

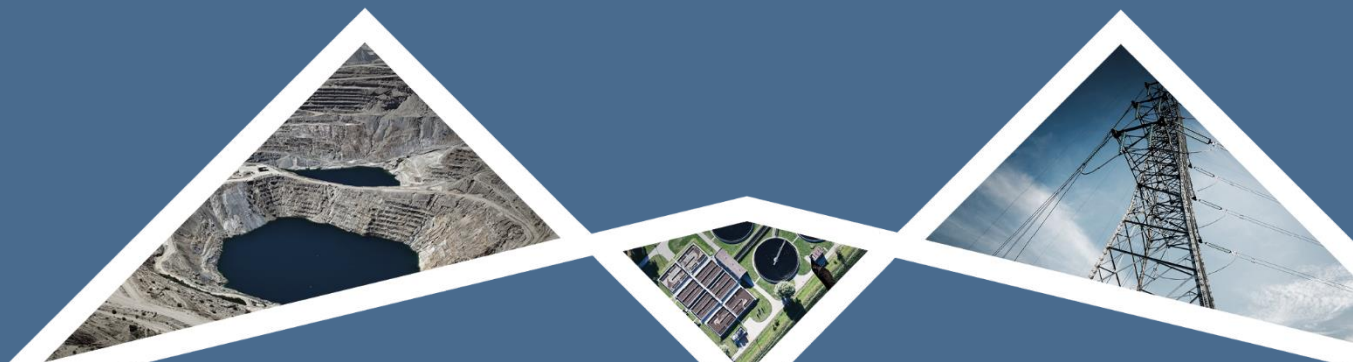


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PUBLIC PARTICIPATION REPORT

MOOPLAATS COLLIERY PROJECT





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1 INTRODUCTION

Langcarel (Pty) Ltd. (hereafter referred to as Mooiplaats Colliery) (the Applicant) appointed Geo Soil and Water (GSW) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the necessary authorisation and amendment processes for Mooiplaats Colliery. Environmental Impact Management Services (EIMS) has been appointed by Geo Soil and Water CC (GSW) to assist with undertaking the necessary Public Participation Process (PPP).

The project will include applications for:

- Environmental Authorisation (EA) (i.e. Scoping and Environmental Impact Report (S&EIR) and public participation process (PPP)) for the expansion of mining activities;
- An amendment to the existing Environmental Management Programme Report (EMPR) in terms of Regulation 37 of the EIA Regulations, as amended;
- Section 102 in terms of the Mineral and Petroleum Resources Development Act (MPRDA) (Act No. 28 of 2002); and
- An Integrated Water Use License (IWUL) for various water uses, relating to the mining activities

Mooiplaats Colliery, has recently concluded a Section 102 Application in terms of the (MPRDA) to include the two prospecting right areas, known as Mooiplaats South, into the existing Mining Right. Mooiplaats Colliery is also in the process of including two areas that were originally part of the Vunene Mining Right, into the Mooiplaats Colliery Mining Right.

Mooiplaats Colliery requires a new EA to extend its mining activities to include the Vunene areas as well as future NEMA listed activities related to the future mining areas (Vunene and Mooiplaats South areas). As part of the application processes, the existing Mooiplaats Colliery and Mooiplaats South EMPr will be consolidated to include the new Vunene areas and future surface infrastructure, in terms of Regulation 37 of the EIA Regulations, as amended and Section 102 of the MPRDA. Furthermore, an updated Mine Works Programme to include the additional Vunene areas, a Regulation 2.2 Plan and an updated and Social Labour Plan will be submitted in terms of Section 102 of the MPRDA.

Mooiplaats Colliery has an existing Water Use Licence (WUL) for the original Mooiplaats Mining Right area. A WUL is required for the extended Mining Right area, including the Vunene section and the Mooiplaats South sections. Furthermore, Mooiplaats Colliery wishes to add to and amend the existing WUL.

The project area covers portions 1, 2,7, 8 and 9 of the farm Mooiplaats 290 IT, portions 0, 1 and 2 of the farm Adrianople 296 IT and portions 0, 2 and 3 of the farm Klipbank 295 IT. It is located approximately 18 km south-east of the town Ermelo and 6 km south of the town Camden in the Mpumalanga Local Municipality, within the Gert Sibande District Municipality, Mpumalanga Province. The geographic coordinates at the centre of the site are approximately: 26°39'57.72" S; 30°06'08.99 E.

This Public Participation Report (PPR) has been compiled as an Appendix to the EIA Report that has been prepared in support of the Environmental Authorisation (EA) application, Water Use Licence (WUL) application and amendments to existing authorisations/licences/ and rights (if required) and outlines the public participation process (PPP) undertaken to date in accordance with the provisions of the NEMA and NWA.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them. Section 57(1) of the Constitution provides that: *"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement"*. This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and the NEMA and the recent regulations



passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as "a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"¹. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them during each consultation phase as follows:

- Scoping Phase:
 - Raise issues of concern and suggestions for enhanced benefits;
 - Verify that their issues have been recorded;
 - Assist in identifying reasonable alternatives; and
 - Provide relevant local information and knowledge to the environmental assessment.
- Environmental Impact Assessment (EIA) Phase:
 - Contribute relevant local information and knowledge to the environmental assessment;
 - Verify that their issues have been considered in the EIA process; and
 - Comment on the findings of the environmental assessments and proposed mitigation measures contained in the Environmental Management Programme (EMPR).
- Decision phase:
 - Obtain information on the outcome, i.e. the competent authority's decision, and be informed of how and by when the decision can be appealed.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for any application must be managed with due care to ensure and promote:

- Compliance with international best practice options;
- Compliance with relevant legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and decision-making process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed expansion;
- Explain the environmental authorisations and amendments required;

¹ Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team; and
- Identify feasible mitigation measures or environmental management actions to minimise and/or prevent negative environmental impacts and maximize and/or promote positive environmental impacts associated with the project.

This PPR lists all verbal and written issues raised by I&APs and stakeholders from the 30-day initial notification and call to register period, from the 16th May 2019 to date. I&APs have been notified of the period of the availability of the Scoping Report for public review and comment, which commenced on the 31st August 2019 until the 2nd October 2019. I&APs have been notified of the period of the availability of the EIA Report for public review and comment, which commenced on the 7th August 2019 until the 8th September 2020. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with relevant environmental legislation that requires public participation as part of an application for authorisation or approval; namely:

- The Mineral and Petroleum Resources Development Act (Act No. 28 of 2002 - MPRDA);
- The National Environmental Management Act (Act No. 107 of 1998 – NEMA); and
- The National Water Act (Act No. 36 of 1998 – NWA).

The details of the Integrated PPP process that has been and will be undertaken is provided in the sections below. This report is aligned with the Table of Contents requirements as set forth in GNR 267 (2017) promulgated under the NWA.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database was compiled from previous EIA projects in the vicinity of the study area, Windeed searches as well as the previous consultations undertaken for this project. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities. Refer to Appendix A for the I&AP database.

Affected landowner contact details were obtained via the following process:

- A Windeeds search was conducted to obtain the contact details of the affected landowners, where available;



- Feedback from landowners during the hand delivery of notifications where possible;
- From previous projects in the area; and

3.1 LIST OF KEY I&APS IDENTIFIED AND NOTIFIED

The following key I&AP's were notified of the proposed project

- AFGRI SA;
- AGRI SA;
- Birdlife South Africa;
- Endangered Wildlife Trust;
- Eskom Holdings SOC Limited;
- Gert Sibande District Municipality
- Landowners and Adjacent Landowners
- Mpumalanga Agriculture Landbou;
- Mpumalanga Department of Agriculture, Rural Development and Land Administration;
- Mpumalanga Department of Cooperative Governance and Tradition Affairs;
- Mpumalanga Department of Economic Development, Environment and Tourism;
- Mpumalanga Department of Health;
- Mpumalanga Department of Human Settlement;
- Mpumalanga Department of Mineral Resources;
- Mpumalanga Department of Public Works, Roads and Transport;
- Mpumalanga Tourism and Parks Agency (MTPA);
- Msukaligwa Local Municipality
- National Department of Agriculture, Forestry and Fisheries (DAFF);
- National Department of Environmental Affairs (DEA);
- National Department of Mineral Resources (DMR);
- National Department of Rural Development and Land Reform (DRDLR);
- National Department of Water and Sanitation;
- SAHRA Mpumalanga
- SANBI - Working for Wetlands;
- South African Heritage Resource Agency (SAHRA)
- South African National Roads Agency Limited (SANRAL);
- Transnet SOC Limited;
- Vaal Water Management Agency
- Ward Councillors
- Wildlife and Environment Society of South Africa (WESSA)

4 NOTIFICATION OF INTERESTED AND AFFECT PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF LANDOWNERS AND I&APS

The PPP commenced on the 16th May 2019 with an initial notification and call to register ending on the 18th June 2019. Notification during the initial notification and call to register of the PPP was given in the following manner:



4.1.1 REGISTERED LETTERS, FAXES AND EMAILS

Notification letters (in English and Afrikaans), faxes, and emails were distributed to all pre-identified key I&APs including government organisations, NGOs, relevant municipalities, ward councillors and other organisations, as well as, previously registered I&APs that might be affected. Refer to Appendix B for proof of notification.

The notification letters included the following information:

- List of anticipated activities to be authorised;
- Scale and extent of activities to be authorised;
- A summary of the proposed scope of works to enable I&APs to assess what impact the activities will have on them or on the use of their land;
- The purpose of the proposed project;
- A summary of the application processes associated with activities;
- A summary of the affected properties (including a locality map);
- A summary of the South African environmental legislation applicable to the application;
- Date by which the I&AP must register and send comments through to EIMS; and
- Contact details of the EAP.

In addition, a questionnaire was included in the registered letters, emails and facsimiles to solicit the following feedback from I&APs:

- Information on any perceived impacts from the proposed project;
- Suggestions on potential mitigation measures for the perceived impacts;
- Information on current land uses and their location within the area;
- Information on the location of any environmental features of note within or near the study area;
- Details of the landowner and information (contact details) of lawful occupiers, if any;
- Details of any other I&APs that should be notified; and
- Details on any land developments proposed in the near future.

4.1.2 NEWSPAPER ADVERTISEMENT

Newspaper advertisements (in English and Afrikaans) were placed in the “Highvelder” which has adequate circulation in the area, describing the proposed project on the 17th May 2019. In addition to the newspaper advertisement, a notice was published in the provincial Government Gazette on the 24th May 2019. The advertisements included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and



- Contact details of the EAP.

Refer to Appendix C for copies of the newspaper advertisement and Government Gazette.

4.1.3 SITE NOTICE PLACEMENT

Seven (7) A1 Correx site notices (in English and Afrikaans) were placed at seven (7) locations along the perimeter and the surrounding areas of the proposed project study area on the 16th May. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Contact details of the EAP.

Refer to Appendix D for a copy of the site notice content and proof of site notice placement.

Posters were also placed at shops located in Ermelo and notices were placed in farm post boxes (where available) and on the gates of some of the properties where possible located within the study area.

5 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

5.1 SCOPING PHASE

Notification regarding the availability of the Scoping report was provided to I&AP's registered on the I&AP database through distribution of notification letters (in English and Afrikaans) via registered mail, faxes and/or emails. Notification documents included details on the duration of the Scoping Report review period, as well as where the report was made available for public review. Refer to Appendix E for proof of Scoping Notification.

Copies of the Draft Scoping Report were made available at the Ermelo Public Library (hard copy) and online at www.eims.co.za (soft copy) for perusal and comment.

5.2 EIA PHASE

Notification regarding the availability of the EIA report was provided to I&AP's registered on the I&AP database through distribution of notification letters (in English and Afrikaans) via registered mail, faxes and/or emails. Notification documents included details on the duration of the EIA Report review period, as well as where the report was made available for public review. Refer to.

Copies of the Draft Scoping Report were made available at with the local ward councillor (hard copy) and online at www.eims.co.za (soft copy) for perusal and comment

5.3 SUMMARY OF OPPORTUNITIES TO PARTICIPATE

Table 1 below provides a summary of the various opportunities that were provided to I&AP's to date.

Table 1: Opportunities Provided for Public Participation.



ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification (announcement of project).	Newspaper advertisements (Afrikaans and English)	Highvelder Mpumalanga Provincial Government Gazette	17 May 2019 24 May 2019
	Placement of site notices.	7 A1 site notices (English and Afrikaans within and around the site area (7 locations). Posters in Ermelo. Notifications in farm post boxes/gates.	16 May 2019
	Notification of landowners & key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	16 May 2019
Scoping Phase and	Notification of landowners & key I&APs.	Affected landowners and registered I&APs were notified via email, fax, and/or post.	6 September 2019
EIA phase	Notification of landowners & key I&APs.	Affected landowners and registered I&APs were notified via email, fax, and/or post.	7 August 2020

6 INTERESTED AND AFFECTED PARTIES

Refer to Appendix A for a copy of the I&AP database.

6.1 RESPONSE TO COMMENTS RECEIVED: FEEDBACK TO INTERESTED AND AFFECTED PARTIES

Refer to Section 4 and Appendix F for the table of the comments or concerns raised by the I&APs and responses provided to them.

6.2 DISCLOSURE OF INTERESTED AND AFFECTED PARTIES INTERESTS

Refer to Section 5.

6.3 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via faxes, registered mail and/or emails of the decision as and when available. The notification will include details on the appeal process should they wish to appeal the decision.

7 RECORD OF COMMENTS RAISED

The comments and responses contained in this report are those that have been received and addressed from the 16 May 2019 to date. The PPR will be updated post the review period of the EIA Report to include any additional comments and responses received during the EIA phase.



7.1 HOW COMMENTS RECEIVED WERE ADDRESSED

Comments that have been received to date were addressed in a transparent manner. Comments raised assist in the calculation of the significance of impacts both real and perceived through the prioritisation factor (“public perception”). Where relevant, comments raised were used to provide further suggestions and recommendations with regard to technical management options for impacts.

7.2 SUMMARY OF COMMENTS THAT WERE RAISED

All comments received, and responses provided, are included in Appendix F and Appendix G. Comments raised to date include the possible impacts on the following:

- Registration of interested and affected parties (landowners in the area and National Departments)
- Concern regarding ground water
- Loss of potential agricultural land
- Potential impact of the project on Eskom infrastructure

Refer to Appendix G for proof of correspondence.

8 CONCLUSION

To date, various comments, concerns and information have been received from a number of I&AP’s. This feedback has been taken into consideration during the course of this application. The PPR will be updated for submission to the DMR, following the review period of the EIA Report.