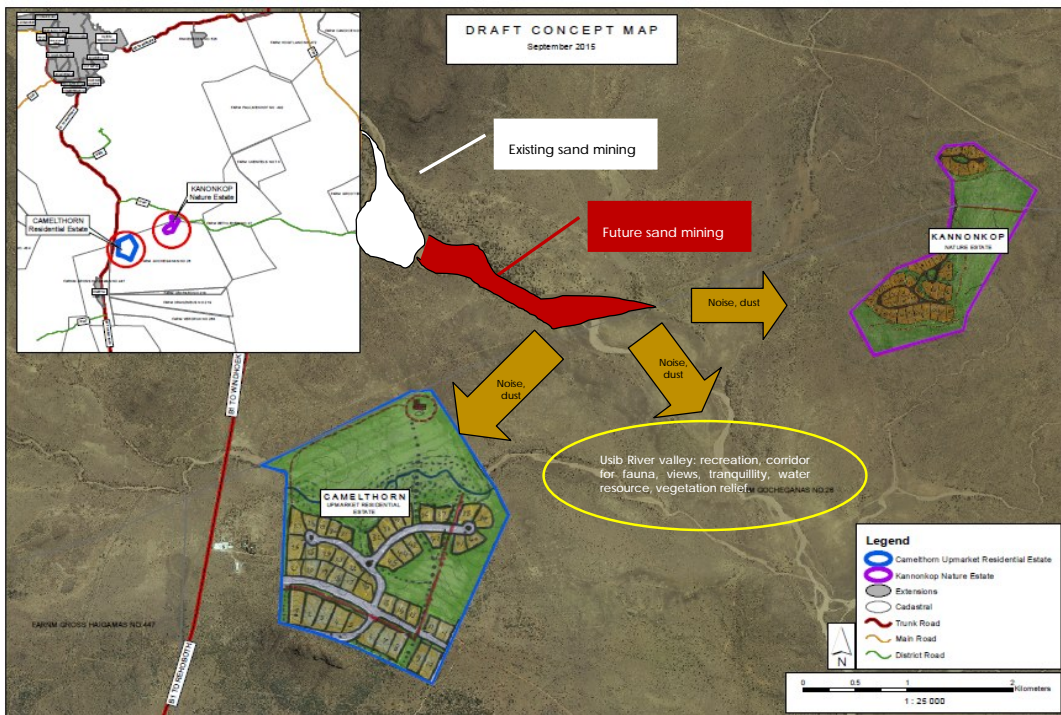


Figure 1: Planned residential estates near the sand mining activities



Figure 2: Rhino's in the Usib River valley – the border of the farm, the fence is in front of the band of trees in the background – where the future sand mining is proposed.

GochaGanas Lodge is very reliant on the pristine character of the area. Customers to the lodge, who are mostly visitors from Europe and other international countries, report that they visit our country for its untamed beauty. Visitors to the lodge apparently often comment that they require the views to be untouched; they want nature exclusively. This investment of the neighbour, of approximately N\$ 100 Million, relies on the pristine quality of the area. The Lodge recently received Diamond, Gold from PRM, Trip Advisor Certificate of Excellence and Hall of Fame (achieved for 5 years consecutively), and is recognised by the International World Spa Awards as the No 1 Wellness Spa in Namibia. Anything that will substantially spoil these qualities will have a negative economic impact on this investment.

The land in question is therefore used extensively for activities which rely heavily on a healthy ecosystem, landscape, views, and water resource. Furthermore they have the potential to capitalise on these qualities even further.

The need for specific limits of acceptable change and restrictions

We are generally of the opinion that your Scoping Reports do not adequately show how the sand mining activities can fit in with these land uses and those of the overall area. They do not show what specific limits need to be set so that the ecosystem, and specifically that of the river will remain resilient and retain its ability to uncompromisingly meet the needs of the downstream users and neighbours. In some cases the information is too scant to properly assess the impact. We do expect there to be clear no-go zones and boundaries to protect the ecosystem, the water resource, visual, noise and dust impact on the Neighbour etc.

Furthermore, since we know that the large scale sand mining only started in 2013/2014 – a mere 3 years time frame, we are highly concerned how quickly and at what pace this resource is being depleted. There is therefore no time to waste. Additional studies, as listed below, need to be done immediately. Work should not continue until the required studies, limited of acceptable change, and permits are in place.

Therefore we request specific limits and additional work to protect the neighbouring and downstream properties from:

- Noise and dust – while these impacts were addressed in the reports, no specific limits, and particularly boundaries are provided. The assessment is also not convincing as far as the after-mitigation assessment is concerned. We do not know what you based that assessment on. Noise limits are given but we do not know what the background noise of the area is, and how the additional sand mining noise, which will come right up to the boundary within the next 2 or three year, is affecting those limits. The dust mitigation provided is vague and aimed at safety measures on site and we are of the opinion that they will not suffice. To say to a contractor that they must do dust suppression “when required” is very likely to be ignored. The only real measure to protect the Neighbour is a buffer area or a no-go zone.
- Visual deterioration – even though there is an assessment of visual impact, there are no grounds given for this assessment. The baseline assessment gives no information on the visual resources of the area. The areas of the neighbouring land that looks onto the sand mining site (also the future site) need to be identified and a suitable set-back given to avoid this impact. A specific rehabilitation plan for the river is crucial. The assessment of the quarry’s visual impact is doubtful – how are you planning to bring down the visual impact of the quarry from “medium” to “low”?
- Ecological deterioration – you state that the trees are to remain untouched. Yet it is our experience at sand mining sites that this is never the case. To prove this, the existing activities are already very close to existing tree zones along the riverbank. The sight of “tree islands” that later die off is a too familiar site at many sand mining operations. Therefore mapped no-go zones to prevent this is crucial. This map needs to be included in the EMP. Let us not be naïve to think that the trees will remain untouched. It is only a matter of time, before the central resource is depleted, before they will move into the adjacent alluvial flood plain areas, which host large trees.
- A reduction in the water resources for the downstream users - the matter of potential resource depletion as a result of the water being impounded on site is not assessed at all. This is a major concern for the Neighbour. Therefore kindly describe to us how the water flows pre-sand mining and how it flows

with sand-mining activities. If impoundments, obstructions or redirected flow has been created, then boundaries and perhaps rehabilitation then need to be prescribed for the unobstructed flow of water to downstream users. We are not experts in this regard, and your report, or a separate specialist report needs to explain this potential impact, and what is to be done to rectify existing damage and prevent future damage. Mr Stritter reports that the Usib River on their farm has not flowed for the past 7 years, while there is a large impoundment of water standing where the sand is being mined. This is potentially a major impact not only for the Neighbour but also for the users downstream up to Groot Aub who use the same river's water.

We therefore propose the following:

1. That a thorough mine plan, with estimated volumes, depth of mining, and time frame, be compiled to form the basis of the environmental assessment. The future mining area needs to be included in the mine plan and the assessment.
2. That further noise, visual and dust impact assessments be conducted to 1) identify the pre and post-sand mining impacts, including the future sand mining to be conducted directly north of the border.
3. That the above studies be used to set spatial limits of acceptable change to 1) protect the river from vegetation loss (all trees and shrubs, not only protected species, and including the 100m buffer requirement of the Forestry Act); 2) create a buffer for protecting infringements of visual impact, dust and noise onto the Neighbour.
4. That a study be conducted to show the pre-mining water flow scenario and how the sand mining affects same. Changes then need to be proposed to reinstate damages done (loss of water downstream) and to prevent future loss. This needs to be submitted to the neighbours, together with proof of the stream diversion permit in terms of the Water Act of 1956.
5. That a rehabilitation plan be drawn up to deal with the visual and ecological impact of the site. This rehabilitation plan will provide a mine plan (estimated scenario) that will deal with the sequence of rehabilitation, with a budget. This is mentioned in the EMP, but not in adequate detail. It should also be stressed in the EIA (which is currently not the case).
6. That all permits be in place, including a re-zoning and river diversion permit in terms of the Water Act.

Clearance should be withheld until such time as the above measures are put in place and circulated again to the Neighbour.

Should clearance be granted without reasonable attention to these items, an appeal will have to be lodged to the Minister, on the basis that the Scoping Reports were inadequate to provide answers to the questions and issues raised by the Neighbour, and do not provide sufficient information to make a decision.

Detailed comments

Purpose of this report

Does it provide sufficient info to make a decision? Later on we argue that there are certain answers which are yet to be provided.

Project justification and benefits

We agree that sand is a valuable resource. There are relatively large resources of sand around Windhoek. The question should be where are suitable areas for removing this sand, given existing and developing land uses. This does not necessarily make out a case for the project to be situated, and to the extent that is proposed, at the proposed location.

Furthermore, water is probably the most valuable resource without which nothing can be done. This has to be protected at all costs.

The project is in a changing environment, from a past situation of agriculture/industrial activities to the development of high cost residential, estate, activities.

To argue that the project has been there for all these years and should continue, is not valid, particularly pertaining to the sand mining activities which has been introduced only recently.

Methodology – public consultation

It is stated that part of the methodology was to consult with Interested and Affected parties, and to put forward their comments to the commissioner. We trust that you will consider our comments, and compile a comments and responses trial to the Commissioner and not just merely entertain us for the sake of the process.

Acts

It is stated that the Water Act (54 of 1956) “controls and provides permits for the interference with, or alteration of, the flow of water of a public stream including its impoundment”. Is a permit in place in terms of this regulation, and if so, please make it available to us? Certainly this indicates Government’s concern with stream diversions, and to ensure the protection of water resources.

The Forestry Act (2007) is not listed, which requires that all trees within 100m from a riverbed be protected.

The Aris Town Planning Scheme provides that “No ... work or obstruction ... may be constructed on or over property or located in such a way that: (a) The flow of water from higher lying property to lower lying property is impeded or obstructed...; or (b) The flow of a natural watercourse ... is or can be changed, canalised or impeded; ...”.

Project description

Previously we requested a mine plan i.e. an estimate of the volumes available in the area, as well as the estimated life span of the mine. This is important for a number of reasons – 1) funds set aside for rehabilitation, 2) spatial planning of where the mining activities would be suitable, 3) planning for the company’s own financial benefit, etc. The most important is that a fund is built up for rehabilitation, and that this liability gets transferred from one owner to the next if sold.

While it is true that future changes in the industry will affect such a plan, the mine plan could be based on 2 or 3 scenarios for planning purposes.

The following information is required in the project description for adequate impact assessment to be made:

- 1) Estimated volumes of material
- 2) Depth of material and depth to be mined
- 3) Information about the frequency and numbers of trucks and other vehicles used.

It is stated that landscaping is conducted once the quarry pit is completed. However, from the photographs presented this does not seem to be the case.

Locality and land use

The Aris Town Planning Scheme defines the primary use on the land in question as “agriculture”. Sand mining does not appear as a primary or a consent use. It is therefore not permitted in terms of the Town Planning Scheme. The Scheme indicates that mining is permitted in a mining zone, the area in question does not fall in this zone.

The implications are therefore that current and future land use (sand mining) is not in line with the Town Planning Scheme.

You discuss and indicate existing uses on your map, but future uses are not shown at all. This is important to see what the planning and already approved land uses of the area are and how the development relates to those uses. It is important to

consider spatially the impact of the current and future activities particularly on the neighbouring properties.

Climate

Under implications and impacts we are concerned that the interference of the river course interferes with the highly valuable and vulnerable water resource further downstream. This is not mentioned at all.

Surface water

Under implications and impacts it is not mentioned that interference with water flow for users downstream is something to be considered.

Figure 6 showing surface drainage area – the boundary showing general site location is confusing – does this show the area to be mined?

Geology and geohydrology

Again in this section pollution vulnerability is mentioned, but not the fact that the river is a carrier of water that feeds underground sources, and that this pathway should remain free from obstructions.

Fauna and Flora

It is stated that no trees or shrubs are close to the sand mining area. However, from the photos on Page 7 and the map in Figure 1, it is clear that this is not the case. Sand mining activities have indeed come close to significant clusters of vegetation on the banks of the river. Moreover, it is necessary to identify the specific species of concern and not just mention the regional vegetation zone. It is stated under implications and impacts that only protected vegetation should not be removed, but that vegetation is not really at risk. Since the sand is mostly in the riverbed, and since the riverbank vegetation, whether protected or not, plays a crucial role in the ecosystem functioning of that river, it is of vital importance that the vegetation zones be demarcated and identified as no-go zones.

Demographic characteristics

The role the project plays to provide job opportunities is relatively small and does not warrant large scale damage to the environment. Sand is available in various areas and the extraction thereof should not come at the expense of destroying valuable resources that sustain other economies in the area.

Public Consultation

We note that the concerns of the ACSM Trust, namely potential depletion or decline in the water resource for downstream users, also a concern of this neighbour has not been considered at all.

Visual resources and land use – there are no data given on the visual resources and land use characteristics of the area. Visual impact is a real concern for this respondent, but also as far as the quarry from the perspective of the road users and other neighbours are concerned.

Impact assessment

General comments

Is the assessment done for the entire area up to the southern boundary or only for current operations?

It is important to include the planning component of the project, not only operations. This project has a strong planning component, to at least be included in the EMP.

Under major identified impacts, visual impact and land use impact (conflict) is not mentioned at all. They are key impacts of this project.

8.1 Ecosystem impacts and Tables 19 and 21

It is not described where the mining takes place in relation to the actual water course (presumably if flat it spreads over the area), and what effect the mining has and will have on the flow of water downstream. It is mentioned in the table that the water flow may be interfered with, but this remains an open question. Besides there being no assessment or description of it, what will be done about it?

The same point is relevant to 8.3, from a water resource point of view. It is also a socio-economic impact as it affects the economy for users that use the water further downstream.

8.4 and Table 13

We do not understand how this is assessed without the traffic volumes or the frequency of movement given. What are the frequency of these trucks on the roads? What is their weight? The maintenance of the roads is a high concern. Has the Roads Authority approved this new activity and the additional load it places at the access points to the farm?



Figure 3: A Kalahari Buildings supplies truck entering Windhoek from the site.

8.5 and Table 16 – Dust

From the point of view of the current Interested and Affected parties, representing development on the neighbouring land, this impact is of high concern. It needs to be shown spatially what the impact of dust is likely to be on their land. How far is the dust likely to travel, in varying wind speeds and directions? What will the dust impact be when the sand mining is on the border of their farm? A visit to GocheGanas Lodge, on 23 September 2015, even on this hazy day, showed that dust is generated constantly at the site. The dust was clearly not only from the quarrying when blasting is done, as alleged, but from the continual handling of sand from site and onto trucks.



Figure 4: The dust generated by the quarry from 5km and 2km distances respectively.

8.6 Noise – Table 17

Although this work was done at scoping level there is a need to measure ambient noise levels at the farm boundary with various scenarios – with stone quarrying noise and with stone quarrying noise and sand mining noise. This I&AP uses the adjacent land for tourism, game farming, game driving and recreational activities and has especially been planning for several years three residential estates in the vicinity, relying heavily on a tranquil atmosphere. These subdivisions are in various phases of approval, some of which are already approved by the Surveyor General. A site visit to the border where the sand operations will soon encroach revealed that the operations are already audible from there. A constant background noise could be detected. What will the noise impact be if the sand operations are allowed at the border of the farm? This impact needs to be related spatially, i.e. how far will the noise have an effect before and after mitigation? What distance needs to be maintained so that current noise levels are maintained? Specific mitigation in this regard needs to be mentioned in this report. It is expected that a buffer would be set to protect the current noise levels.

Table 23 – Visual impact

The visual impact of the quarry and the sand mine should be re-considered. The quarry is highly visible from the road to multiple receptors. It is high visible in an environment which is otherwise of a high quality and unaltered. The other question to be answered is how the visual impact rating, practically will be reduced to “low”? The recommendation in this regard for rehabilitation needs to be more specific. How will the visual impact be address when the sand mining encroaches onto the border of the farm? Current sand mining operations, if allowed onto the border of Gocheganas, will be completely unacceptable. The neighbours cannot afford to spoil their current views with that kind of destruction, the damage to the entire property will be too great.

10. Alternatives to the proposed development

The following alternatives need to be considered:

Need and desirability – as mentioned under key comments – the case for the project is weak and should only continue when it can prove to harmonise with the surrounding land uses. Severe limits are required to achieve this.

Alternative locations – a smaller band of sand removal compared to the area currently proposed, or an area that would protect river flow, noise and dust impact on neighbours, visual impact on neighbours, riverine vegetation, etc. Reducing the size of the operations would ensure harmony with the environment, and a fair chance to others who also want to make a living from it. The resilience of the social and ecosystem is the key consideration.

The operations have not been going for 40 years, the lease agreement was only signed in July 2015, (except the stone quarry, which has been operating for a long time), and the neighbours report that it has been going since 2013 on a large scale at the most.

Permits for river diversion and for rezoning are not in place.

Environmental Management Plan

- The findings, particularly limits of acceptable change and no go zones need to be agreed with this neighbour and eventually incorporated into the EMP.
- It is important that a communication channel be created with all the neighbours and downstream users. Monitoring data should be made available and a person identified who can deal with complaints. This provision should be added to the EMP.

- The specific permits that are currently outstanding need to be in place before the operations may continue (mention the specific ones, i.e. re-zoning and river diversion permit). This needs to be explicitly stated and highlighted.

Yours Faithfully,



ENVIRONMENTAL ASSESSMENT PRACTITIONER AND REVIEWER
ENVIRO DYNAMICS

Copy to:

Mr. Theo Nghitila (Environmental Commissioner); Email: tnghitila@yahoo.com; Fax: +264 61 240 339

Mr. Udo Stritter (Chairman of Namibia Estate Enterprises (Pty) Ltd and Japonica Investment Nineteen (Pty) Ltd; Email: umstritt@mweb.com.na; Fax: +264 61 305 523

Mr. Fred Koujo, City of Windhoek, Environmental Manager, Email: kfr@windhoekcc.org.na

Paulina Mufeti (Head: Hydrology Division, Water Affairs) Fax: 2087256, Email: mufetip@mawf.gov.na.

Summary of concerns from letter received from Stephanie van Zyl with responses from Geo Pollution Technologies

Issue / Concern	Response	Addressed in Environmental Assessment
<p>Sand mining operations is a new (2013), recent activity at the present location on Farm Aris</p>	<p>Refer to Appendix A of this addendum for a satellite image indicating the presence of sand mining activities in 2006 already.</p> <p>Refer to Appendix B, an excerpt from a contract for the provision of sand (through sand mining) dated 1990 as drafted by Attorneys Engling, Stritter & Partners – shareholder of the adjacent properties that lodge the issue.</p> <p>Documentation provided proof that sand mining has been conducted in the area at least since the 1990's and that Mr. Stritter must have knowledge thereof.</p>	N/A
<p>Lease agreement only signed in 2015</p>	<p>No lease agreement was attached to the Scoping Report (SR). Attached to the SR is a letter referring to the lease agreement which has been in existence since Colmon Mining CC started mining 14 years ago.</p>	EIA Appendix A
<p>Socio economic contributions are not as extensive as stated</p>	<p>Comment taken out of context as in the report it states that the activity is <i>sustaining</i> the construction industry which in turn employ “thousands of workers”. It was not intended to mean that this is the sole source of sand in the region.</p>	EIA Section 6.7 Pg. 14
<p>Operating without required permits</p>	<p>Sand mining operations do not require a permit under the Mining Act. Agreements with the land owner was obtained. EMP makes provision for compliance to all legal requirements for operations of the mine.</p>	N/A
<p>Need and desirability alternative required as per regulation 8(g) and 15(a) of the EMA</p>	<p>In terms of the EMA, “Government Notice No 4878 Regulation No 30 of 2012 the definition of “Alternative” excludes any consideration to “need and desirability”. The operations have been in existence for longer than 30 years. This is an existing operation that is submitting an EMP to comply with the much younger EMA.</p>	N/A
<p>Planned tourism activities have been omitted in the consideration of the impacts</p>	<p>The quarry and sand mining operations have been in operations for more than 30 years while the land which had been acquired for the future planned and possible tourism and residential establishments was acquired in 1997, 2001, and 2009 during which time mining operations were ongoing. Please refer to Appendix C of this addendum showing deeds information for the adjacent properties of the relevant I&AP. Impacts have been identified for the current environment and existing features with consideration to downstream users.</p>	N/A
<p>The sand mining and quarry activities will impact the “pristine” environment on</p>	<p>Sand mining and quarry operations have been in operation long before the area has been earmarked for the particular tourism and residential developments. The proposed tourism development, Camelthorn Estate, has planned its major infrastructure / buildings</p>	N/A

<p>which tourism and residential properties are planned to be established.</p>	<p>approximately 1.2 km from the existing sand mining operations – clearly knowing that a sand mine is operated nearby. This approximate distance is maintained for Camelthorn Estate regardless of the potential future expansion of sand mining activities towards the boundary between Aris and GocheGanas. Please refer to Appendix D of this addendum for details and distances of planned developments on GocheGanas. Furthermore, the potential future sand mining area on the border of the GocheGanas is approximately 800 m in width, which is less than 2 % of the entire GocheGanas property boundary.</p>	N/A
<p>Sand mining and quarry activities do not fit in with proposed future land uses</p>	<p>Sand is an important resource for townships and township developments. Development of the Aris area will require sand. Provision of sand from nearby, already impacted, areas reduce environmental impacts caused by mining and transport from elsewhere.</p> <p>The quarry and sand mining operations have been in existence for so long that the operations have become part of the landscape character and in some instances are even referred to as landmarks.</p>	N/A
<p>No restrictions set to protect the ecosystem downstream uses (no-go zones and mining boundaries)</p>	<p>Provision has been made in the EMPs for the protection of vegetation especially the riverbank vegetation. Condition that sand mining be conducted systematically and along the river flow (eliminating any possible flow restrictions) to be included in the EMP (which is a living document).</p>	<p>EMP Table 2: Poaching, Hunting or Removal of Plant Material and Ecosystem and Biodiversity Impact</p>
<p>Noise and dust pollution</p>	<p>Operations are ongoing and generate some dust and noise, which have been indicated in the reports and mitigation measures set in the EMP. It is not foreseen that any increase in these will occur. The proposed Camelthorn Estate development have planned its major housing component approximately 1.2 km from the current operation. This approximate distance is maintained for Camelthorn Estate regardless of the potential future expansion of sand mining activities towards the boundary between Aris and GocheGanas. Please refer to Appendix D of this addendum for details and distances of planned developments on GocheGanas.</p>	N/A
<p>Visual deterioration</p>	<p>The potential future sand mining operations will be less than 2 % of the boundary fence of GocheGanas where the proposed estate and residential developments will occur. Sand mining operations in this area will only be conducted until the end resource level is reached.</p>	N/A
<p>Ecological deterioration</p>	<p>Mining will be conducted systematically and along the flow of the river. No pocket mining will be allowed which may impound water and result in ecological impacts. These</p>	EMP Table 2:

provisions are to be included in the EMP. Measures have been provided in the EMP for the protection of vegetation and water.	Groundwater, Surface Water and Soil Contamination
and	and
Poaching, Hunting or Removal of Plant Material	Poaching, Hunting or Removal of Plant Material
and	and
Ecosystem and Biodiversity Impact	Ecosystem and Biodiversity Impact
Reduction in the water resources for downstream users	N/A
Development of a mine plan	N/A
Pre-mining and post-mining impacts to be assessed (dust & noise)	N/A
Pre-mining flow scenario to be provided for the River and proof of the stream diversion permit.	N/A
The provision of a rehabilitation plan including funds for such requirements	EMP Table 1: Restoration Fund / Insurance
All permits to be obtained in term of the Water Act and Town Planning.	EMP Table 2: Restoration / Rehabilitation
Limited employment opportunities	EMP Table 1: Compliance
Operations already directly employ 9 workers on a full-time basis. Should operations be shut down there will be a definite negative impact. Employment opportunities are presented to local Namibians and services provided are focussed on the local markets. Utilisation of the natural resources are to benefit the local community and not an elite few as can be expected from the developments proposed on the adjacent property.	EIA Section 5.1 Pg. 6

<p>Ongoing communication with neighbours and downstream users</p>	<p>Condition will be included in the EMP – which is a living document.</p>	<p>N/A</p>
--	--	------------

Appendix A: Satellite Image dated 9 May 2006 Indicating Presence of Sand Mining Activities in the Usip River at the Current Location on Farm Aris



**Appendix B: Excerpt from Previous Sand Mining Contract dated 1990
Indicating Presence of Sand Mining at the present Location in the Usip River
on Farm Aris**

04.10.95
1600 USD

SPRENGEL
BRIKS

Section blanked out to hide confidential information.

ENGLING, STRITTER & PARTNERS

Attorneys, Notaries and Conveyancers

P.O. Box 43

5th Floor, C.D.M. Centre - Kaiser/Bülow Street

9000 WINDHOCK

UND DA zwischen den Parteien bereits ein Pachtvertrag vom 6. November 1981 mit einer Gueltigkeit bis zum 30. September 1990 bestand, der gewisse Nutzungsrechte des Paechters auf dem Gelaende der Verpaechterin regelte;

WIRD HIERMIT WIE FOLGT UEBEREINGEKOMMEN:

1.

ANNULLIERUNG BESTEHENDER VERTRAEGE

Saemtliche vorher abgeschlossenen Vertraege, ob schriftlich oder muendlich zwischen den Parteien eingegangen mit Bezug auf das gepachtete Objekt, werden hiernit fuer null und nichtig erklaert.

2.

PACHTOBJEKT

Der PAECHTER hat das Recht, in den Revieren auf der Farm ARIS Nr.29 Sand und Kies abzubauen. Die Entnahmestellen werden mit der VERPAECHTERIN abgestimmt, um Schaeden an Wasserstellen, Kralanlagen usw. zu vermeiden. Sand und Kies duerfen nur fuer Baustoffe (Rohsteine, Hohlblocksteine) im Rahmen der Geschaeftstaetigkeit des PAECHTERS verwendet werden; sie duerfen nicht Gegenstand anderweitiger Geschaefte oder Spekulationen sein.

Der PAECHTER hat ferner das Recht, aus den vorhandenen und ihm zugewiesenen Bohrstellen und Wasserleitungen Wasser zu entnehmen. Falls durch Trockenheit jedoch der Farnbetrieb der VERPAECHTERIN durch die Wasserentnahme des PAECHTERS gefaehrdet ist, und von der zustaendigen Behoerde festgestellt wird, dass nicht genuegend Wasser fuer Eigengebrauch und Farnbetrieb vorhanden ist, hat die VERPAECHTERIN das Recht, mit einer zweimonatigen Kuendigungsfrist die Wasserentnahme voruebergehend zu

-/3.....

M.F.
H

- 9 -

SO GESCHEHEN und UNTERZEICHNET zu WINDHOEK am 30. AUGUST 1990.

ALS ZEUGEN:

1. [Signature]
2. [Signature]

M. Franck
VERPAECHTERIN

SO GESCHEHEN und UNTERZEICHNET zu WINDHOEK am 30. AUGUST 1990.

ALS ZEUGEN:

1. [Signature]
2. [Signature]

[Signature]
PAECHTER

Appendix C: Deeds Information Indicating Dates at which the neighbouring Properties in question were acquired

Property Description	Title Deed Number	Purchased By	Date
Remaining extend of the Farm GocheGanas No 26, Khomas Region	T1211/09	Japonica Investments Nineteen (Pty) Ltd	29 March 2009
Remaining extend of the Farm Leopard No 218, Khomas Region	T1212/09	Japonica Investments Nineteen (Pty) Ltd	29 March 2009
Portion 7 of Farm GocheGanas No 26, Khomas Region	T4918/97	Namibia Estate Enterprises (Pty) Ltd	21 October 1997
Remaining extend of Portion 1 of Farm Waldeck no 28, Khomas Region	T4918/97	Namibia Estate Enterprises (Pty) Ltd	21 October 1997
Portion 1 of the Farm Leopard No 218 Khomas Region	T1801/01	Namibia Estate Enterprises (Pty) Ltd	10 April 2001

*Copies of deeds kept on file at offices of Geo Pollution Technologies (Pty) Ltd

Appendix D: Map Indicating Existing and Planned Developments on Farm GocheGanas

