



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND
ENVIRONMENTAL AFFAIRS

2010 -12- 13

PRIVATE BAG X313
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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 2904 FOR WRITTEN REPLY

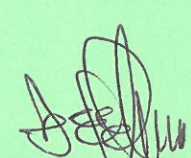
A draft reply to the above-mentioned question asked by Mrs S V Kalyan (DA); is attached for your consideration.

In respect to your instruction to deploy an official to inspect the Umgeni River Sandmining, attached is an inspection report confirming the facts of this case as **Annexure A**.


ACTING DIRECTOR-GENERAL

DATE: 10/12/2010

DRAFT REPLY APPROVED/AMENDED


MRS B E E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 2010/12/14

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2904

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER:
(INTERNAL QUESTION PAPER NO 32.)**

2904. Mrs S V Kalyan (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether with reference to her reply to question 2672 on 4 October 2010, the Department of Water Affairs has taken any action in terms of the National Water Act, Act 36 of 1991, against the sandmining operations of CN Shabalala in the Umgeni river; if not, why not; if so, what action;
- (2) what (a) was the date of the last inspection by officials of her department of this mine and (b) are the (i) names and (ii) designations of officials that conducted the inspection?
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REPLY:

- (1) The Department has not taken any action against sandmining operations in terms of the National Water Act 36 of 1991 as this matter is being handled by the Department of Mineral Resources (DMR) as the lead agent. If there was an issue in terms of transgression of the National Water Act, the DMR would have informed the Department about such transgressions.

However, on 2 December 2010, the Department in conjunction with officials from the Ethekewini Metropolitan Council conducted a site visit and noted that:

- All mining has ceased on site.
- All equipments had been removed including their temporary offices.

The DMR has requested that Mrs Shabalala, the operator of the sandmining activity, submit a draft rehabilitation plan. Follow up site inspections will be scheduled to ensure no further sandmining activities are taking place.

(2)(a) The last inspection was conducted on 2 December 2010.

(2)(b)(i) Mr S O Naidoo.

(2)(b)(ii) Scientist, Catchment Management.

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water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

ENQUIRIES: B Manyakanyaka
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REFERENCE: 6/2/2/6

REPORT ON UMGENI RIVER SANDMINING

1. Background

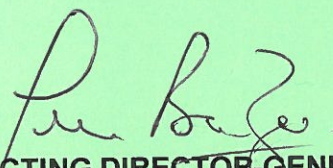
- 1.1 Mr Trafford Peterson, an Environmental Officer from the Ethekwini Metropolitan Municipality received a complaint that a sandmining activity was taking place in the Umgeni River in close proximity to the residential area Parlock.
- 1.2 Upon inspection, he found heavy duty plant equipment on site belonging to Ally Sands. Further investigations revealed that the site is owned by Commercial Properties CC, however, the sandmining activity was operated by Mrs CN Shabalala. Several meetings between the Department of Water Affairs (DWA), the Department of Mineral Resources (DMR) and the Ethekwini Metropolitan Municipality took place to establish the status quo and the way forward in dealing with this activity.
- 1.3 DMR informed all parties that Mrs Shabalala has a valid permit for sandmining along the river, however, they have transgressed in terms of mining outside the designated boundary they were allocated, as specified in their permit. Furthermore, they have transgressed into council land without receiving the relevant authorisation from the Department of Mineral Resources (DMR) or the Ethekwini Metropolitan Municipality.
- 1.4 On 3 September 2010, a joint site inspection (between DMR and Ethekwini Metropolitan Municipality) was conducted and DMR issued a directive to stop all mining activities with immediate effect and move all equipment off-site. They were further instructed to seek the services of a surveyor to establish their area of operation they were permitted to mine within and then to clearly demarcate this area through the use of pegs. Mrs Shabalala was instructed to develop a draft rehabilitation plan which must be submitted to the DMR as a matter of urgency.
- 1.5 It is clear that the banks of the river have been altered and DMR and DWA will ensure that the rehabilitation plan ensures that the river banks are returned to their previous state.

2. Status Quo

- 2.1 On 2 December 2010, a follow up site visit was conducted by the DWA's Regional Office: KwaZulu-Natal and Ethekwini Metropolitan Municipality and we have found that all mining activities have ceased on site and all equipment has been removed offsite, including their temporary offices.

3. Way-forward

- 3.1 The DWA's Regional Office: KwaZulu-Natal and Ethekwini Metropolitan Municipality await feedback from the DMR regarding the submission of the draft rehabilitation plan from Mrs Shabalala. Follow up site inspections will be scheduled to ensure no further sandmining activities are taking place.


ACTING DIRECTOR-GENERAL
DATE: 10/12/2010