

Seriti Power (Pty) Ltd



Proposed Naudesbank Colliery

Public Participation Report

September 2023

Project No.: A1284C

Report No.: ZC_1387

Client:

Seriti Power (Pty) Ltd

15 Chaplin Street, c/o Chaplin and Oxford Streets

Illovo

1039



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PROJECT DETAILS

Client Details	
Name of Project:	Naudesbank Colliery
DMRE reference:	MP 30/5/1/2/3/2/1 (10389) EM
Contact person:	Mr. E Van der Weshuizen
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EAP Details	
Environmental Consultant (EAP):	Zyntha Consulting (Pty) Ltd
Responsible Person:	Jaco Kleynhans
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Expertise of EAP:	<p>Jaco Kleynhans – Professional Engineer, registered with ECSA (Engineering Council of South Africa, No. 940108). Registered Environmental Assessment Practitioner, registered with EAPASA: 2020/2255.</p> <p>Jaco Kleynhans is a professional engineer and EAP whom conducted closure cost assessments and practised environmental management for more than 28 years. During that period, he worked as an environmental manager at two large mines for 10 years where after he has been an environmental consultant. As environmental consultant he compiles and reviews various closure cost assessments and conducted various due diligence assessments.</p> <p>Christelle Swanepoel – Registered Environmental Assessment Practitioner: Number 2020/2106</p> <p>Christelle Swanepoel is a registered EAP and has practised environmental management for more than 5 years. During this period she worked on various S&EIA Projects. As an environmental consultant she compiles and reviews various assessments and also conducts various due diligence assessments.</p>



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ABBREVIATIONS AND ACCRONYMS

BID:	Background Information Document
DMRE:	Department of Mineral Resources and Energy
DSR:	Draft Scoping Report
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
GNR:	Government Notice Regulation
ha:	Hectare
I&AP:	Interested and Affected Party
I&APs:	Interested and Affected Parties
LoM:	Life-of-Mine
NEMA:	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NWA:	National Water Act, 1998 (Act 36 of 1998)
PCD:	Pollution Control Dam
PPP:	Public Participation Process
RoM:	Run-of-Mine



1. INTRODUCTION

1.1 Background

Seriti Power (Pty) Ltd (“Seriti”) is in the process of converting the Prospecting Right (DMRE Ref. No.: **MP 30/5/1/1/2/1057 PR**) to a Mining Right, but an application for Environmental Authorisation (EA) to satisfy the requirements of National Environmental Management Act, Act 107 of 1998 (as amended) (NEMA) is also required. A Mining Right and EA Application was lodged on 10 February 2023 (DMRE Ref. No.: **MP 30/5/1/2/2/10389 MR**). Seriti intends to conduct both opencast and underground mining. Run of Mine (RoM) coal will be crushed and screened on-site. Coal products will be transported off-site to various clients. The Life-of-Mine (LoM) is estimated to be 23 years with an expected production of 50.744 million tonnes of RoM coal during the entire operational period.

Activities and infrastructure include the following: -

- Underground Mining;
- Opencast Mining;
- Crushing and Screening Plant;
- RoM Stockpiles;
- Overburden Stockpiles;
- Topsoil Stockpiles;
- Offices;
- Workshops;
- Weighbridges;
- Hard Parks;
- Laydown Areas;
- Transfer Dams;
- Pollution Control Dams (PCDs);
- Dirty Water Canals;
- Substations;
- Diesel Storage Bays; and
- Access and Haul Roads.

Naudesbank is located approximately 8 km west-southwest of Carolina in Mpumalanga Province, South Africa. The project is situated in the Chief Albert Luthuli Local Municipality within the Gert Sibande District Municipality. **Figure 1** shows the regional layout map in relation to the municipal boundaries.



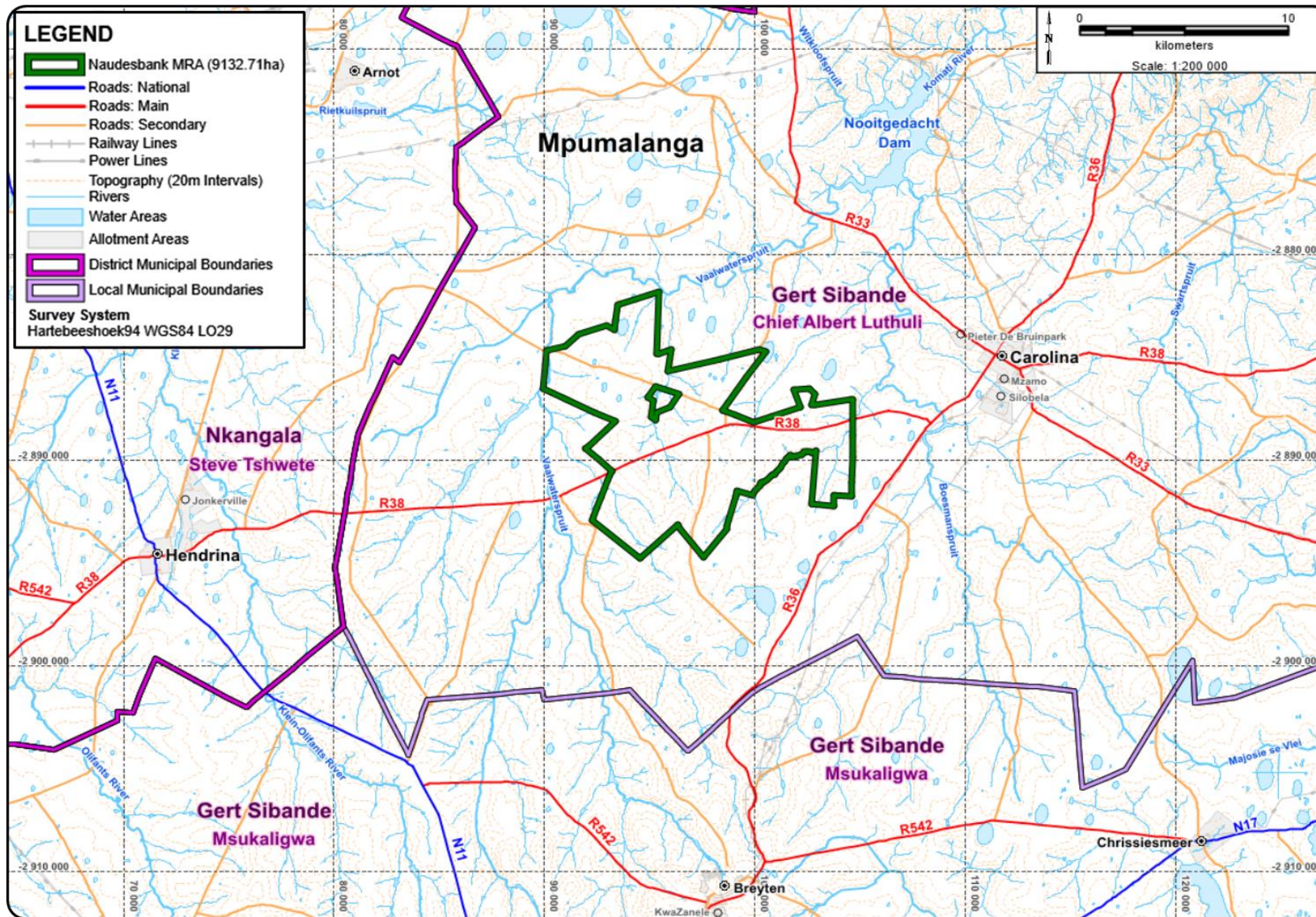


Figure 1: Locality Map



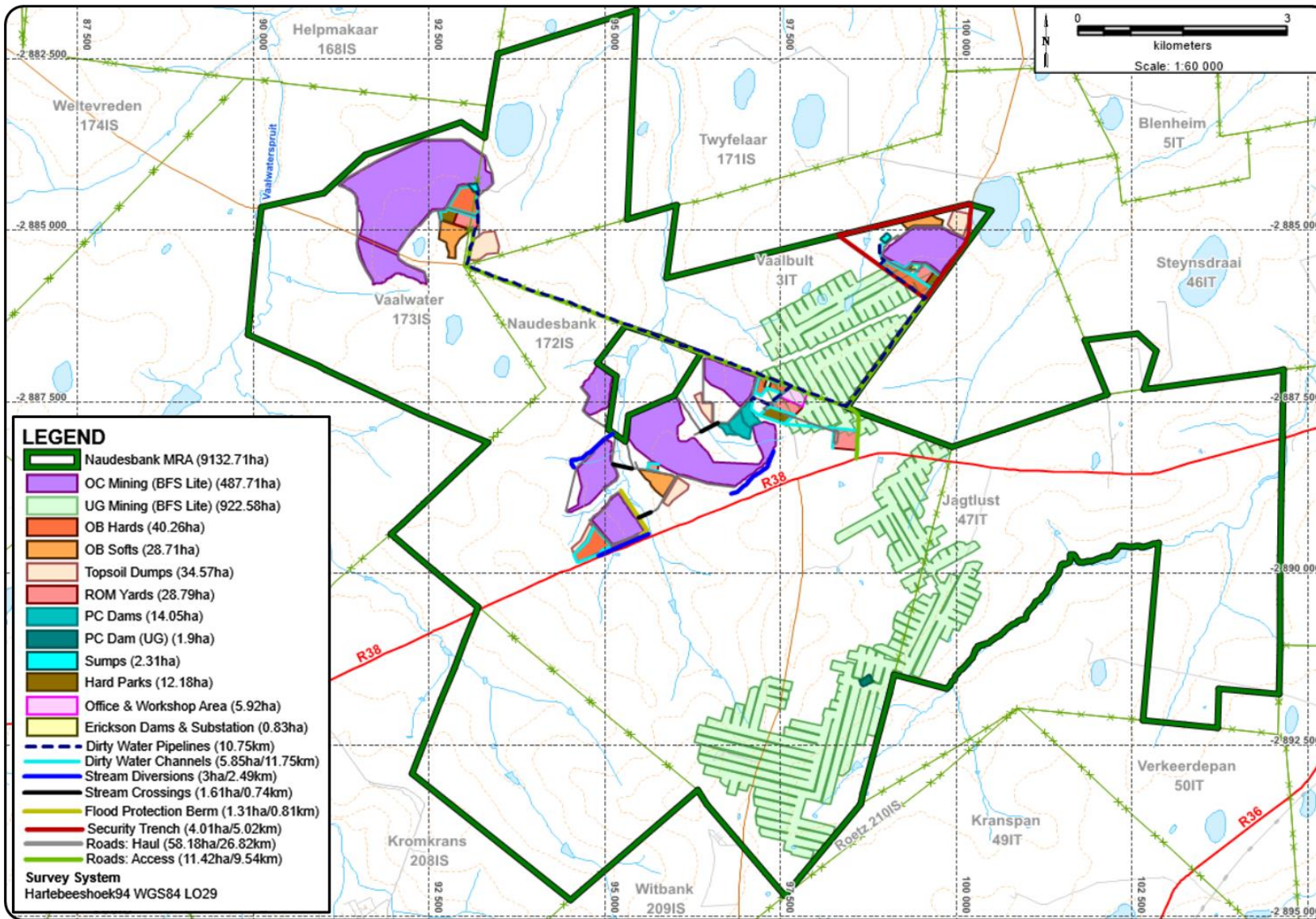


Figure 2: Naudesbank Site Layout



2. PURPOSE OF PUBLIC PARTICIPATION

The purpose of public participation is set out in Section 40 of the National Environmental Management Act, Act No. 107 of 1998 (NEMA) Government Notice Regulation (GNR) 982. In essence all information must be subjected to comments from Interested and Affected Parties (I&APs), the Competent Authority, every State Department that administers a law relating to a matter affecting the environment and any Organs of the State which have jurisdiction in respect of the activity to which the application relates. A period of at least 30 days must be provided for comments and no consultation may be conducted between 15 December and 5 January. This process is intended to ensure that the above-mentioned parties had an opportunity to raise issues/questions, make comments, and provide inputs for the project. It will further ensure that the project in its totality is understood and potential impacts and proposed management measures are known.

The Public Participation Process (PPP) is also undertaken in accordance to Sections 17, 18 and 19 of the Water Use Licence Application and Appeals Regulations of 2017 (GNR 267) published under the National Water Act, Act No. 36 of 1998 (NWA).

Another important aspect of the process will be for I&APs to understand what processes are available to object to the proposed activities in the event that they feel to do so.

3. IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES

The following stakeholders are automatically identified and added to the I&AP Register:

- Landowners;
- Adjacent Landowners;
- Organs of State; and
- Local and District Municipalities.

Any I&APs registering during the process will also be added to the register. Refer to **Annexure 19.1**.

An I&AP's personal information (name, organisation, contact numbers, email address, etc.) is collected for communication purposes to fulfil the public participation requirements of the NEMA. Personal information, with the exclusion of their names and comments recorded, will not be made available during the PPP. This is done in order to protect all I&APs personal information in accordance with the requirements set out in the Protection of Personal Information Act 4 of 2013, (as amended). The I&APs personal information will only be made available to the Competent Authority but will never be included in any documents that will be in the public domain.



4. PROCESS OF PUBLIC PARTICIPATION

The PPP is set out in Section 41 of the NEMA GNR 982.

The objectives of the PPP:

- Identification of all I&APs.
- Allow for opportunities of other I&APs to register.
- Transparency throughout the process.
- Availability of documents to all I&APs for an opportunity to comment on the project.
- Incorporation of all comments received in the document submitted to the Regulatory Authority.
- Addressing all comments or concerns raised by I&APs.

4.1 Announcement of the Project

Two specific actions are defined in section 41 (2)(a) and 41 (2)(c) of the GNR 982. In the first instance fixing of a notice board at a place conspicuous and accessible by the public on the border of the mining project area and secondly placing a newspaper notification in the local newspaper. On-site notices were placed at the following locations on 12 August 2022 (Refer to **Annexure 19.2**):

- Next to the R38 Regional Road (26° 6'29.73" S; 29°57'46.07" E);
- At the intersection of the R38 Regional Road and Vaalbank Gravel Road (26° 6'11.32" S; 29°58'37.20" E);
- At the school next to the R38 (26° 8'5.98" S; 29°53'2.20" E); and
- At the gravel T-junction at the specified coordinates (26° 2'28.38"S; 29°50'58.66"E).

A newspaper notice was published in the Daily Sun on 12 August 2022 and the proof of the notice is attached as **Annexure 19.3**.

Both notifications had a clear invitation to register as an I&AP and full details on how to register was provided. Both notifications indicated the availability of the Draft Scoping Report (DSR) from 30 August 2022, but due to changes in the mine plan, the document could not be distributed. A notification was sent to all registered I&APs indicating that the DSR will not be available and that the availability of the report will be communicated to all registered I&APs once available. Refer to **Annexure 19.4**.

The announcement of the Naudesbank Project to these parties were done by way of distributing a Background Information Document (BID), a copy thereof is attached in **Annexure 19.5**. The



BID was distributed to everyone listed in the current database by means of e-mails. The proof of distribution of the BID is attached as **Annexure 19.6**.

4.2 Draft Scoping Report (DSR)

The DSR was circulated to all the registered I&APs for a comment period of 30 days from 13 February 2023. Refer to **Annexure 19.7** for the proof of distribution.

4.3 Final Scoping Report

The Final Scoping Report was submitted to the DMRE on 24 March 2023, refer to **Annexure 19.8**.

4.4 Draft Environmental Impact Assessment Report (EIAR) and Environmental Management Programme (EMPr)

The Draft EIAR and EMPr will be made available to all I&APs from 1 August 2023 for a period of 30 days, refer to **Annexure 19.9**.

4.5 Comments Received during PPP

All the comments received to date, as well as the responses made, are reflected in **Table 1** below. Refer to **Annexure 19.10** for the comments received to date. Note that an objection was received by Japie van Zyl Attorneys, but that the letter was addressed to the DMRE. Zyntha cannot respond on behalf of the Department, but the letter has been included in **Annexure 19.10**.



Table 1: Issue Response Register

Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised	
Landowner/s				
Gene Wright Werner Taute	X	19 August 2022 10h00 One-on-one Meeting	Family had a lot of land.	Statement noted.
			Very fertile land, 6 ton/ha soybeans produced using dryland agricultural methods.	Information noted, agricultural impact will be considered in detail during the EIA phase when an agricultural impact assessment is undertaken.
			A lot of water.	Noted.
			September 2021 – August 2022 rainfall of 1 100 mm.	Noted.
			Graveyard of family on CB de Villiers land.	Noted, a heritage impact assessment identifying all graves within the area will be undertaken during the EIA phase.
			Asked about the process of objection and appeal process.	Process of objection and appeal process is explained. Objections can be noted during the EIA process. A letter can also be sent to the DMRE to state objection against the project. The appeal process only commence if the EA is granted. An appeal must be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) within 20 days from date of notification and should be lodged as prescribed in Chapter 2 of the National Appeal Regulation of 2014 (as amended).
			Provide tons and LoM.	The LoM is estimated to be 34 years, but construction and decommissioning will add an additional 6 - 7 years to the project. Therefore the entire period required for the mine is 43 years. An estimated 50.744 million tonnes of RoM coal will be produced during the LoM.
			Erosion around the roads accessing the area.	The concern is noted. This is a provincial gravel road but an assessment will be made of how this erosion can be addressed during the EIA phase.
Protection of the house important, sandstone structure to be protected. House built in 1956.	Statement noted, a heritage impact assessment and blasting assessment will consider the potential			



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Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised
			impacts in detail. The findings will be made available during the EIA phase.
		Plan to move the factory to the farm.	Statement noted.
		Plan to establish sawmill on the farm.	Statement noted.
		Local business must be supported.	The SLP commitments usually focus on supporting the local SMME's and this aspect will also be evaluated as part of the socio-economic assessment. The assessment will be included in the EIA phase.
		Control room geovision.	The use of geovision will be investigated during the EIA phase and the applicability to mitigate the potential increase in the risk of theft in the area.
Mr. Combrink	X 19 August 2022 12h00 One-on-one Meeting	Area not used, used as passage for livestock theft.	Concern is noted and will be addressed during the EIA phase.
		Concerned that issues raised at meetings are discarded and not considered.	An EAP is required by law to record all comments and concerns raised during the process and included in the documentation. This include a response to the issues raised as per this table.
		Labour is moving to the mine, but remain living on the farm. If that happens mine must ensure labourers move off the property.	Concern is noted and will be addressed during the EIA Phase.
		Issue of season, must be finalised by 1 August, if later they must wait for the next season. Planning and exclusion commences on 1 August.	The applicant will be informed that the season commences on the first of August every here and that if land is required for mining purposes agreements needs to be made prior to the 1 st of August else farmers will commence with preparation.
		Buildings must be recorded, who will inspect monthly and who will repair it.	Concern is noted and will be addressed during the EIA Phase.
		Water – I cannot drink it.	Noted. A geohydrologist will undertake a groundwater study and will also look at the current water qualities.
		No problem with impact assessment specialist studies.	Noted.
		Graveyard of grandfather's father.	Noted, a heritage impact assessment identifying all graves within the area will be undertaken during the EIA phase.
Mr. van der Merwe	X 30 August 2022	Properties associated with Van der Merwe Group are:	Noted.



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
		09h00 One-on-one Meeting	Baruch Eiendomme – adjacent to application area Kareepoort Eiendomme – adjacent to application area SJM Trust Vaalwaterspruit Trust BJ van der Merwe	
Mr. van der Merwe	X	30 August 2022 09h00 One-on-one Meeting	Email address will change, new email are: admin@vdmgroep.co.za ; jh@vdmgroep.co.za ; ben@vdmgroep.co.za	Details noted. Please note that contact information is withheld to comply with POPI Act.
			Maps to be emailed.	Maps and list of studies provided to Mr. van der Merwe on 30 August 2022, refer to Annexure 19.10 for proof of the email.
			Access to land for specialist studies not decided yet, first seek legal advice.	Noted. A follow up email pertaining to access to the property was sent by Mr. Kleynhans on 12 September 2022.
			Legal representative Mr Japie van Zyl japie@japievanzylprok.co.za	Details noted.
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	27 September 2022 11h40 Email	We confirm that we act on behalf of the trustees of the SJM Trust, Mr B.J. van der Merwe, the trustees of the Vaalwaterspruit Trust, Kareepoort Eiendomme and Baruch Eiendomme.	Noted.
			Please provide your written confirmation that you request access in relation to the following application: 1. Application for a mining right submitted by Seriti Power (Pty) Ltd on various portions of various farms including Vaalbult 3 IT, Naudesbank 172 IS and Vaalwater 173 IS. The department reference number quoted on your Background Information Document (BID) refers to a prospecting right with reference number MP30/5/1/1/2/1057PR. Please provide the correct department reference number.	This application pertains to the conversion of the prospecting right to a mining right including an EA application. The Mining Right reference number will be provided once the application has been submitted.
			Subject to your confirmation of the above, our client is prepared to grant access without prejudice to any of its rights.	Noted.



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Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised	
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	27 September 2022 11h40 Email	<p>The access granted is subject to the following:</p> <ol style="list-style-type: none"> 1. 48 hours' notice must be provided to our client before the properties are entered; 2. Only existing access roads must be used; 3. Full names of the parties who will conduct the specialist studies must be provided before access is granted; 4. Zyntha Consulting (Pty) Ltd and/or the applicant for the mining right will jointly and severally be responsible for all costs or damages the surface owner may suffer as a result of the access granted ; 5. The specialists who shall conduct the specialist studies shall be properly identified with name tags. Identification must be provided on request; 6. All telephone numbers of the specialists must be provided to our client, Mr. Jan Harm van der Merwe. Mr. van der Merwe's contact number is: 082 556 9960. This information can be sent to him via Whatsapp; 7. The specialist shall at all times comply with all applicable laws; 8. No hunting shall be allowed; 9. Only new vehicles which have been checked for oil leaks shall be used; 10. No damages shall be caused to any improvements; 11. The applicable laws in relation to dust and noise elimination shall be applied with; 12. No disturbances shall be caused to the environment other than vehicle tracks that may be left on the property; 13. No driving shall be allowed in wet areas. 	<p>Noted and agreed to. These conditions were communicated to all specialist on 28 September 2022.</p>
			<p>The specialist shall access the property at their own risk and shall indemnify the surface owner and all other parties who hold a direct or indirect interest in the surface owner from any</p>	<p>Noted.</p>



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
			loss, destruction, injury, death, cost, damages which may be incurred as a result of the specialist accessing the property.	
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	27 September 2022 11h40 Email	The result of the study shall be strictly confidential and only be provided to the relative authority, our office, our client, and our clients' appointed specialists.	Refer to correspondence of 28 September 2022 below.
			Kindly acknowledge receipt of this e-mail.	Receipt of email was acknowledged on 27 September 2022.
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	28 September 2022 09h55 Email	<p>We refer to our previous correspondence and the telephonic discussion between yourself and Carin of our offices on 27 September 2022.</p> <p>We confirm that the following paragraph can be omitted:</p> <p>“The result of the study shall be strictly confidential and only be provided to the relative authority, our office, our client, and our clients' appointed specialists.”</p> <p>We trust you find the above mentioned in order.</p> <p>Kindly acknowledge receipt.</p>	The omission is noted. Receipt of email was acknowledged on 28 September 2022.
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	23 August 2023 15h35 Letter sent via Email	We hereby register our clients as interested and affected parties in their capacities as owners and adjacent landowners of the properties over which the application for the environmental authorization and the mining right that were or are to be submitted by the applicant.	We hereby confirm that the clients are already registered as I&APs.
			We attach hereto an objection against the applications for the environmental authorization and mining right sent to the Department of Mineral Resources and Energy.	It should be noted that the letter stating the objection made to the DMRE was only received on 23 August 2023, even though the letter is dated 15 August 2023. Refer to Annexure 1 .
			The Constitutional Court has held in the Bengwenyama Minerals (Pty) Ltd case that consultation regarding a prospecting right, means: <i>“The consultation process required by section 16(4)(b) of the Act thus requires that the applicant must:</i>	Section 16 of the MPRDA deals with “Application for Prospecting Right”. This is an application for a mining right. This section is therefore not applicable to this application as this application is for a mining right.



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Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised
		<p>(a) <i>inform the landowner in writing that his application for prospecting rights on the owner’s land has been accepted for consideration by the Regional Manager concerned;</i></p> <p>(b) <i>inform the landowner in sufficient detail of what the prospecting operation will entail on the land, in order for the landowner to assess what impact the prospecting will have on the landowner’s use of the land;</i></p> <p><i>consult with the landowner with a view to reach an agreement to the satisfaction of both parties in regard to the impact of the proposed prospecting operations;”</i></p>	
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	<p align="center">X</p> <p>23 August 2023 15h35 Letter sent via Email</p>	<p>The above is also applicable to mining rights.</p> <p>The Applicant did not notify the land owner, occupier and other interested and affected parties in writing of the application for the mining right nor did the Applicant consulted with these parties. There was thus non-compliance with the obligation to notify in writing and to consult with interested and affected parties as stipulated in the MPRDA and interpreted in the above mentioned court case.</p>	<p>Consultation took place with the objectors. As indicated below the BID was distributed to on 22 August 2022. The BID contains the following information on Page 6 of the BID:</p> <p><i>“Seriti is in the process of converting the Prospecting Right (DMRE Ref. No.: MP 30/5/1/1/2/1057 PR) to a Mining Right, but an application for Environmental Authorisation to satisfy the requirements of NEMA is also required.”</i></p> <p>In addition to this the Environmental Assessment Practitioner (EAP) visited the objectors in person on the following occasions:</p> <ul style="list-style-type: none"> • 30 August 2022 • 17 April 2023 • 22 August 2023 <p>It will therefore be clear that the objectors were informed in writing.</p>
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	<p align="center">X</p> <p>23 August 2023 15h35 Letter sent via Email</p>	<p>In terms of the environmental impact assessment regulations published in GNR982 of 4 December 2014 in the Government Gazette nr: 38282 (“the Gazette”), all interested and affected parties must be provided an opportunity to submit comments on each of the scoping report, Environmental Management Programme, etc. The public participation process</p>	<p>This is a false claim by the objectors consultation took place with all Interested and Affected Parties (I&APs):</p> <ol style="list-style-type: none"> 1. Placement of site notices and newspaper notice published in Daily Sun on 12 August 2022, refer to Annexure 2A.



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Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised
		<p>contemplated in Regulation 40 must provide interested and affected parties access to all information that reasonably has or may have the potential to influence any decision with regard to an application for a mining right. The applicant has to comply with Regulation 40 and the obligation to follow a process of public participation. This was not done by the Applicant.</p>	<ol style="list-style-type: none"> 2. One-on-one meetings took place on 19 August 2022, refer to Annexure 2B. 3. The BID was electronically distributed on 22 August 2022, refer to Annexure 2C. 4. A meeting took place at the van der Merwe group office on 30 August 2022, refer to Annexure 2D for record of meeting. 5. Correspondence was received from Japie van Zyl Attorneys on 27 September 2022 in response to the BID. In this email access to the property was detailed. Refer to detailed correspondence that took place attached as Annexure 2E. 6. The scoping report was made available to all I&APs on 13 February 2023 for a period of 30 days. Refer to Annexure 2F. 7. Meeting took place with Mr. J van der Merwe as well as Mr. B van der Merwe on 17 April 2023. 8. Draft Environmental Impact Assessment Report (DEIAR) and Draft Environmental Management Programme (DEMP) was made available to all I&APs on 1 August 2023, refer to Annexure 2G. 9. A one-on-one meeting was requested by Mr. Jan-Harm van der Merwe which took place on 22 August 2023. 10. I&APs were also invited to a public consultation meeting on 10 August 2023. The purpose of the meeting is to discuss the DEIAR, DEMPr and Water Use License Application (WULA). The is scheduled for 25 August 2023, refer to Annexure 2H for proof of meeting invitation. <p>All other engagement that took place with I&APs were also made available as part of the Public Participation Report attached as <i>Annexure 19</i> of the DEIAR.</p>



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
				<p>It should also be noted that the information listed above was sent to the following email addresses of the objectors:</p> <ul style="list-style-type: none"> • BID emailed to ben@vdmgroep.co.za. • Draft Scoping Report emailed to admin@vdmgroep.co.za, jh@vdmgroep.co.za and ben@vdmgroep.co.za. • DEIAR and DEMPr emailed to admin@vdmgroep.co.za, jh@vdmgroep.co.za and ben@vdmgroep.co.za. The email was also sent to the legal counsel of the objectors - japie@japievzylprok.co.za. <p>Meeting invitation was emailed to admin@vdmgroep.co.za, jh@vdmgroep.co.za, ben@vdmgroep.co.za and japie@japievzylprok.co.za.</p>
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	23 August 2023 15h35 Letter sent via Email	<p>In terms of Regulation 41 of the Gazette a person conducting a public participation process must give notice to all potential interested and affected parties of an application which is subject to a public participation process. Regulation 41(2)(b) of the Gazette specifically provides that written notice must be given to interested and affected parties. It is our instructions that there was non-compliance with Regulation 41(2)(b).</p>	<p>This is a false claim by the objectors. Written notice was provided by distributing a Background Information Document to the objectors. Refer to Annexure 2C.</p>
			<p>In an application for an environmental authorization, the applicant and its environmental assessment practitioner must comply with appendix 1 of the regulations as published in the Gazette and more particularly should have given a full description of the process undertaken to identify, assess and rank the impact the activity will impose on the environment, the interested and affected parties and indicate the life of the activity. The Applicant must also assess and identify potential and significant impacts or risks of the project.</p>	<p>Appendix 1 of Government Notice Regulation (GNR) 982 of the National Environment Management Act (Act 107 of 1998, as amended)(NEMA) is not relevant to this project since a Basic Assessment Process is not followed.</p> <p>Your attention is brought to Appendix 3 of GNR 982 of NEMA. All the information set out has been complied with in the DEIAR made available.</p>
	X	23 August 2023 15h35	Our clients have not been provided with the information in relation to the applications and the processes followed. Our clients want to appoint their own third-party consultants to	This is a false claim by the objectors. The DEIAR and DEMPr, including all annexures, was made available



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe		Letter sent via Email	<p>assess the impacts or determine if the aspects as referred to in regulation 3 of appendix 1 of the Gazette have been addressed and if the impact of the activities will result in unacceptable pollution, ecological degradation or damage to the environment. Our clients cannot do this because our clients were not provided with the necessary information. Our clients could also not assess how the impacts may be avoided, managed or mitigated. In all likelihood, the envisaged activities will have a negative impact as our clients are likely to suffer losses and damages as a result of the mining operations.</p>	<p>to the objectors on 1 August 2023, refer to Annexure 2G.</p> <p>The annexures made available included the assessment made by various independent qualified specialists.</p> <p>The objectors are welcome to appoint their own specialists, at their own cost.</p> <p>Detailed mitigation measures were qualified and quantified by the specialists and the EAP did not deviate from any of the recommendations made by the specialists.</p>
			<p>In the Fuel Retailers Association of SA court case (CCT 67/06/judgement date 7 June 2007) the Constitutional Court handed down judgement about the nature and scope of the obligations of environmental authorities when they take decisions that may affect the environment and particularly the interaction between socio-economic development and the protection of the environment. In that case the court ruled that consideration must be given to the socially, environmentally, and economically sustainability of the proposed project. The court held that the constitution recognizes the interrelationship between the protection of the environment and socio-economic development. Not enough information was provided by the Applicant to our clients as interested and affected party and specifically information to determine if the proposed development would be socially, environmentally and economically sustainable.</p>	<p>Refer to response in Point 11.</p> <p>It will be noted that the opencast mining planned on the Portion 4 of the Farm Vaalwater 176 IS amounts to 57.94 ha and the opencast on Portion 3 of the Farm Vaalbult 3 IT amounts to 47.70 ha.</p> <p>Note that the EAP made all available information to the objectors.</p>
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	23 August 2023 15h35 Letter sent via Email	<p>In considering the applications for the mining right and the environmental authorization, the Regional Manager must determine if the mining will not result in unacceptable pollution, ecological degradation or damage to the environment. This contemplates the integration of environmental protection and socio-economic development and envisages that the two will be balanced through the ideal of sustainable development. The</p>	<p>The DEIAR and DEMPr that was made available to the objectors on 1 August 2023 (refer to Annexure 2G), included the following information:</p> <ul style="list-style-type: none"> • Need and desirability assessment (DEIAR Section 5, P. 24 – 30 as well as Annexure 3 -



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		<p>obligation to consult is wider than to assess need and desirability. It also comprehends the obligation to assess the cumulative impact on the environment of the proposed project. An unsustainable project is in itself detrimental to the environment. This was not done.</p> <p>In the matter of Earthlife Africa (Cape Town) vs Director-General: Department of Environmental Affairs and Tourism the court reviewed and set aside the issuance of an Environmental Authorisation where there has been lack of or insufficient public participation. It was held that failure to afford interested and affected parties an opportunity to comment on the Environmental Impact Assessment Report is procedurally unfair.</p> <p>The High Court of South Africa (Gauteng Division, Pretoria) has also in the case of PE Convenience Centre (Pty) Ltd held that a decision should be set aside where the concept of procedural fairness (the obligation to consult with) has not been complied with.</p>	<p><i>Need and Desirability Guideline Assessment).</i></p> <ul style="list-style-type: none"> • <i>Section 9.5</i> of the DEIAR (P. 249 – 250) assessing the cumulative impacts. <p>Impacts were assessed in detail in <i>Section 9</i> of the DEIAR and detailed mitigation measures was included in <i>Section 5</i> of the DEMPr.</p> <p>In terms of any development in this matter, regardless whether it is mining, will impact upon the environment. These impacts should be adequately assessed and measures must be recommended to prevent or reduce the significance of the impacts. It is therefore the opinion of Zyntha that this was assessed in detail and allow for the Competent Authority to make an informed decision.</p> <p>It is unclear as to why the court cases are referred to and it can only be assumed under pretence that procedural unfairness is alleged by the objectors. Please refer to our response in Point 8 detailing the detailed consultation that took place to date.</p>
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X 23 August 2023 15h35 Letter sent via Email	It is the Applicant’s responsibility to consult with our clients as interested and affected parties. This obligation includes that you must provide us with all information and documents in relation to the application for the mining right and the environmental authorization. We then kindly request that you provide us the following information and documents as they become available:	Various engagement took place between the environmental assessment practitioner and the landowners as demonstrated in this document.



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			a copy of the application document for the mining right;	Document is attached as Annexure 3 .
			a copy of proof of the date of submission of the application for the mining right;	Document is attached as Annexure 3 .
			a copy of the regulation 2(2) map;	Document is attached as Annexure 4 .
			a copy of the mining work programme;	Document is attached as Annexure 5 .
			a copy of the application for the environmental authorization;	Document is attached as Annexure 6 .
			a copy of proof of notification and consultation with the surface owner in terms of section 16(4)(b) of the MPRDA;	As indicated above this section of the MPRDA is related to a prospecting application and this application is for a mining right. This document could therefore not be made available.
			a copy of the environmental management programme;	At the time of receiving this appeal (23 August 2023) there are still a remaining commenting period on the Draft Environmental Impact Assessment Report (DEIAR) and Draft Environmental Management Programme (DEMP) of 9 days. This was made available electronically to the objectors on 1 August 2023, refer to Annexure 2G .
			a copy of the environmental authorization;	This Scoping and Environmental Impact Assessment (S&EIA) Process in undertaken to obtain an environmental authorisation therefore no such authorisation is available yet.
			a copy of the water use authorization / water licence;	No license has been obtained yet, the process is still ongoing and the objectors will be given an opportunity to comments on the technical report once it is available for the 60-day commenting period.
Japie Van Zyl Attorneys on behalf of Mr. van der Merwe	X	23 August 2023 15h35 Letter sent via Email	a copy of the financing plan as submitted or proof of financial capability of the applicant;	Document is attached as Annexure 7 .
			a copy of proof of technical capability of the applicant;	Documents is attached as Annexure 7 .
			copy of the scoping report;	The scoping report was made available to the objectors electronically on 13 February 2023 for a period of 30 days. No comments were received. Refer to Annexure 2F for proof of electronic distribution.
			a copy of the environmental impact study;	At the time of receiving this appeal (23 August 2023) there are still a remaining commenting period on the



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			Draft Environmental Impact Assessment Report (DEIAR) and Draft Environmental Management Programme (DEMP) of 9 days. This was made available electronically to the objectors on 1 August 2023, refer to Annexure 2G .
		a copy of the acceptance letter of the application;	Attached as Annexure 8 .
		a list of the properties over which the right was applied for;	The list is attached as Annexure 9 . The objectors listed the various farms in Section 1 of the objection. Further note that the information is contained in the BID, Final Scoping Report and DEIAR. In addition to this on all three occasions during the one-on-one meeting with Mr. van der Merwe, a copy of the application area and the landowners of it was provided.
		a copy of the mining right, if executed.	Not available yet.
		According to the High Court of South Africa, Gauteng Division, Pretoria, ruling in the matter of Duduzule Baleni that interested and affected parties are entitled in terms of the Mineral and Petroleum Resource Development Act (“MPRDA”) to be furnished copies of an application. The Court ruled as follows:	
		<i>[117.1] It is declared that interested and affected parties as contemplated by the Mineral and Petroleum Resources Development Act 28 of 2002 (“the MPRDA”) are entitled by sections 10(1) and 22(4) of the MPRDA, on request to the relevant Regional Manager of the Department of Mineral Resources (“the Department”) , to be furnished with a copy of an application for a mining right as contemplated by section 22 of the MPRDA, subject to the right of the applicant and/or the Department to redact financially sensitive aspects of the application.</i>	
X	23 August 2023	It shall be highly appreciated if you can provide us with this information as requested.	Refer to responses under Point 16.



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Japie Van Zyl Attorneys on behalf of Mr. van der Merwe		15h35 Letter sent via Email	It is in any event part of your obligation to consult with interested and affected parties to provide the information.	Consultation with I&APs have been undertaken, refer to Point 8.
	Please note that this objection is a preliminary document and that it shall be amplified once we receive all the information as requested from the Department of Mineral Resources and the applicant.		Statement noted.	
Mr. Ben van der Merwe	X	3 September 2023 11h47 Email	Die skrywe word aan u gerig namens die volgende onderstaande geaffekteerde en / of belanghebbende partye. <ul style="list-style-type: none"> • Vaalwaterspruit Trust se trustees en begunstigdes • Mnr BJ van der Merwe 	So noted and understood.
			Al die bogenoemde partye word direk en / of indirek deur die beplande bedrywighede beïnvloed vanwee die feit dat dit nie slegs die bestaansbron van inkomste en daaglikse bestaan affekteer nie, maar ook die woonomgewing waarin ons daaglik leef en funksioneer.	So noted and understood.
			Dus word die volgende punte uitgelig vir inagneming kommentaar en terugvoer	
			Die huidige produktiewe mielie-en sojalanderye wat direk langs die voorgestelde "boxcut" op Plaas Vaalwater 173 geleë is (Sien op https://maps.app.goo.gl/1JwVn9ngCJE9Gx2h9?g_st=iw), sal in geheel geaffekteer word deur die voorgestelde mynbou bedrywighede. Beide die bopgrondse en ondergrondse water wat nodig is vir die verbouing van gewasse word, sal afgesny en/of geaffekteer word indien mynbou bedrywighede sou plaasvind. Vanuit vorige ondervinding in dieselfde opset is dit ondervind. Die stof wat 'n onvermydelike deel van die mynbou proses is, veroorsaak dat daar vir die duur van mynbou bedrywighede geen gewasse op 'n haalbare of produktiewe wyse geproduseer kan word nie. Beide die opbrengs en kwaliteit van die gewasse word negatief beïnvloed.	Opencast mining is planned on a portion of Portion 4 of the Farm Vaalwater 173 IS, refer to Figure 17 of the Final EIAR. Impacts on water were qualified and quantified in sections 9.4 and the impact on the groundwater levels are depicted in Figure 69 of the final EIAR. Specific measures were defined in the final EMPr in cases where groundwater will be affected including the provision of alternative water or alternative compensation. An air quality assessment was also done, the specialist report is attached as Annexure 6 and details are also provided in Figure 55 to Figure 69 of the final EIAR. Dust suppression will be undertaken on the access road, haul roads as well as the stockpiles to limit dust impacts. A total of 4 101.20 m ³ per day will be used for dust suppression, refer to Table 61 of the final EIAR.



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				<p>Seriti had already discussion with Mr. van der Merwe regarding the acquisition of land and this will continue until an agreement is reached.</p>
Mr. Ben van der Merwe	X	3 September 2023 11h47 Email	<p>Die effek van bogenoemde veroorsaak verliese op verskeie vlakke. Eerstens 'n finansiële verlies aan inkomstes (primere bron van inkomstes) vanweë geaffekteerde produksie van gewasse. Tweedens sal die mynboubedryghede 'n wesenlike daling in die waarde van die grond hê vanweë die feit dat grond nie meer dieselfde produksie/opbrengste kan lewer nie, tydens en na die mynboubedryghede.</p>	<p>Seriti already had discussion with Mr. van der Merwe regarding the acquisition of land and this will continue until an agreement is reached.</p>
			<p>Gedeelte 8 van die plaas Vaalbult 3 is geleë in die middel van die beplande mynbou bedryghede en gaan dus ook sy waarde verloor in dieselfde opsig. Sy produktiewe lande is direk aangrensend aan die pad https://maps.app.goo.gl/zuac1UxRrnvQVn4h7?g_st=iw (en dus sal die addisionele stof van vervoer trokke en mynboumasjienerie ook 'n negatiewe effek op van die produkte hê.</p>	<p>No activities are planned on Portion 8 of the Farm Vaalbult 3 IT. As indicated above dust suppression will be undertaken to manage the dust. A dust monitoring programme will also be implemented as included in the final EMP, refer to Section 7.7. With the implementation of the various measures defined in the EMP, negative impacts will be prevented.</p>
			<p>As deel van die beplande mynbedryghede gaan daar van plofstof gebruik gemaak word. Die skiet van plofstof het 'n groot effek op die bestaande strukture en geboue. Dit sluit in, maar is nie beperk tot, wooneenhede, store/skure, krale ens van alle inwoners in 'n radius om die bedryghede. Wie is verantwoordelik van die inspeksies en toestand bepaling daarvan? Wat kommerwekkend is, is dat skiet van plofstof redelik naby ons bestaande woning te plaas Weltevrede https://maps.app.goo.gl/Twcbv88QDHsDo6HS8?g_st=iw beplan word. Nog geen assesserings of inspeksies van geboue is gedoen van die bestaande geboue of strukture in die omgewing (nie net beperk tot die geaffkteerde eiendomme, maar ook die op aangrensende eindomme).</p>	<p>A blasting assessment was undertaken, and the report is attached as Annexure 17. One of the mitigation measures defined in the final EMP, Table 1 Page 30 is that a pre-blast census will be undertaken prior to the commencement of mining. This will ensure that the baseline status of the various structures is known and recorded.</p>
			<p>Duidelike verduidelikings aangaande die gebruik van die verdampings blaasinstrumente wat beoog word moet verkry word. Met inagnam van die volgende.</p>	<p>Details of mechanical evaporators are attached to this response.</p>
			<p>Effek van geraasbesoedeling.</p>	<p>A noise assessment was done, refer to Annexure 12 of the EIAR</p>



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Mr. Ben van der Merwe	X	3 September 2023 11h47 Email	Ligging van die beplande toerusting?	It will be located at the Main PCD on Portion 8 of the Farm Naudesbank 172 IS.
			Hoeveelheid en wat die effek daarvan op die omgewing is.	Evaporation will be over the PCD basin area, therefore no impact on the adjacent areas.
			Radius wat dit die omgewing affekteer	It depends on the trajectory and angle of the evaporator.
			Tye wat dit gebruik mag word.	Daytime only.
			Prosesse in plek om die negatiewe effekte te minimaliseer.	As already indicated the evaporators will be located at the Main PCD dam that will be lined with a Class C liner system. The water will be evaporated over the basin area of the dam and any remaining water will fall onto the PCD.
			Rehabilitasie na die gebruik van die grond of beëindiging van mynboubedrywighede.	
			Wie word verantwoordelik gehou indien die rehabilitasie van die gronde nie na wense of behoorlik gedoen is nie.	Specific rehabilitation measures defined in the EMPr and the mine cannot obtain closure if the measures are not successfully implemented and the final closure plan approved. Until a closure certificate is issued, the mine right holder remains responsible.
			Uit vorige ondervinding in ons direkte omgewing is gesien dat Muhanga Mines se ou site gerehabiliteer is, maar daar groei steeds niks nie.	Cannot comment on the activities of an adjacent mine. See response above with regards to the responsibility.
			Watter waarborg is in plek dat dit nie by hierdie mynbedrywighede ook die geval gaan wees nie, en wat is die waarskynlikheid dat dit wel die geval gaan wees.	As part of the approval process a financial guarantee must be provided to the DMRE for rehabilitation. Should the mine holder not be able to achieve the final land use and rehabilitation as described, the funds from the guarantee can then be used to enable that the required rehabilitation is conducted.
			Paaie in die omgewing.	
			Wie is verantwoordelik vir die instandhouding van paaie vanweë die addisionele gebruik?	The access road and haul roads will be maintained by the applicant.
Kontak persone se nommers moet verskaf word.	The current project manager is Mr. E van der Westhuizen, etienne.vanderwesthuizen@seritiza.com			



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			and the Tinkie Holl from property rights can also be contacted, katharina.holl@seritiza.com .	
Mr. Ben van der Merwe	X	3 September 2023 11h47 Email	In die verlede is paaie slegs een keer per dag natgegooi en dit was nie voldoende nie. Hoe gaan dit aangespreek word?	As indicated above provision was made for 4 101.20 m ³ per day to be used for dust suppression. Dust monitoring will also be undertaken as indicated in Section 7.7 of the EMPr.
			Vanuit vorige ondervinding in die direkte omgewing is die paaie onbegaanbaar gelaat nadat die mynaktiwiteite gestaak is en dit word die probleem van die omgewing se inwoners. Wat is in plek dat dit nie weer die geval gaan wees nie.	The applicant will maintain its access road and will leave it in an acceptable condition. Discussions will be held with the provincial roads department as well.
			Indien die vermoede bestaan dat water kwaliteit agteruitgaan, wie sal die direkte kontak persoon ten alle tye wees wat gekontak moet word? Wat is die tydsduur vir terugvoer? Wat is die regstellende aksies? Wat is die proses indien dit nie na wense plaasvind nie?	As indicated above the current project manager is Mr. E van der Westhuizen, etienne.vanderwesthuizen@seritiza.com . If the project is approved, details of the mine manager as well as the environmental specialist will be provided. Water monitoring is proposed as detailed in Section 7.5 and 7.6 of the final EMPr. Water monitoring requirements will also be stipulated in the water use licence that still needs to be obtained. The water use licence will in all probability require annual water use licence audits and the Department of Water and Sanitation will also undertake compliance audits. The water use licence will also define the process of reporting incidents and how it must be addressed. The requirements of the water use licence will be followed should there be an incident. If all measures are implemented the likelihood of the impact on water quality is limited.
			Wat is die waarskynlikheid dat bestaande boorgate geaffekteer word? Bv toeval of opdroog? Hoe word die verantwoordelikheid bepaal? Hoe gaan dit reggestel word?	The holes that are predicted to be affected is shown in Table 65 of the final EIAR. If water is affected by the mining operations at Naudesbank, alternative water will be provided or compensation provided.
			Die Vaalwaterspruit word direk geaffekteer en dien as waterbron van vee. Hoe gaan verseker word dat dit nie negatief beïnvloed word nie? Wat is die proses indien dit wel beïnvloed word?	Contamination plumes were developed for various years post mining and it is depicted in Figure 74 of the final EIAR. No impact is predicted on the Vaalwaterspruit. It should be noted that the Vaalwaterspruit was affected by mining activities



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			<p>upstream in the Breyten area. That impact was reported to the Department of Water and Sanitation. Baseline assessment of the water quality was determined, NBSW02 is the upstream point and NBSW03 is the downstream point.</p> <p>All water management measures must be implemented as defined in the final EMP as well as in the water use licence application. Annual external audits will be undertaken to monitor compliance. The compliance reports are submitted to the regulator and the regulator also undertaken their own compliance inspections and audits.</p> <p>Further note that an Environmental Control Officer (ECO) will oversee activities on the mine.</p> <p>Should the water be affected, an incident will have to be reported to the regulators and the appropriate actions implemented as overseen by the regulator.</p>
Mr. Ben van der Merwe	<p align="center">X</p> <p>3 September 2023 11h47 Email</p>	<p>Die tydperk wat die mynbedrywigheede beplan word is nie tydelik van aard nie, maar gaan waarskynlik vir die res van ons aardse bestaan hier plaasvind. Dus gaan dit 'n weselike impak op die kwaliteit van ons lewens asook toekomsbesluite hê, beide emosioneel en finansieel.</p>	So noted.
		<p>U terugvoer rakende bostaande punte sal waardeer word. Indien u verdere inligting of besonderhede benodig, kan u die navrae per epos stuur na ben@vdmgroep.co.za.</p>	So noted. This response will be sent to Mr. van der Merwe as per email ben@vdmgroep.co.za .
Lawful occupier/s of the land & individuals/communities residing on land			
B.J Nkosi Naudesbank Farmers Association	<p align="center">X</p> <p>15 August 2022 11h56 Email</p>	<p>We think mining should happen for the Naudesbank farm community to benefits employment and business, particularly those who qualify but with no experience. And also give training to those who do not qualify.</p> <p>The mining company must provide us with information about its impact pertaining the plan of how will it avoid polluting water, air, soil and noise.</p> <p>We need clarity if whether it will be necessary for us to be relocated, and how will be done, and how are we going to be compensated.</p>	<p>The comment is noted. This will be addressed as part of the Social and Labour Plan.</p> <p>Detailed assessments will be conducted by specialist and the finding included in the EIAR and EMP.</p> <p>Portion 14 of the Farm Naudesbank will not have any surface infrastructure, therefore no relocation will be necessary.</p>



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B.J Nkosi Naudesbank Farmers Association	X	16 August 2022 15h26 Email	<p>Note that the Naudesbank farm community will be also seeking the answers of the following questions as part of additional comments.</p> <p>So we urge the proposed mining to prepare them early.</p>	<p>Statements noted.</p>
			<p>Is the mining company applying for a permit, a mining permit or mining right?</p>	<p>The application is for a Mining Right. It should be noted that the project also include an Environmental Authorisation Application and Water Use License Application.</p>
			<p>When will they apply? Have they applied? Can the community see the application before it is submitted? Who will application submitted to? What will be in the application.</p>	<p>The application will be submitted to the Department of Mineral Resources and Energy (DMRE). It should be noted that it will not be possible to provide the application prior to submission, as the application may be rejected by the DMRE, but once the application is accepted the application can be made available.</p> <p>Note that the scoping report, environmental impact assessment report and environmental management programme report will be made available for comments prior to submission.</p> <p>Documentation submitted as part of a Mining Right Application include:</p> <ul style="list-style-type: none"> • A plan showing the area. • Mine Work Programme. • Existing Rights. • Social and Labour Plan. • Environmental Authorisation Application.
B.J Nkosi Naudesbank Farmers Association	X	16 August 2022 15h26 Email	<p>What will the distance of the project area be from community.</p>	<p>The nearest surface infrastructure development is located ±550 m from Portion 14 of the Farm Naudesbank 172 IS. The distance to the nearest visible houses as per the Google Earth satellite image is 1.8 km.</p>
			<p>Who is the land owner or the land occupier of the project area? What are the contact details.</p>	<p>All the landowners were identified. Land occupiers are welcome to also send their contact details to register as an Interested and Affected Party (I&APs). We are</p>



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				prohibited by the Protection of Personal Information Act (POPIA, Act 4 of 2013) to provide contact details of the landowners or land occupiers.
			What information does the mine have about the size, personal circumstances and income of the community.	Information to be collected will form part of the Social and Labour Plan. It should be noted that a socio-economic impact assessment is planned, this information will be collected for the report.
			Who will be adversely affected by potential environmental and social impact in the project area of influence? How will they control dust? What will trucking affect traffic on local road.	The potential impacts and sensitive receptors will be identified by the specialist studies to be undertaken. The air quality specialist will assess the expected dust fallout and recommend measures on how to control dust. A traffic impact assessment will be undertaken to determine the impacts on roads. All the information listed above will be made available to all the registered I&APs during the Environmental Impact Assessment (EIA) Phase.
			Who are the most vulnerable among the potentially impact and are special engagement effort necessary?	All affected stakeholders may perceive that they are the most vulnerable and this is why the public engagement process is followed.
B.J Nkosi Naudesbank Farmers Association	X	16 August 2022 15h26 Email	At which stage of project development will parties be affected (e.g. prospecting, extraction, decommissioning, and rehabilitation at all stages?)	The environment and affected parties may be impacted during all the phases of the mine. These impacts will be assessed in detail by the specialists during the EIA Phase and the documents distributed to all I&APs for comments.
			How will the project be done in a manner that prevents the pollution of water resources.	Detailed assessments will be undertaken by a freshwater ecologist and a geohydrologist to assess the potential pollution of water resources. These reports will be made available to all registered I&APs during the EIA Phase.



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		<p>How many times a day does the mine plan on blasting and how will roads, cropping and grazing land be diminished? Will this have a negative impact on infrastructure and services.</p>	<p>Blasting frequency can only be confirmed when prior to the establishment of the mine, but before this can happen the necessary authorisations must be obtained. The impacts on roads, cropping and grazing land will be assessed and detailed assessments will form part of the EIA Process. These reports will be made available to all registered I&APs.</p> <p>A blasting impact assessment will be conducted to determine what the impact will be on surrounding infrastructure.</p>
		<p>What various interests of project stakeholders and what influence might this have on the project and community?</p>	<p>The interest from stakeholders in general is how they will be affected since they are often farm owners or land occupiers. These concerns are noted and should be adequately addressed in the reports compiled and can also result in changes of the project layout.</p> <p>The project will have an impact on the landowners, farming communities and the environment, the exact extent of the impacts and measures to mitigate these impacts will be assessed in detail during the EIA Phase by appointed specialists.</p>
		<p>How will the benefits local communities in terms of social and labour plan? And when communities make comments on the plan?</p>	<p>The SLP will address in detail how the community will benefit from the mine. As indicated above under the availability of the application, the SLP can only be made available upon acceptance of the application.</p>
<p>B.J Nkosi Naudesbank Farmers Association</p>	<p align="center">X</p> <p>16 August 2022 15h26 Email</p>	<p>Does the mine plan on relocating to a different area?</p>	<p>The surface activities are limited to certain farm portions, this will either result in a lease agreement or purchase agreement with the landowner.</p> <p>Relocation will be considered, but it will form part of the next phase of the project. Relocation, if required, will be done in conjunction with consultation with the affected parties.</p>
<p>Patrick Malindisa 7 Rooms Naudesbank</p>	<p align="center">X</p> <p>22 August 2022 08h35</p>	<p>We need the house, water, electricity, tenders jobs be a part of the mining project.</p>	<p>The issues pertaining to opportunities to the community will be addressed during the SLP. If</p>



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
		Email		relocation is required, it will entail housing, water and electricity.
Bongani Khandizwe (Pty) Ltd	X	24 August 2022 09h07 Email	Khandizwe Maintenance and Drilling Exploration (Pty) Ltd is located on Naudesbank portion 14. Exercising preference of prospecting by drilling holes and bus commuter business opportunity for the above mention company may bring community certainty and stabilization. Not only for the company but also for the Naudesbank employees who experience the existing skill. Lastly please assist with the electricity and clean drinking water.	The issues pertaining to opportunities to the community will be addressed during the SLP. Prospecting has already been undertaken and this application is for mining. Your request for electricity and drinking water will be forwarded to the applicant.
B.J Nkosi Naudesbank Farmers Association	X	10 March 2023 10h32 Email	We declare fitness according the draft scoping report, as well as every harmful impact are very well safeguarded and our request to Seriti is to harmonize with the provided relevant report.	Statement noted.
			Comments is pertaining Naudesbank portion 6 and 14 whereby the nine Naudesbank mud houses are located. To say in which year of the LoM could be the mining on the above mentioned portion ? and what kind of mining could take place between the OC and OG?. If it is the OC how will the noise and houses damages will be mitigated ?.	The final layout has not been finalised to date and an indication as to when mining will take place on Portion 6 and 14 cannot be confirmed yet. Based on the current optimised plan, both opencast and underground mining is planned on Portions 6 and 14 of the Farm Naudesbank 172 IS. This can however only be confirmed once the final layout has been determined. Mitigation measures pertaining to noise and potential damage to structures will be evaluated in-depth in the EIA phase by specialists. The report will be made available for review.
			Lastly according to the recruitment of permanent employment opportunities, employee training and procurement of which includes SMMEs development that will serve the Seriti LoM preference must be given to Naudesbank farm.	Response by Seriti: Your concerns are noted. Seriti prides itself as a responsible and reputable employer with solid recruitment policies and procedures that not only ensures a transparent and lawful, but also inclusive and equitable processes when recruiting talent. Our Social and Labour Plan submitted to the regulator
			Please let preference also be considered pertaining every body who is situated at the indicated farm portion whereby the Environmental Impact Assessment was taken so as to avoid the NO GO OPTION whereby on the other	



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Interested and Affected Parties (Marked with an X if consulted as required)	Date Comments Received	Issues raised/Comments	Response to issues raised
		<p>side Carolina township will be prioritize to benefit everything.</p> <p>After indicated farm portion recruitment and procurement is complete then the Carolina township should follow.</p> <p>What more to say for time will fail us if we go on reveal how township NPO manipulated recruitment and procurement on our behalf. Please acknowledge email receipt confirming that the Seriti is aware to provide us with the preference we required and the clarity pertaining mining of Naudesbank portion 6and14.</p>	<p>(DMRE) prioritises our primary and secondary host communities for opportunities that may arise during the course of our mining activities, including but not limited to job opportunities, training and development amongst others.</p> <p>Receipt of email was confirmed on 13 March 2023 by Zyntha.</p>
Mr. Tshabangu	X Public Meeting 25 August 2023	Asked if the 23 years for the mine include the opencast only or both opencast and underground.	J. Kleynhans responded by confirming the 23 years life of mine is for both the opencast and underground.
Sindisiwe Mahlangu (Naudesbank)	X Public Meeting 25 August 2023	Asked what the plans are for the upcoming youth residing in the community and what opportunities there will be for the community?	<p>Mokhine Makgalemele (Seriti):</p> <p>Indicated that Seriti will address and consult with the affected communities directly to address these aspects once the authorisation process are done since the project is dependent on these authorisations.</p>
Me. Ndinisa	X Public Meeting 25 August 2023	Asked if the grave relocation areas are determined by the mine or if the graves will be relocated to the families preferred location.	J. Kleynhans indicated that the grave relocation process is a detailed consultation process where individuals are consulted. This will include dialogue between the affected families and Seriti on the location to which graves will be relocated.
Vusi Mlangeni (Jagtlust)	X Public Meeting 25 August 2023	Asked what Seriti will bring to the table for the affected communities.	<p>Mokhine Makgalemele (Seriti):</p> <p>Reiterated that this is an ongoing progress and that the communities will be consulted to address all the issues, which will include SLP programmes.</p>
Mr. Bembe (Steynsdraai)	X Public Meeting 25 August 2023	Suggested that Seriti engage with the community on the needs and look at potential training prior to the mine starting up.	Seriti takes note of this request.
Bongani Nkosi (Naudesbank)	X Public Meeting 25 August 2023	Asked how the mine will protect the community water source and how will acid mine drainage be managed.	Explained that a hydrocensus will be undertaken again before mining to determine the quality and water levels. Should the investigations show that the mine is affecting the water, alternative water will be provided or other means of compensations will be



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				discussed if alternative water cannot be provided. JK. Kleynhans referred to the water management strategy slide (Slide 66) and proceeded to indicate that water will be managed by the strategies proposed such as treating the water and releasing it back into the environment or using treated water for irrigation.
			Asked if the alien vegetation will be removed from Portion 10 of Naudesbank and Portion 2 of Kromkrans as well as how it will be removed.	Alien invasive removal will from part of the mining operations. The removal method depends but it can be done by using chemicals or excavation.
Disco Thwala	X	Public Meeting 25 August 2023	Stated that graves are their heritage and concerned that the graves will be moved without consultation. Also expressed concern for unmarked graves.	J. Kleynhans proceeded to explain that the procedures in terms of the legislation will be followed. This will include consultation with the next of kin of the loved ones buried at the various cemeteries. Attempts are also made to locate families such as placing advertisements in the newspaper and on the radio. It is a lengthy process with consultation with the affected parties. The graves cannot be moved without following the procedure.
Mr. Maseko (Naudesbank)	X	Public Meeting 25 August 2023	Asked if certain members elected can be allowed to be part of the process. Proceeded to raise concerns that when the DMRE gives the go-ahead that people affected are not taken into affected communities are not taken into consideration.	Stated that the SLP focus on community projects and that municipalities at times intervene to such a degree that it results in the directly affected community not benefiting. JK stated that it is noted that the community is requesting that the SLP should focus on the affected community and not necessarily focus on the Chief Albert Luthuli municipal area. JK proceeded to state that consultation between Seriti and communities must still take place and that the community needs to communicate with Seriti what they expect and need. This dialogue and discussion do not form part of Zyntha's responsibility, but is dealt with in the SLP. Seriti will engage with the community as indicated by Mr. Makgalemele.
Landowners or lawful occupiers on adjacent properties				
Thomas Marius Manzi Tomrhino Enterprises	X	15 March 2023 18h52	Can the mine please priorities the Surrounding farms community in employment first. Using the radius till to the locations (Carolina and Hendrian). The mine should be opened	Response by Seriti:



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Interested and Affected Parties (Marked with an X if consulted as required)		Date Comments Received	Issues raised/Comments	Response to issues raised
Kromkrans Community		Email	go that the Surrounding farms the will have to train the community members. Experience is not much in the Surrounding farms but the certification and skill is available.	<p>At Seriti we work with our host municipalities to address pressing needs and harness opportunities to create self-sustaining and empowered communities for generations to come.</p> <p>Our Social and Labour Plan that was submitted to the regulator (DMRE) prioritises our primary and secondary host communities for opportunities that may arise during the course of our mining activities, including but not limited to job opportunities, training and development amongst others.</p>
			On business opportunities can the mine also give the priorities the Surrounding farms.	Response by Seriti:
			Can the mine allow the surrounding farms business people the opportunity to submit their proposals before the tenders are advertised. This will prevent the mine from outsourcing companies to do work that the local farms can be able to do.	Seriti has an Enterprise and Supplier Development Programme that enables us to support local SMMEs in acquiring essential business skills needed to expand their operating capacity. In our Social and Labour Plan we have made commitments to invest in various interventions to cultivate our preferential procurement value chain to sustain our mining operations over the life of mine.
			The mine to be in a position to have a Incubation program. Assist the new companies that are showing potential and will to grow specializing on a specific service or product.	
Nduduzo Sibiya Kromkrans Community	X	15 March 2023 19h51 Email	The mine please first prioritise the farm community in all opportunities regarding employment. You should do a study (Census) on the surrounding farms to get a clear picture of available skills that are currently available and the ones that you will need on the operations of the mine that are not available. For example i.e many people do have certifications but no experience. We are tired of the people from the Locations (Carolina and Hendrina) that end-up taking the majority of opportunities. We do not have a problem with the location community, but the majority should be the surrounding farms as they are directly affected.	<p>Response by Seriti:</p> <p>Your concerns are noted. Our Social and Labour Plan submitted to the regulator (DMRE) prioritises our primary and secondary host communities for opportunities that may arise during the course of our mining activities, including but not limited to job opportunities, training and development amongst others.</p>
			Again the mine must also first prioritise the surrounding farms when it comes to business. The mine should invest on Incubation programs for the surrounding farms. All big contractors that the mine will appoint from outside the surrounding farms business people should at least subcontract	<p>Response by Seriti:</p> <p>Seriti has an Enterprise and Supplier Development Programme that enables us to support local SMMEs</p>



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			<p>30% to one local farm company, after a certain period the SME will be able to be self sustainable and be able to specialise with one service or product. The mine to have a program that will financial assist local surrounding farms during the start after appointments.</p> <p>The mine should allow surrounding farms to be able to submit their proposal to the mine before any mining operations start. Proposals to be accepted on other opportunities before they are advertised to tenders.</p> <p>The mine should have a Supplier Development Program for the surrounding farms.</p>	<p>in acquiring essential business skills needed to expand their operating capacity. In our Social and Labour Plan we have made commitments to invest in various interventions to cultivate our preferential procurement value chain to sustain our mining operations over the life of mine.</p>
Municipal councillor and Municipality				
Government Departments/Regulatory Authorities				
B.C Sithole Department of Agriculture, Land Reform and Rural Development (DALRRD)	X	8 March 2023 11h22 Letter via Email	With reference to the above mentioned application, the Department of Agriculture, Land Reform and Rural Development Directorate: Land and Soil Management does not have any comments at this stage.	Noted.
M.H Vilakazi Mpumalanga Tourism and Parks Agency (MTPA)	X	16 March 2023 08h22 Letter (Dated 14/3) via Email	<p>Your correspondence with DMRE Reference number: MP 30/5/1/1/2/1057 PR dated 13/02/2023 refer.</p> <p>The sensitivity of the above farm on which the proposed activity is likely to occur was assessed according to the Mpumalanga Biodiversity Sector Plan (MBSP; MTPA, 2014). This sensitivity is assessed in terms of terrestrial and freshwater assessments. In the MBSP, sensitive areas are identified in terms of Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs). CBAs and ESAs are deemed to be necessary to ensure the protection of biodiversity, environmental sustainability, and are to remain unaltered.</p>	Statement noted. Assessments will be undertaken by freshwater ecologist and terrestrial ecologist to evaluate any potential impacts on the listed sensitive areas.
M.H Vilakazi	X	16 March 2023	According to the MBSP terrestrial assessment, Figure 1, the proposed development will occur in an area with CBA	Statement noted. Assessments will be undertaken by freshwater ecologist and terrestrial ecologist to



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Mpumalanga Tourism and Parks Agency (MTPA)	08h22 Letter (Dated 14/3) via Email	Irreplaceable areas, CBA Optimal areas, Other natural areas, moderately and heavily modified areas. According to the MBSP freshwater assessment, Figure 2, the proposed development will occur in an area with CBA Wetlands, ESA Wetlands, CBA Rivers, ESA Important sub-catchments.	evaluate any potential impacts on the listed sensitive areas.
		The Scoping report indicate that the proposed development will consist of both opencast roll over mining and underground mining. The Life-of-Mine is estimated to be 34 years with an expected production of 50.744 million tonnes of run of mine coal during the entire operational period.	Statement confirmed as correct.
		The MPTA take note of the content of the Scoping report, and provide some recommendations. In addition to the prosed specialist studies that will be conducted during the EIA phase please also take the following into consideration:	
		Consider the MBSP terrestrial and freshwater maps when deciding on where to place surface infrastructure and on your mining methods.	Consideration by the appointed specialists of these features will be undertaken.
		A floristic (plant) survey must be conducted during the growing season of all species that may potentially occur (this may require more than one-season's survey in order to identify flowering species) with two (2) visits undertaken (November and February). Visits during other seasons will be determined by the flowering and fruiting times of species that do not occur during the summer.	Scientific Terrestrial Services has undertaken the floral and faunal assessments from 30 November to 2 December 2022. A recommendation will however be made in the EMPr that surveys are conducted once again prior to construction, one during November and once during February. The report will be made available with the distribution of the Draft EIAR and EMPr.
Relocation plan for plants of conservation importance should be included and relocation should be done by specialists with expertise in the area of environmental concern. Plant species of conservation importance include the following: <ul style="list-style-type: none"> • Species Endemic to the Province • Red Data Listed Plants • Medical Plants • Protected plants (Mpumalanga Conservation Legislation and National Forest Act). 	A rescue and relocation plan will not be developed at present, however a following mitigation measure will be incorporated into the EMPr: <i>The development and implementation of a rescue and relocation plan, compiled by a suitably qualified specialist, must be undertaken prior to construction.</i>		
M.H Vilakazi Mpumalanga Tourism and Parks Agency (MTPA)	X 16 March 2023 08h22 Letter (Dated 14/3) via Email	A list of alien plant species occurring on the property should be provided.	This will be by done by the appointed specialist, Scientific Terrestrial Services. The report will be made available with the distribution of the Draft EIAR and EMPr.



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M.H Vilakazi Mpumalanga Tourism and Parks Agency (MTPA)	X		The invasion extent of Category 1 & 2 plants (CARA: Act 43 of 1983 – Regulation 15, as well as new NEMA regulations regarding aliens and invasives) should be investigated.	This will be by done by the appointed specialist, Scientific Terrestrial Services. The report will be made available with the distribution of the Draft EIAR and EMPr.
			Existing and/or planned eradication programs of alien vegetation should be indicated in the report.	No such plan will be developed yet since various authorisations must still be obtained prior to the project commencing, however it will be included in the EMPr as a mitigation measure requiring the development and implementation of an alien invasive management plan.
			A full survey to determine faunal (mammals, birds, reptiles, amphibians and invertebrates) species richness should be carried out. The time of the year to conduct surveys should depend on the activity pattern of species.	Scientific Terrestrial Services has undertaken the floral and faunal assessments from 30 November to 2 December 2022. The report will be made available with the distribution of the Draft EIAR and EMPr.
		16 March 2023 08h22 Letter (Dated 14/3) via Email	A wetland specialist should assess the integrity of wetlands (if any) within the proposed mining footprint area.	Scientific Aquatic Services was appointed to assess the wetlands in the area and detailed assessments on the integrity wetlands will be undertaken. The report will be made available with the distribution of the Draft EIAR and EMPr.
			A map should be provided with the proposed development plan (scale diagram) indicating the location, size and proximity to the relevant aquatic eco-system/s. State the eco-region within the catchment.	A map showing the aquatic features and planned activities will be included.
			The layout plans to be included in the Environmental Impact Assessment Report (EIA) should be eligible to show the following: <ul style="list-style-type: none"> ○ General locality map ○ Demarcation of proposed mine boundaries including the total area that is proposed for clearance and development in hectares. ○ Any other infrastructure associated with the development (e.g. electrical power lines, pipelines) ○ A map of sensitive features (e.g. CBAs, species of conservation concern, riparian areas and wetlands), including buffers around these features. ○ A final layout map overlaid on the map of sensitive features. 	The plans requested by MTPA will be included in the EIAR.



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M.H Vilakazi Mpumalanga Tourism and Parks Agency (MTPA)	X	16 March 2023 08h22 Letter (Dated 14/3) via Email	The MTPA agree to the list of specialist studies that will be undertaken as part of the EIA process in order for the site specific baseline information to be established and for the assessment of the potential impacts of the development.
		The MTPA looks forward to receiving the draft EIA report once it is available.	Statement noted, report will be distributed to the MPTA once available.



5. MEETINGS

One-on-one meetings were held with Mr. Combrink, Me. Wright and Mr. van der Merwe, refer to **Annexure 19.11** for the record of the meetings. A public meeting was held during the Environmental Impact Assessment (EIA) phase. The meeting took place on 25 August 2023, refer to **Annexure 19.12** for the proof of invitation, attendance register, presentation and minutes of the meeting.

6. CONCLUSION

This document is a dynamic document and was adjusted during the consultation process to ensure that all the relevant aspects are recorded and made available to the decision makers.

