

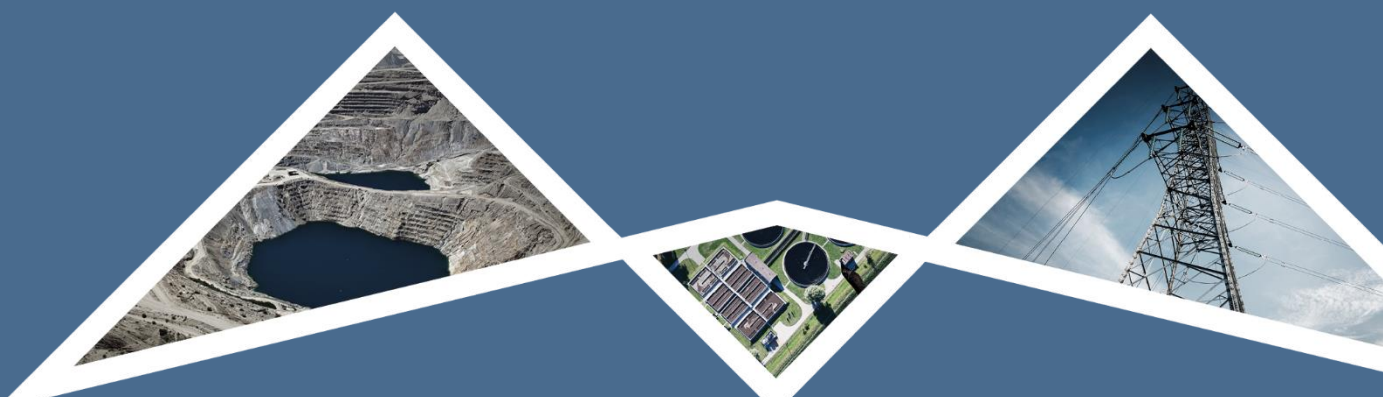


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# PUBLIC PARTICIPATION REPORT

NIMBARGO RESOURCES PROSPECTING RIGHT PROJECT





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## Table of Contents

1	Introduction .....	1
2	Objectives of the Public Participation.....	1
2.1	Legal Compliance .....	3
3	Identification of Interested and Affected parties (I&APs) .....	3
3.1	List of Authorities Identified and Notified .....	3
3.2	List of Key Stakeholders Identified and Notified .....	4
4	Notification of Interested and Affect Parties.....	4
4.1	Initial Notification and BAR review period .....	4
4.1.1	Registered Letters, Faxes and Emails.....	4
4.1.2	Newspaper Advertisements.....	5
4.1.3	Site Notice Placement.....	5
4.2	Summary of Public Participation opportunities.....	6
5	Notifying Interested and Affected Parties of the Decision .....	6
6	Record of Issues Raised.....	6
6.1	How Issues Raised Were Addressed .....	6
6.2	Summary of Issues That Were Raised.....	7
7	Conclusions and Reccomendations .....	7

### List of Tables

Table 1: Opportunities Provided for Public Participation .....	6
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### Appendices

Appendix B 1: Interested and Affected Parties Database

Appendix B 2: Initial Notification and BAR Review period: Proof of Notification

Appendix B 3: Site Notice and Proof of Site Notice

Appendix B 4: Advert and proof of Advert

Appendix B 5: Table of Correspondence

Appendix B 6: Correspondence Document

Appendix B 7: Consultation Report



Abbreviation List:

DMR	Department of Mineral Resources
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

Nimbargo Resources (Pty) Ltd (hereafter referred to as the applicant) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required environmental authorisation (EA) processes (including the statutory public participation), and to compile and submit the required documentation in support of applications for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activity/ies:
  - GNR 983 Listing Notice 1, Activity 20 and 27; and
  - GNR 985 Listing Notice 3, Activity 12
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) - Listed water uses:
  - Section 21 (c) and (i), if applicable.

An application has been submitted for environmental authorisation for a prospecting right for sand (general), clay (general) and silica sand (general and silica). The proposed prospecting will consist of non-invasive and invasive prospecting methods. Non-invasive methods will include geophysical surveys (airborne and land) to determine the best suited sites for more detailed invasive prospecting. Invasive methods will occur by means of diamond, reverse circulation or percussion drilling of no more than 71 boreholes of which the final locations are subject to non-invasive prospecting determinations as well as the surrounding environmental sensitivities. A maximum drilling depth of 20m has been determined.

The proposed project is located portions 2, 16, 22, 27, 29, 30, 39, 55, 64, 65, 66, 83, 84, 85 and 95 of the farm Kookfontein 545 IQ portions; portions 1, 2, 36 and 37 of the farm Damfontein 541 IQ; portion 4 of the farm Smaldeel 542 IQ; portions 16 and 89 of the farm Waldrift 599 IQ and portions 7, 111, 114, 115, 118, 119, 125, 144, 151, 152, 153, 154, 159, 167, 173, 175, 194, 195, 197 and 198 of the farm Vlakfontein 546 IQ located in the Emfuleni and Midvaal Local Municipalities, within the Sedibeng District Municipality, Gauteng. The site is 7km north of Vereeniging and 4km southwest from Meyerton. The centre point of the site is 26° 36' 7.265 " S and 27°57'52.697"E.

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 public participation process .

EIMS will be following the procedures defined in the Environmental Impact Assessment (EIA) Regulations (GRN982 of 2014, as amended) for undertaking a Basic Assessment process. In accordance with Chapter 6 of the EIA Regulations, a public participation process will be undertaken. In accordance with Chapter 6 of the EIA Regulations this Public Participation Report (PPR) has been compiled as an Appendix to the EA applications.

## 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*<sup>1</sup>. 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 EA 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 Nimbargo Resources Prospecting Right 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 of the 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.

This PPR will be updated post the initial call to register and review period of the BAR. A breakdown of the PPP is given within the remaining sections of this PPR.

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<sup>1</sup> 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



## 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 B 1.

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 EA process. Refer to Appendix B 2 for the landowner, key stakeholder and I&AP initial and BAR review notifications.

### 3.1 List of Authorities Identified and Notified

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

- Emfuleni Local Municipality;
- Gauteng Department of Agriculture and Rural Development;
- Gauteng Department of Health;
- Gauteng Department of Human Settlements;
- Gauteng Department of Infrastructure Development;
- Gauteng Department of Mineral Resources and Energy;
- Gauteng Department of Social Development;
- Midvaal Local Municipality;
- 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;
- Sedibeng District Municipality; and
- South African Heritage Resource Agency (SAHRA);
- South African National Roads Agency Limited (SANRAL).

### **3.2 List of Key Stakeholders Identified and Notified**

- Agricultural Research Council;
- AGRI SA;
- Birdlife South Africa;
- Endangered Wildlife Trust;
- Eskom Soc Ltd.;
- Federation for a Sustainable Environment.
- SANBI - Working for Wetlands;
- Transnet SOC Limited;
- Landowners and Adjacent landowners;
- 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 and BAR review period**

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

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;
- Details relating to the availability of the BAR; and
- Contact details of the EAP.

The BAR and associated appendices will be made available for public review and comment from the 6<sup>th</sup> August 2020 until the 7<sup>th</sup> September 2020.





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 Advertisements**

Advertisements describing the proposed project and BA process were placed in the *Vaalweekbald* (in English and Afrikaans) with circulation in the vicinity of the study area on the 6<sup>th</sup> August 2020. 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 B 4 for proof of adverts placed.

#### **4.1.3 SITE NOTICE PLACEMENT**

10 A1 Correx site notices (in English and Afrikaans) were placed at 10 locations along, within and surrounding the perimeter of the proposed project study area on the 6<sup>th</sup> August 2020. The on-site notices included the following information:

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

Posters were placed at the public spaces within the project area where possible.



## 4.2 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	Vaakweebald	6 <sup>th</sup> August
	Placement of site notices.	10 A1 site notices (English and Afrikaans) within and around the study area (10 placement locations). Poster placement at the I6 public library and other local venues.	06 August 2020
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	06 August 2020
BAR	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, SMS, fax, and/or post.	06 August 2020

## 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

This section will be updated post the public review period of the BAR.

### 6.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the BAR for the Nimbargo Resources Prospecting Right 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**

This section will be updated post the review of the BAR for submission to the competent authority, the Department of Mineral Resources and Energy (DMRE).

## **7 CONCLUSIONS AND RECCOMENDATIONS**

The comments and issues raised through the public participation will be considered and used inform the compilation of the BAR. This report will be updated and submitted to the DMRE (the competent authority), following the 30-day public review period of the BAR and associated appendices.