

The Fairbreeze BAR vs S&EIR decision

The KZN Sands business evolved over many years. The original project configuration back in 1998 consisted of Hillendale and Fairbreeze (excluding Fairbreeze C extension ore body). In line with mining legislation of the day, an environmental impact assessment was completed and approved by the Department of Mineral Resources (DMR). If it was not for economic considerations at the time, a mine would have been established on Fairbreeze to mine the ore bodies under discussion during 2003/4.

Since then the project underwent changes in configuration and magnitude. One such configuration (Fairbreeze C extension ore body) was proposed to be implemented during 2006. A scoping and environmental impact report (S&EIR) was conducted due to the lack of information for this ore body. By 2008, the then proposed configured Fairbreeze project had received all the required approvals to commence mining. The global financial crisis in 2009, however, forced Exxaro to place the project on hold and review its project approach.

When the market recovered in 2010, Exxaro re-assessed the feasibility of Fairbreeze. The project was found to be viable once again, provided that a few changes were made. This included reverting to the original larger mining area, revising the residue dam, and moving the wet plant to a central location which is further away from the town.

These changes, together with amendments to and newly introduced legislation, as well as Exxaro's proactive approach to ensure compliance to legislation, resulted in an action plan to ensure that Exxaro considers all the potential impacts of the revised project. This meant another environmental assessment process.

The BAR decision

The National Environmental Management Act (NEMA) of 1998 provides that if an applicant intends undertaking an activity that requires an environmental impact report, it may apply to the competent authority for permission to undertake a basic assessment report (BAR) instead of an S&EIR.

The decision for such an application rests, firstly, on the advice of the independent environmental assessment practitioner (EAP) managing the application and, secondly, on the applicant's view that it is likely that the competent authority will be able to reach a decision on the basis of information provided in a BAR.

In Fairbreeze's case, the competent authority is the Department of Agriculture, Environmental Affairs and Rural Development (DAEARD).

Exxaro, on advice of its EAP and other specialists, decided to request such permission and it was granted by the DAEARD. Exxaro thus acted in line with the applicable legislative provisions.

Exxaro motivated its BAR application on the extensive assessments which had already been conducted on the proposed Fairbreeze mining area over approximately 13 years. In-depth information was available from these previous studies to inform the scoping requirements for the BAR. This included identification of environmental, social and economic issues associated with mining in the area. Undertaking the S&EIR process would therefore have repeated studies, and would not have served the information required to make a decision for the project.

The 2011 BAR

Exxaro's 2011 BAR is a detailed and comprehensive impact assessment. It was informed by several previous EIA studies on the area which gave excellent scoping information.

The 2011 assessment for Fairbreeze included 11 specialist studies, covering topics such as:

- Biodiversity
- Air quality
- Groundwater
- Surface water
- Socio-economic impacts
- Heritage
- Noise impacts
- Visual impacts
- Social impact
- Water quality and bio monitoring
- Soil and land use

These studies covered all relevant aspects and impacts of the proposed operation. The final product is a comprehensive assessment complying with the BAR requirements set out in the NEMA.

Copies of the BAR are available at:

http://www.acerafrica.co.za/index.php?option=com_docman&task=cat_view&gid=157&Itemid=9