

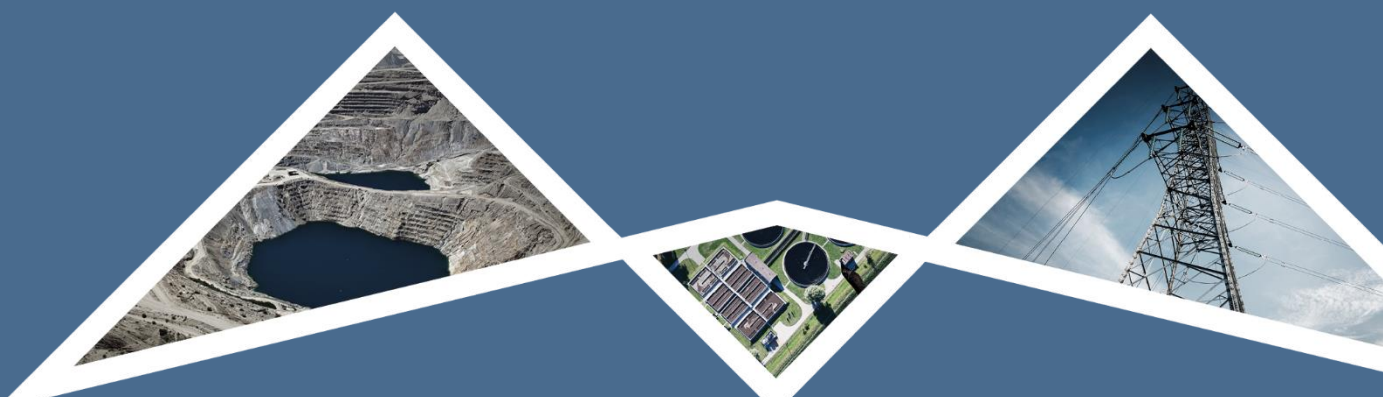


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PUBLIC PARTICIPATION REPORT

ELANDSFONTEIN EXTENSION AND CONSOLIDATION PROJECT





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Abbreviation List:

DMRE	Department of Mineral Resources and Energy
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
I&AP	Interested and Affected Party
MPRDA	Mineral and Petroleum Resource Development Act
NEMA	National Environmental Management Act
PPP	Public Participation Process
PPR	Public Participation Report

1 INTRODUCTION

Elandsfontein Colliery Pty Ltd (hereafter referred to as the applicant) has appointed Geo Soil and Water cc (GSW) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the necessary environmental authorisation and amendment processes for Elandsfontein Colliery to assist with compiling the necessary studies and undertaking the statutory consultation processes in support of applications for:

- Integrated Environmental Authorisation (EA) in accordance with the National Environmental Management Act – NEMA (Act 107 of 1998)- Listed activity/ies:
 - GNR 983: Activities 9, 12, 13, 14, 19, 24, 25, 27, 28, 31, 34, 45, 46, 48, 50, 51, 56, 57, 67.
 - GNR 984: Activities 6, 7, 15, 16, 17, 24.
 - GNR 985: Activities 12 and 14.
- Waste Management Licence in accordance with the requirements of the National Environmental Management: Waste Act- NEM:WA (Act 59 of 2008) - Listed activities: GNR 921: Category B1, B2, B3, B7, B10, B11, C1.
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) - Listed Water uses: Section 21 (a), (b), (c), (g), (i) and (j) and GN 704 exemption where relevant; and
- Amendment of Rights, Permits, Programmes, and/or Plans in accordance with Section 102 of the Mineral and Petroleum Resources Development Act – MPRDA (Act 28 of 2002).

Elandsfontein Colliery comprises of 2 distinct mining rights (MR314 and MR63). The applicant plans to consolidate the two mining right areas into a single mining right with associated consolidated EMPR. In addition, the applicant wishes to expand their existing mining operations to include additional mineral resource areas (i.e.: new open cast & underground areas within the consolidated mining right boundary).

The proposed project is located on a portion of the remaining extent of portion 8; remaining extent of portion 1; a portion of the remaining extent of portion 6; portion 44; portion 14 and the remaining extent of portion 7 of the Farm Elandsfontein 309 JS, located in Emalahleni Local Municipality, Nkangala District Municipality, Mpumalanga Province. The site is ~4km south of Kwa-Guqa and ~16km west of Emalahleni. The centre point of the site is 25°53'05.01"S and 29°05'36.57"E.

Environmental Impact Management Services (EIMS) has been appointed by GSW to assist with undertaking the necessary Public Participation Process (PPP). EIMS will follow the procedures defined in the Environmental Impact Assessment (EIA) Regulations (GRN982 of 2014, as amended) for undertaking an Integrated Scoping and Environmental Impact Assessment (EIA) process. In accordance with Chapter 6 of the EIA Regulations this Public Participation Report (PPR) has been compiled as an Appendix to the EA applications.

A Public Participation Plan (PP Plan) was prepared in accordance with the requirements of the National Environmental Management Act (Act 107 of 1998-NEMA), and the Directions issued by the Department of Environment, Forestry and Fisheries (GN 650 of 5 June 2020) in terms of the Disaster Management Act (Act 57 of 2002) in order to present proposed mechanisms to be undertaken for the remainder of the of the public participation process (Scoping and EIA Phase and Notification of Decision). The public participation plan was approved by the Department of Mineral Resources and Energy prior to the commencement of the Scoping Phase public review period. A copy of the public participation plan can be made available upon request.

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 in its Constitution. Section 57(1) of the new Constitution that provides: "*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 especially the National Environmental Management Act (Act 107 of 1998, 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 to:

- During the EIA Process:
 - Contribute relevant local information and knowledge to the environmental assessment;
 - Verify that their issues have been recorded;
 - Comment on the findings of the environmental assessments; and
 - Provide relevant local information and knowledge to the environmental assessment.

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 the necessary authorisation required for the Elandsfontein Authorisation Project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

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

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- 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;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

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



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 8th November 2019 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 Legal Compliance

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

- The National Environmental Management Act (NEMA, Act No. 107 of 1998);
- The National Environmental Management: Waste Act (NEMWA, Act 59 of 2008);
- The National Water Act – NWA (Act 36 of 1998); and
- The Mineral and Petroleum Resources Act (MPRDA, Act No. 28 of 2002).

Adherence to the requirements of the above-mentioned Acts will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirement for public participation referenced in the Acts. The details of the Integrated PPP are provided below.

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

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. 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 within the vicinity of the study area and municipality. Refer Appendix C 1 for the Key Stakeholder/I&AP Database.

All landowners whose properties are within the study area have been notified about the project via post, fax and/or email as well as through advertisements and/or site notices inviting them to participate in the EIA process. Refer to Appendix C 1 for the landowner, key stakeholder and I&AP initial notifications.

3.1 List of Authorities Identified and Notified

The following, but not limited to, Government Authorities were notified of the proposed project:

- eMalahleni Local Municipality;
- Mpumalanga Department of Agriculture, Rural Development and Environmental Affairs;
- Mpumalanga Department of Economic Development and Tourism;
- Mpumalanga Department of Human Settlements, Water and Sanitation;
- Mpumalanga Department of Mineral Resources and Energy;
- Mpumalanga Department of Public Works, Roads and Transport;



- Mpumalanga Department of Social Development;
- National Department of Agriculture, Land Reform and Rural Development;
- National Department of Environment, Forestry and Fisheries;
- National Department of Human Settlements, Water and Sanitation;
- National Department of Mineral Resources and Energy;
- Nkangala District Municipality; and
- South African Heritage Resource Agency (SAHRA);
- South African National Roads Agency Limited (SANRAL).
- Provincial Land Claims Commissioner

3.2 List of Key Stakeholders Identified and Notified

- AGRI Mpumalanga;
- AGRI SA;
- Birdlife South Africa;
- Ekgangala Grassland Trust;
- Endangered Wildlife Trust;
- Eskom Soc Ltd.;
- Federation for a Sustainable Environment.
- Mpumalanga Tourism and Parks Agency;
- SANBI - Working for Wetlands;
- South African Civil Authority;
- Transnet SOC Limited;
- Vaal Dam Forum: Wilge River; and
- 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 8th November 2019 with an initial notification and call to register ending on the 9th December 2019. Notification during this initial consultation was given in the manner described below.

4.1.1 REGISTERED LETTERS, FAXES AND EMAILS

Notification letters (in English and Afrikaans), faxes, and/or emails were distributed to pre-identified. Please refer to Appendix C 2 for initial notification and proof of initial notification.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);



- Details of the South African environmental legislation that must to be adhered to;
- Date by which the I&AP must register and send comments through to EIMS;
- Contact details of the EAP.

4.1.2 Newspaper Advertisements

Advertisements describing the proposed project and EIA process were placed in the Witbank News (in English and Afrikaans) with circulation in the vicinity of the study area on the 8th November 2019. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix C 4 for proof of adverts placed.

4.1.3 SITE NOTICE PLACEMENT

Eight (8) A1 Correx site notices (in English and Afrikaans) were placed at 8 locations along, within and surrounding the perimeter of the proposed project study area on the 7th November 2019. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Posters were placed at the local library in eMalahleni and other public spaces within the project area. Handout notifications were distributed to affected I&APs where possible.

Please refer to Appendix C 3 for proof of site notice and site notice distribution.

4.1.4 BACKGROUND INFORMATION DOCUMENT (BID)

A Background Information Document (BID) in English was prepared and distributed by post with the registered letters, faxes and e-mails and made available on the EIMS website (www.eims.co.za). The BID contains the following information:

- Project name;
- Applicant name;
- Project location (including map of study area);



- Description of the EA application process, EIA flow chart, and public participation process;
- Information on future document review opportunities;
- A detailed questionnaire/ I&AP registration form; and
- Relevant EIMS contact person for the project.

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.

Refer to Appendix C 5 for the background information document and questionnaire.

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

4.2.1 SCOPING PHASE

Notification (in English and Afrikaans) regarding the availability of the Scoping Report has been provided to pre-identified and registered I&APs were distributed through faxes, registered mail and/or emails. The notification includes details regarding where hard copies of the reports can be accessed. In order to present the findings of the Scoping Report I&APs will also be notified of the availability of the Scoping phase presentation that has been made available on the EIMS website.

Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the reports.

The Scoping report and associated appendices has been made available for public review and comment from the 15th July 2020 to the 17th July 2020.

I&APs were also notified of the availability of the recorded high level presentation of the findings of the Scoping Report that was made available on the EIMS website.

4.2.2 EIA PHASE

Notification (in English and Afrikaans) regarding the availability of the EIA Report has been provided to pre-identified and registered I&APs through faxes, registered mail and/or emails, where contact details are made available. The notification includes details regarding where hard copies of the reports can be accessed. In order to present the findings of the EIA Report, I&APs have also been notified of the availability of the EIA phase presentation that will be made available on the EIMS website.

Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the reports.

The EIA report and associated appendices has been made available for public review and comment from the 25th June 2021 until the 26th July 2021.



4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process.

Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification (announcement of project and call to register)	Newspaper advertisements	Wibank News	8 th November 2019
	Placement of site notices.	8 A1 site notices (English and Afrikaans) within and around the study area (8 placement locations). Poster placement at the Welkom public library, local municipality and the local Checkers.	8 th November 2019
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	8 th November 2019
Scoping report public review and comment period	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	15 th July 2020
Scoping recorded presentation public review and comment period	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email.	7 th August 2020
EIA report public review and comment period	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	25 th June 2021
EIA recorded presentation public review and comment period	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, registered mail and sms, where details were available..	25 th June 2021

5 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via fax, registered mail and/or email of the decision once available including the appeal process should they wish to appeal the decision.



6 RECORD OF ISSUES RAISED

The comments presented in Appendix C 7 are those that have been received and addressed from 8th November 2019 to date and will be updated post the EIA Phase public review and comment period.

6.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the EIA Report for the Elandsfontein Extension and Consolidation Project, in the following manner:

- Issues raised were used quantitatively to calculate the significance of impacts both real and perceived; and
- Issues raised were used to provide further suggestions and recommendations with regard to potential management options for impacts.

6.2 Summary of Issues That Were Raised

To date comments have been received as per below:

- Comment received regarding no objection and request for Traffic Impact Assessment from SANRAI;
- Comment received on the compliance with the Convention of Agricultural Resources Act (Act No 43 of 1983) and the impact on soils from the Department of Agriculture, Land Reform and Rural Development (previously referred to as the Department of Agriculture, Forestry and Fisheries);
- Questionnaires received from I&APs Mr Hendrik Coeter and Mr Rudolf Coeter, landowners in the area;
- Request for information regarding the impact on the Afgri Agri Silos;
- Request for information from Ndelenhle Mining and Consulting CC on behalf of Ngwanya Mining (Pty) Ltd t/a Marimba Colliery;
- General Conditions and no objection received from Eskom Transmission; and
- Request for registration and comments relating to groundwater and wetlands received from Evraz Highveld Steel and Vanadium.

All comments and/or queries received are included in this report and presented in Appendix C 7 and Appendix C 8 for submission to the competent authority, the DMRE. Please refer to Appendix C 8 for proof of correspondence.

7 CONCLUSIONS AND RECCOMENDATIONS

The majority of the received comments to date refer to registration, water and waste management and arable land. The comments and issues raised through the public participation has been considered and used inform the compilation of the EIA report. This report will be updated for submission to the DMRE (the competent authority), following the 30-day public review period of the EIA report and associated appendices.