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## PUBLIC PARTICIPATION REPORT

PROPOSED HARMONY MWS RETURN WATER AND SLURRY PIPELINE  
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

Mine Waste Solutions (Pty) Ltd (MWS), 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 processes (including the statutory public participation), and to compile and submit the required documentation in support of an application for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activity/ies:
  - Listing Notice 1, Activity 46.
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) - Listed activity/ies:
  - Listed Water uses: Section 21 (c) and Section 21 (i) (if applicable).

The Applicant is planning to install additional pipeline infrastructure to meet the planned Life of Mine (LOM) production rates and increase the volume of return water from Kareerand TSF to the reclamation pump stations. The current slurry and return water infrastructure fail to meet the requirements of the planned LOM and impacts on the long-term sustainability of the MWS operations. The proposed new infrastructure is considered an upgrade and expansion of the existing reclamation pipeline infrastructure and is as follows:

- An additional 750mm diameter return water pipeline along the existing pipeline route from Kareerand TSF to Midway Dam; and
- The installation of a new 6.2km slurry pipeline from Midway Dam towards the MWS Plant. The new pipeline will be installed alongside the existing pipelines and tie-in made upon commissioning whereafter the existing pipeline will be repurposed to a process water line.

The proposed pipelines traverse the following properties: portions 2, 6, 7 and 15 of the Farm Buffelsfontein 443 IP; portions 0, 2, 5, 12, 13, 24, 37, 57, 70, 81, 91 and 103 of the Farm Hartebeestfontein 422 IP; portions 30 and 33 of the Farm Stilfontein 408 IP; portion 0 of the Farm OMV 534 IP and portion 0 of the Farm Wildebeestpan 442 IP within the City of Matlosana Local Municipality, North West Province. The proposed return water pipeline is located approximately 7.5km north-east of the town Orkney and 16km south-east of Klerksdorp Central. The pipeline has the following coordinate points: Start: 26°53'37.90"S and 26°52'30.26"E; Middle: 26°54'6.66"S and 26°50'43.59"E; and End: 26°54'9.07"S and 26°49'22.65"E. The proposed slurry pipeline is located approximately 6.5 km north-east of the town Orkney and 13.5km east of Klerksdorp Central. The pipeline has the following coordinate points: Start: 26°53'16.65"S and 26°48'1.76"E; Middle 26°51'44.98"S and 26°48'17.89"E; and End: 26°50'15.40"S and 26°48'5.58"E.

## 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 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 proposed Harmony MWS Pipelines 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.

This Public Participation Report (PPR) lists all verbal and written issues raised by I&APs and stakeholders from the 30-day initial notification and call to register period and the BAR review and comment period from the 13<sup>th</sup> October 2021 to date. 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); and
- The National Water Act (NWA, Act 36 of 1998).

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 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 B 2 for the landowner, key stakeholder and I&AP initial notifications.

### 3.1 LIST OF AUTHORITIES IDENTIFIED AND NOTIFIED

The following authorities, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- |   |   |
|---|---|
| • City of Matlosana Local Municipality;   | • North West Department Public Works and Roads;                 |
| • Dr Kenneth Kaunda District Municipality;  | • National Department of Forestry, Fisheries and Environment;   |
| • North West Department of Community Safety and Management;                             | • National Department of Water and Sanitation;                  |
| • North West Department of Human Settlements;   | • National Department Of Rural Development And Land Reform; and |
| • North West Department of Economic Development, Environment, Conservation and Tourism; | • South African Heritage Resources Agency (SAHRA).              |

### **3.2 LIST OF OTHER KEY I&APS AND STAKEHOLDERS IDENTIFIED AND NOTIFIED**

The following key I&APs, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- Birdlife South Africa;
- Endangered Wildlife Trust;
- Eskom Soc Ltd;
- Local Ward Councillor.
- North West Development Corporation Soc Ltd;
- North West Parks Board;
- North West Wetland Forum;
- South African National Roads Agency Ltd (SANRAL); and
- Wildlife and Environment Society of South Africa (WESSA).

### **3.3 LIST OF SURFACE RIGHT HOLDERS/LANDOWNERS IDENTIFIED AND NOTIFIED**

The following surrounding surface rights holders/landowners of the area under application have been identified of the proposed MWS Pipelines EA application:

- African Rainbow Minerals Ltd;
- Buffelsfontein Gold Mines Pty Ltd;
- Chemwes Pty Ltd;
- City Council of Klerksdorp;
- Corobrik Pty Ltd;
- Driade CC;
- Duff Scott Hospital Pty Ltd;
- Eagles Creek Golf Estate Pty Ltd;
- Earth Moving Equipment Services CC;
- Greenleaf Trust;
- HAB Procurements CC;
- Hartebeestfontein Gold Mining Co Ltd;
- Kopano Brickworks Ltd;
- Motswenyane Family Development Trust;
- MQM Property Pty Ltd;
- OMV Pty Ltd;
- Philou Motors;
- Pyramid Inv Three Pty Ltd;
- Relay Development CC;
- Stilfontein Gold Mining Co Ltd;
- Super Melk Beleggings Pty Ltd;
- Technicrete I S G Pty Ltd;
- Temotuo Rehabilitation Co;
- Tredkor Beleggings Pty Ltd; and
- Wildebeestpan (Portion 9 & 10) Communal Property Association.

## **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 03<sup>rd</sup> December 2021 with an initial notification and call to register. Notification during this initial consultation was given in the manner described below.





#### **4.1.1 REGISTERED LETTERS, FAXES AND EMAILS**

Notification letters registered mail in English and Setswana were distributed to pre-identified I&APs through either registered mail, faxes, and/or emails. Please refer to Appendix B 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 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 Lentswe Newspaper (in English and Setswana) with adequate circulation in the vicinity of the study area on the 10<sup>th</sup> December 2021. 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 3 for proof of adverts placed.

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

Ten (10) A1 Correx site notices (in English and Setswana) were placed at 10 locations along, within and surrounding the perimeter of the proposed project study area on the 06<sup>th</sup> December 2021. 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 public venues such as the local shops, government offices and library as far as possible. Please refer to Appendix B 4 for proof of site notice and site notice distribution.

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

Notification (in English and Setswana) regarding the availability of the Basic Assessment Report and associated appendices has been provided to pre-identified and registered I&APs were distributed through either fax, registered mail and/or emails where contacts were available. The notification includes details regarding where a hard copy of the report can be accessed.

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

The Basic Assessment report and associated appendices has been made available for public review and comment from the 2<sup>nd</sup> February 2022 until the 04<sup>th</sup> March 2022 at the Stilfontein Public Library.

## 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 to date.

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	Lentswe Newspaper	10 December 2021
	Placement of site notices.	10 A1 site notices (English and Setswana) within and around the study area (10 placement locations).	06 December 2021
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	03 December 2021
BA report public review and comment	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.	2 <sup>nd</sup> February 2022

## 5 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via either fax, registered mail and/or email, where contact details are available 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 B 5 are those that have been received and addressed from 03<sup>rd</sup> December 2021 to date and will be updated post the public review period of the BA Report.

### 6.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the Basic Assessment Report for the Proposed Harmony MWS Pipelines 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:

- SAHRA requests for the Heritage Studies to be uploaded on the SAHRIS platform for review and comments.
- Eskom Transmission requested shapefiles and Eskom requirements for working under Eskom powerlines was received and suggested the possibility of a need for wayleave applications to be submitted.
- I&AP registrations.

All comments and/or queries received are included in this report and presented in Appendix B 5 and **Error! Reference source not found.** for submission to the competent authority, the Department of Mineral Resources and Energy (DMRE). Please refer to Appendix B 6 for proof of correspondence.

## 7 CONCLUSIONS AND RECOMENDATIONS

The comments and issues raised through the public participation have been considered and used inform the compilation of the Basic Assessment report. This report will be updated for submission to the DMRE (the competent authority), following the 30-day public review period of the Basic Assessment Report and associated appendices.