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**CANYON RESOURCES(PTY) LTD.: BIRMINGHAM PROJECT
PUBLIC PARTICIPATION PLAN**

JULY 2020

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Abbreviations

BID	Background Information Document
DMRE	Department of Mineral Resources and Energy
DHSWS	Department of Water and Sanitation
EIA	Environmental Impact Assessment
EIAr	Environmental Impact Assessment Report
EMP	Environmental Management Plan
EMPr	Environmental Management Programme Report
EMS:	Environmental Management System
GN	Government Notice
I&APs	Interested and/or Affected parties
MPRDA	Mineral and Petroleum Resources Development Act (Act 28 of 2002)
NEMA	National Environmental Management Act (Act 107 of 1998)
NEMWA	National Environmental Management: Waste Act (Act 59 of 2008)
NHRA	National Heritage Resource Act (No. 25 of 1999)
NWA	National Water Act (Act 36 of 1998)
PPP	Public Participation Process
WML	Waste Management Licence
WUL	Water Use Licence

Definitions

‘consultation’ means a two-way communication process between the applicant and the community or interested and affected party wherein the former is seeking, listening to, and considering the latter’s response, which allows openness in the decision-making process.

‘community’ means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law: Provided that, where as a consequence of the provisions of the Act negotiations or consultations with the community are required, the community shall include the members or part of the community, directly affected by prospecting or mining, on land occupied by such members or part of the community.

‘Interested and affected’ parties include, but are not limited to; –

- (i) Host Communities
- (ii) Landowners (Traditional and Title Deed owners)
- (iii) Traditional Authority
- (iv) Land Claimants
- (v) Lawful land occupier
- (vi) The Department of Land Affairs,
- (vii) Any other person (including on adjacent and non-adjacent properties) whose socio-economic conditions may be directly affected by the proposed prospecting or mining operation
- (viii) The Local Municipality,
- (ix) The relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project.

‘registered interested and affected party,’ in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42.

‘State Department,’ means any department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

SUMMARY

The Table below is a summary of the planned Public Participation to be undertaken for the project in each of the phases of the project and the measures to be taken to ensure compliance with the GN 650 (5 June 2020) in terms of the Disaster Management Act (57/2002): Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences.

Phase of Application	Public Participation Action to be undertaken	Measure/s to Address, Prevent and Combat the Spread of COVID-19
Notification Phase		
Call to Register	Email notification, including a copy of Background Information Document (BID) and questionnaire, to pre-identified Interested and Affected Parties (I&APs) including various Government Departments, landowners, adjacent landowners, district and local municipalities.	Distribution of documentation electronically wherever possible. Distribution of BID to be undertaken electronically wherever possible and all hand deliveries will be undertaken using required masks / face shields, hand sanitizer, and adhering to social distancing at all times Contacting landowners and adjacent parties telephonically where possible and providing the information electronically.
	English advert placement in a local newspaper with adequate circulation in the proposed project area, providing information about the project and how to contact the Environmental Assessment Practitioner.	Electronic communication.

Phase of Application	Public Participation Action to be undertaken	Measure/s to Address, Prevent and Combat the Spread of COVID-19
	<p>English site notice placement along, within and surrounding the perimeter of the proposed project study.</p> <p>Due consideration will be given to the requirement for social distancing and wearing of appropriate mask during the erection of the site notices.</p>	<p>Due consideration will be given to using required masks, hand sanitizer, and adhering to social distancing at all times.</p>
<p>Notification of I&APs of Draft Scoping Report</p>	<p>Notification of pre-identified I&APs via an English advert in the local newspaper, email, and SMS to I&APs who do not have an email address. Contact details are included in the notification, if I&APs require assistance accessing the information, or require copies of reports.</p> <p>Focus group meetings.</p> <ul style="list-style-type: none"> - Meeting with landowners - Phone calls - Zoom/skype meetings 	<p>Electronic communication will be preferred wherever possible.</p>
<p>Availability of Draft Scoping Report</p>	<p>English advert will be placed in a local newspaper with adequate circulation in the proposed project area, advising the start of the EIA phase.</p> <p>One (1) hard copy of scoping report and one (1) hard copy of the Scoping Report will be submitted to the local community representative (i.e. ward councillor) where members of the public can view the reports.</p> <p>The Draft Scoping Report will be made available for a 30 day review and comment period, from 08 October to 06 November 2020 and can be downloaded from the following electronic link: https://www.dropbox.com/sh/8fqkp6111semwja/AACRdKrJ2IMF3onNggNarO-</p>	<p>Distribution of documentation electronically where possible.</p> <p>Due consideration and notification will be given to the risks associated with handling hard copies of the report, therefore sanitiser will be provided with the report for use by members of the public.</p>

Phase of Application	Public Participation Action to be undertaken	Measure/s to Address, Prevent and Combat the Spread of COVID-19
	<p>za?dl=0. A hard copy of the report will also be made available at the Hendrina Town Municipality Office, the Steve Tshwete Local Municipality office and another copy will be made available to the Councillor of Ward 3. Should you require a CD copy of the report, please contact ELEMENTAL.</p>	<p>All necessary measures will be put in place to ensure that the COVID-19 protocols are adhered to when reviewing the document.,</p>
	<p>An electronic copy of the report to be placed on Dropbox and an electronic link will be distributed to all parties on the I&AP list.</p>	<p>Due consideration will be given to the requirement for social distancing and wearing of appropriate mask during the erection of the site notices.</p>
<p>Meetings for the Scoping Phase</p>	<p>Upon request, Zoom, Microsoft teams and skype meetings will be arranged and communicated with registered I&APs. Phone calls will also be made to I&APs and landowners.</p>	<p>Electronic communication will be preferred wherever possible</p>
<p>Open Day for the EIA Phase</p>	<p>Based on interest, it is proposed to hold a public open day (outdoor venue with the location to be confirmed) to provide a further opportunity for I&APs to review available documentation for the project. Posters will be made available to provide information to I&APs and any questions can also be directed.</p>	<p>A maximum of ten I&APs will be permitted at any time at the open-air venue at any one time and all measures (signing of registers, hand sanitisers, wearing of masks and social distancing) regarding the requirements of the National Disaster Management Act and all regulations thereunder will be adhered to.</p>
<p>Notification of I&APs of Draft EIAR</p>	<p>Notification of pre-identified I&APs via email, an English advert in the local newspaper and SMS.</p>	<p>Electronic communication with I&APs.</p>

Phase of Application	Public Participation Action to be undertaken	Measure/s to Address, Prevent and Combat the Spread of COVID-19
	Contact details are included in the notification if I&APs require assistance accessing the information, or require copies of reports.	
Availability of Draft EIA Report	One (1) hard copy of the report will be submitted to the local community representative (i.e. ward councillor where members of the public can view the report. A hard copy of the report will also be placed at the Hendrina Public Library with hand sanitiser upon opening of the library, if permitted.	Due consideration and notification will be given to the risks associated with handling hard copies of the report, therefore sanitiser will be provided with the report for use by members of the public.
	An electronic copy of the report will be placed on Dropbox.	Where feasible, an electronic copy of the report will be placed on a social media platform.
Open Day	Based on interest, it is proposed to hold a public open day (outdoor venue with the location to be confirmed) to provide a further opportunity for I&APs to review available documentation for the project. Posters will be made available to provide information to I&APs and any questions can also be directed.	A maximum of ten I&APs (depending on the capacity of the venue) will be permitted at any single time slot at the open air venue and all measures (signing of registers, hand sanitisers, wearing of masks and social distancing) regarding the requirements of the National Disaster Management Act and all regulations thereunder will be adhered to.
Focus Group Meetings	Zoom or Skype, or phone calls with landowners and other I&AP's will be undertaken.	Electronic communication
Notification of Decision	Notification of registered I&APs will be communicated via email and SMS.	Electronic communication.

Phase of Application	Public Participation Action to be undertaken	Measure/s to Address, Prevent and Combat the Spread of COVID-19
	Contact details are included in the notification, if I&APs require assistance accessing the decision.	

1 INTRODUCTION

Elemental Sustainability (Pty) Ltd (Elemental-S) was appointed by Canyon Resources (Pty) Ltd to undertake the environmental authorisation process in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (as amended) and the National Environmental Management Waste Act, 2008 (Act 59 of 2008) for the proposed Birmingham Project.

The proposed project is situated in the Steve Tshwete Local Municipality. The mine will be located on the remaining extent and portion 1, 3, 4, 7, 8 on the farm Boschmansfontein 182 IS; remaining extent and portions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16, 17, 18 Boschmanskraal 184 IS; remaining extent and portions 1 and 2 of the farm Bloemfontein 196 IS and portions 1, 2, 3, 4 and 5 of the farm Birmingham 197 IS. The proposed mining right area is presented in Figure 1.

The proposed mining area is easily accessible and the local infrastructure links the project area with inland market of South Africa and the Richards Bay Coal Terminal. The project area is located in close vicinity to the N11 freeway and the R542 road. The Hendrina Power Station lies 3.8 km north-west of the project.

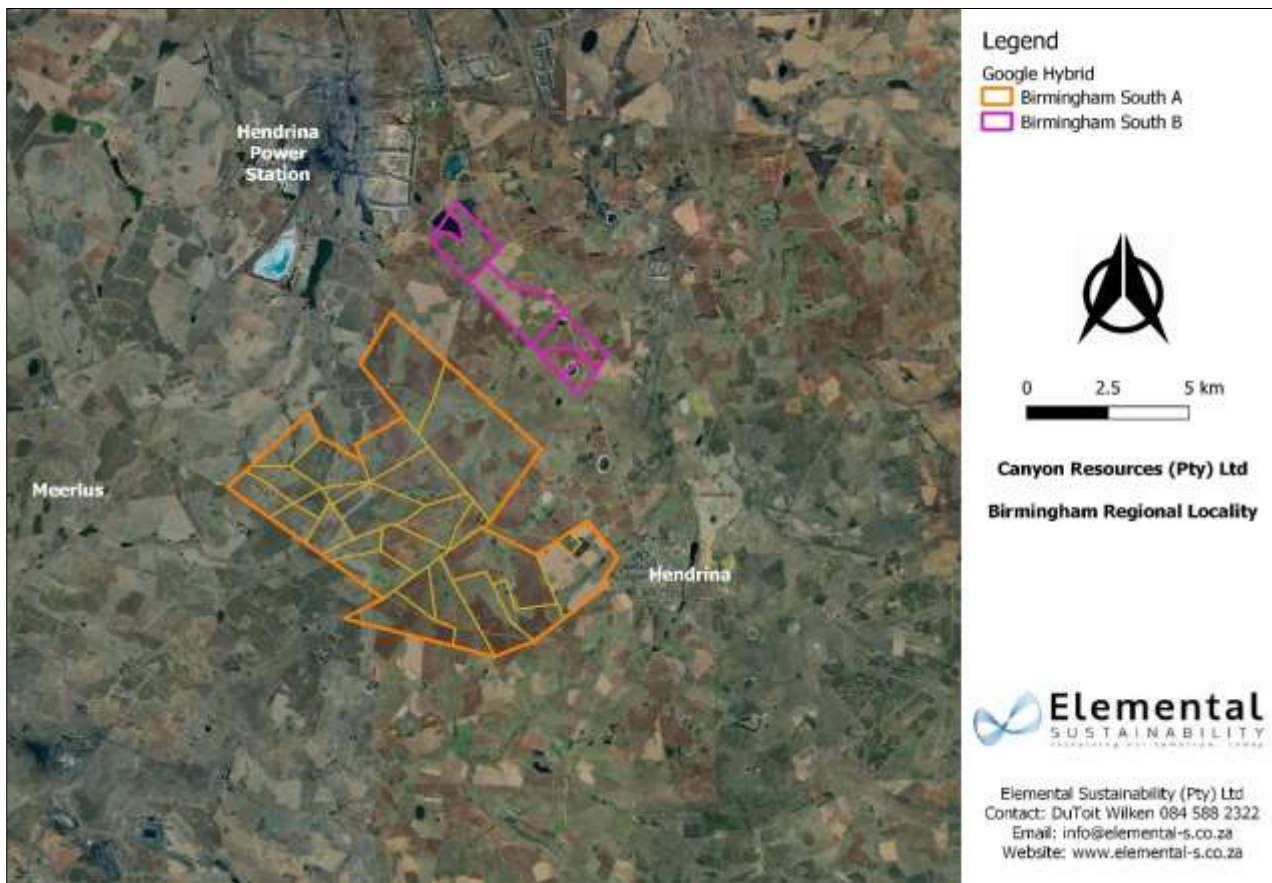


Figure 1: Mining Right Area

1.1 SUMMARY OF THE ENVIRONMENTAL AUTHORISATION REQUIREMENTS

Prior to the commencement of the proposed project environmental authorisations are required from the following competent authorities:

- Environmental authorisation from the DMRE in terms of the NEMA. The proposed project incorporates several activities listed in the Environmental Impact Assessment Regulations (EIA Regulations): Listing Notice 1, 2 and 3, 2014 published in Government Notice (GN) No. 983, 984 and 985 of 4 December 2014 and amended by GN No. 327, 325 and 324 of 7 April 2017, respectively. The EIA regulations applicable in this study, are the EIA Regulations, 2014 published in GN No. 982 of 4 December 2014 and amended by GN No. 326 of 7 April 2017.
- A waste management license (WML) from the DMRE in terms of the NEMWA. The proposed project incorporates waste management activities listed in GNR 921 of 29 November 2013, as amended.
- A water use license (WUL) from the Department of Human Settlements, Water and Sanitation (DHSWS) in terms of the National Water Act, 1998 (No. 36 of 1998) (NWA). The proposed project incorporates water uses in terms of Section 21 of the NWA.

A mining right application and integrated NEMA and NEMWA application has been lodged with the DMRE. The WUL application will be submitted to the DHSWS.

Additional permits or licenses that may be required for the project include:

- approval from the relevant Department of Roads and Transport for upgrading any roads or intersections.
- permit in terms of the National Heritage Resource Act, 1999 (No. 25 of 1999) (NHRA), the Ordinance on Exhumations, 12 of 1980, and/or the Human Tissues Act, 1983 (No. 65 of 1983 if any heritage sites (including graves) are damaged or need to be removed.

This list will be refined, as may be required, during the course of the EIA process.

2 PUBLIC PARTICIPATION PLAN

The Public Participation Process (PPP) is a requirement of several pieces of South African legislation and aims to ensure that all relevant Interested and Affected Parties (I&APs) are consulted, involved and their comments are considered and a record of all comments and responses is included in the reports submitted to the Authorities. The process ensures that all stakeholders are provided an opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the proposed project needs to be managed sensitively and according to best practises to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- 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;
- Explain the authorisations required;
- Explain the environmental studies already completed and yet to be undertaken (where applicable);
- Solicit and record any 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 maximize and/or promote positive environmental impacts associated with the project.

2.1 LEGAL FRAMEWORK

The PPP for the proposed project will be undertaken in accordance with the requirements of the MPRDA and the NEMA EIA Regulations (2014), as amended in 2017, as well as the NWA and in line with the principles of Integrated Environmental Management (IEM). IEM implies an open and transparent participatory process, whereby stakeholders and other I&APs are afforded an opportunity to comment on the project and have their views considered and included as part of project planning.

This Public Participation Plan (PP Plan) has been prepared in accordance with the requirements of the NEMA, and the Directions issued by the Department of Environment Forestry and Fisheries (GN 650 of 5 June 2020) in terms of the Disaster Management Act (Act 57 of 2002). The purpose of this PP Plan is to obtain agreement from the relevant Competent Authority on the public engagement and participation for the proposed Birmingham Project. A summary of the PP Plan for the EIA phase is provided in Table 1 below.

Table 1: Summary of the PP Plan for the proposed Birmingham Project

Project Phase	Mechanism
Call to Register	Email notification, including a copy of Background Information Document (BID) and questionnaire, to pre-identified Interested and Affected Parties (I&APs) including various Government Departments, landowners, adjacent landowners, district and local municipalities.
	English advert placement in a local newspaper with adequate circulation in the proposed project area, providing information about the project and how to contact the Environmental Assessment Practitioner.

	<p>English site notice placement along, within and surrounding the perimeter of the proposed project study.</p> <p>Due consideration will be given to the requirement for social distancing and wearing of appropriate mask during the erection of the site notices.</p>
<p>Notification of I&APs of Draft Reports (both Scoping Report and EIAr)</p>	<p>Notification of pre-identified I&APs via an English advert in the local newspaper, email, and SMS to I&APs who do not have an email address.</p> <p>Contact details are included in the notification if I&APs require assistance accessing the information, or require copies of reports.</p> <p>English advert placement in a local newspaper with adequate circulation in the proposed project area, advising the start of the EIA phase.</p>
<p>Availability of Draft Reports (both Scoping Report and EIAr)</p>	<p>One (1) hard copy of scoping report and one (1) hard copy of the EIAr will be submitted to the local community representative (i.e. ward councillor) where members of the public can view the reports. Due consideration and notification will be given to the risks associated with hard copies of the report and sanitiser will be provided with the report for use by members of the public.</p> <p>A hard copy of each of the reports will also be placed at the Hendrina Public Library with a hand sanitiser.</p> <p>An electronic copy of the report to be placed on Dropbox.</p>
<p>Open Days (Scoping Phase Open Day and EIA phase open day)</p>	<p>It is proposed to hold two (one for each project phase) public open day's (in a location to be confirmed) to provide a further opportunity for I&APs to review available documentation for the project. Posters will be made available to provide information to I&APs and any questions/queries can also be directed.</p> <p>A maximum of ten I&APs will be permitted in the venue at any one specific time and all measures regarding the requirements of the National Disaster Management Act and all regulations thereunder will be adhered to.</p> <p>Zoom or Skype, and/or phone calls with landowners and other I&AP's will be undertaken.</p>
<p>Notification of Decision</p>	<p>Notification of registered I&APs via email and SMS.</p> <p>Contact details of EAP are included in the notification, If I&APs require assistance accessing the decision.</p>

The proposed public participation plan for the Birmingham Project is discussed in detail in Sections 2.2 to 2.7 below.

2.2 SECTION 39: ACTIVITY ON LAND OWNED BY PERSON OTHER THAN THE PROPONENT - SUBREGULATION 1 AND 2(A), (B) AND (C)

(1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.

(2) Subregulation (1) does not apply in respect of—

(a) linear activities;

(b) activities constituting, or activities directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral or petroleum resource; and

(c) strategic integrated projects as contemplated in the Infrastructure Development Act, 2014.

As the application is for a mineral rights application, the proponent is not required to obtain written consent of the landowner or person in control of the land to undertake the activity.

2.3 SECTION 41: PUBLIC PARTICIPATION PROCESS

2.3.1 Section 41, Subregulation 2 (a) – Site Notices

1) The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by—

a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of—

i. the site where the activity to which the application or proposed application;

ii. relates is or is to be undertaken; and

iii. any alternative site.

Twelve site notices will be erected within and surrounding the proposed Birmingham Project area. The site notices will be placed in conspicuous areas that are accessible to the public at the boundary. The site notice will include a short background of the proposed project, the locality of the project, information on the activities that are being applied for and details of how the Environmental Assessment Practitioner (EAP) can be contacted to provide any comments.

2.3.2 Section 41, Subregulation 2 (b) – Written Notice

b) giving written notice, in any of the manners provided for in section 47D of the Act, to—

i. the occupiers of the site and, if the proponent or applicant is not the owner or person in control

of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;

- ii. owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
- iii. the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;*
- iv. the municipality which has jurisdiction in the area;*
- v. any organ of state having jurisdiction in respect of any aspect of the activity; and*
- vi. any other party as required by the competent authority;*

Written notices will be provided to all landowners in and around the adjacent mining right area. Written notices will also be sent to the municipality that has jurisdiction in the area and all organs of state as pre-identified and that register for the project. This includes the following:

- South Africa Heritage Resource Agency (SAHRA);
- Department of Roads and Transport;
- Mpumalanga Economic Development & Tourism which provides oversight role on the work of three agencies which are: Mpumalanga Economic Growth Agency (MEGA), Mpumalanga Economic Regulator (MER) and Mpumalanga Tourism and Parks Agency (MTPA).
- Mpumalanga Department: Agriculture, Rural Development, Land and Environmental Affairs;
- Department of Agriculture Forestry and Fisheries.
- Department of Mineral Resources and Energy (DMRE); and
- Department of Human Settlements, Water and Sanitation (DHSWS).
- Department of Environmental Affairs and Forestry;
- Mpumalanga Agriculture, Land Reform and Rural Development;
- Mpumalanga Department of Economic Development and Tourism;
- Mpumalanga Parks and Tourism Agency;
- Mpumalanga Public Works, Roads and Transport;
- Mpumalanga Department of Human Settlements;
- Department of Social Development – Provincial;
- South African National Roads Agency;
- Provincial Heritage Authority;
- Eskom;

- Steve Tshwete Local Municipality;
- Nkangala District Municipality; and
- Ward Councillor/s

A Background Information Document, in English, will be distributed in and around proposed Birmingham Project boundary. The BID will be distributed electronically to all I&APs that have provided an email address. Copies will also be provided to the local ward councillor for distribution in the community.

2.3.2.1 Details of Background Information Document (BID)

A background information document (BID) in English will be compiled for distribution. The BID will contain the following information:

- Project name;
- Applicant name;
- Project location (including map of study area);
- Description of the EA application process, EIA flow chart, and public participation process;
- Information on future document review opportunities;
- A detailed questionnaire/ I&AP registration form; and
- Relevant EAP contact person for the project.

Copies of the BID will be emailed to the current land owners and adjacent land owners. Copies of the BID will also be given to occupiers of the site and I&APs via direct consultation or will be emailed to potential I&APs. Copies of the BID documents will be hand delivered to the local communities and also sent by email to the government departments and municipalities (refer to Section 2.3.2.1).

Copies of the BID will be distributed to any other parties if required by the competent authority. The BID and distribution of the BID's will be presented in the Scoping report and the EIAR as an Appendix.

2.3.3 Section 41, Subregulation 2 (c), (d) & (e) – Advertisements

- c) *placing an advertisement in—*
 - i. *one local newspaper; or*
 - ii. *any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;*
- d) *placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an*

- advertisement has been placed in an official Gazette referred to in paragraph (c)(ii); and*
- e) *using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to—*
- i. illiteracy;*
 - ii. disability; or*
 - iii. any other disadvantage.*

As the boundary of the proposed Birmingham Project is restricted to the Hendrina area, an advertisement will be placed in the local newspaper at the start of the project (notification period) containing the following information:

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

An advertisement, in English, will also be placed in the local newspaper to advise I&APs of the availability of the Scoping Report for review, as well as the Environmental Impact Assessment Report for review. Information in these adverts will include a short project background (including project and applicant name), project location, nature of the activity, information regarding the availability of the reports for review and contact details of the relevant EAP where I&APs can send comments/concerns.

Copies of all adverts will be included as Appendices in the Scoping Report, as well as the Environmental Impact Assessment Report.

2.3.4 Section 41, Subregulation 3

- 3) *A notice, notice board or advertisement referred to in subregulation (2) must—*
- a) give details of the application or proposed application which is subjected to public participation; and*
 - b) state—*
 - i. whether basic assessment or S&EIR procedures are being applied to the application;*
 - ii. the nature and location of the activity to which the application relates;*
 - iii. where further information on the application or proposed application can be obtained; and*
 - iv. the manner in which and the person to whom representations in respect of the application or proposed application may be made.*

As indicated in Section 2.3.2 and Section 2.3.3 above, both the site notice and the adverts will include all information as per the requirements of Section 41, subregulation 3.

The EAP's contact number and email address will be stated on the site notice and adverts. Comments/concerns and queries will be encouraged to be submitted in either of the following manners:

1. Electronically (email);
2. Telephonically; and/or
3. Written letters.

2.3.5 Section 41, Subregulation 4

- 4) *A notice board referred to in subregulation (2) must—*
- a) *be of a size of at least 60cm by 42cm; and*
 - b) *display the required information in lettering and in a format as may be determined by the competent authority.*

The site notices that will be erected around the boundary of the proposed Birmingham project will be at least 60cm by 42 cm. A locality map is included on the site notice.

2.3.6 Section 41, Subregulation 5, 6 & 7

- 5) *Where public participation is conducted in terms of this regulation for an application or proposed application, subregulation (2)(a), (b), (c) and (d) need not be complied with again during the additional public participation process contemplated in regulations 19(1)(b) or 23(1)(b) or the public participation process contemplated in regulation 21(2)(d), on condition that—*
- a) *such process has been preceded by a public participation process which included compliance with subregulation (2)(a), (b), (c) and (d); and*
 - b) *written notice is given to registered interested and affected parties regarding where the—*
 - i. *revised basic assessment report or, EMPr or closure plan, as contemplated in regulation 19(1)(b);*
 - ii. *revised environmental impact assessment report or EMPr as contemplated in regulation 23(1)(b); or*
 - iii. *environmental impact assessment report and EMPr as contemplated in regulation 21(2)(d); may be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due.*

Subregulation 5 is not applicable to the Birmingham Project, as the Application is a new Application for the proposed project and does not include any revised reports.

- 6) *When complying with this regulation, the person conducting the public participation process must ensure*

that—

- a) *information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and*
- b) *participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.*

All relevant facts in respect of the proposed application, will be made available to potential I&APs. Both the Scoping Report and the Environmental Impact Assessment Report with the Environmental Management Programme Report will be made available for public review and comment for a period of 30 days each.

- 7) *Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.*

As this is an integrated application, namely an environmental authorisation and waste licence application in terms of the NEMA and NEMWA, a mining right application in terms of the MPRDA and a water use licence application in terms of the NWA, it is proposed to combine the public participation process with all notification documentation and other public participation opportunities referring to all three authorisation/permit or licence. The Regulations prescribing the procedure for application for the Water Use License (GN 267 published in 2017) makes provision for the combination of the two processes.

2.4 SECTION 42: REGISTER OF INTERESTED AND AFFECTED PARTIES

2.4.1 Interested and Affected Party (I&AP) Database

A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of—

- a) *all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;*
- b) *all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and*
- c) *all organs of state which have jurisdiction in respect of the activity to which the application relates.*

As part of the PPP an I&AP database will be developed and will be continuously updated for the project. A copy

of the database will be included as an Appendix in the Scoping Report and the Environmental Impact Assessment Report.

2.5 SECTION 43: REGISTERED INTERESTED AND AFFECTED PARTIES ENTITLED TO COMMENT ON REPORTS AND PLANS

2.5.1 Interested and Affected Parties and Commenting Authorities

43) 1). *A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.*

2) In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.

Stakeholders who are captured/registered on the database for the project shall include the following:

- The owners or persons in control of the land where the proposed mining is to be undertaken (if different than applicant);
- The occupiers of the property where the development is to be undertaken;
- The owners and occupiers of land adjacent to the mining area;
- Provincial and local government (relevant local and district municipalities);
- Organs of state, other than the authorising authority, such as the Department of Agriculture, Forestry and Fisheries (DAFF – now grouped with Environmental Affairs, forming DEFF since 2019) or Department of Roads, having jurisdiction in respect of any aspect of the proposed project;
- Relevant residents' associations, rates payers' organisations, community-based organisations and NGOs;
- Environmental and water bodies, forums, groups and associations; and
- Private sector (business, industries) in the vicinity.

2.5.2 Decision Making Authorities

The decision-making authorities includes the:

- Department of Mineral Resources (DMRE) – (Mining Right and Environmental Authorisation); and
- Department of Water and Sanitation (DHSWS) – (Water Use License).

I&APs who attends any public meetings and /or submitted contact details will be registered on the I&AP database. The database will be updated on an on-going basis throughout the process and included as an

appendix to the Scoping Report and the Environmental Impact Assessment Report, as well as the Integrated Water and Waste Management Plan.

2.6 ENVIRONMENTAL AUTHORISATION AND MINING RIGHT APPLICATION

- Notification:

All potential I&APs will be notified by means of an advertisement, site notices and/or notification letter and will be requested to register as an I&AP for the proposed Birmingham Project.

- Scoping Phase:

- 1) During the Scoping phase the I&APs shall have the opportunity to comment on the Scoping Report, which will be made available for public review for 30 days. Registered I&APs will be notified of the availability of the Scoping Report. The report will be made available electronically via a downloadable link and a hard copy of the report will be made available in the town of Hendrina (as libraries will be opening within July 2020, it is recommended that the Scoping report be placed at the public library, if permitted, together with a hand sanitiser);
- 2) CD copies of the Scoping Report will be submitted to the stakeholders (Mpumalanga Parks and Tourism Agency, SAHRA and the Steve Tshwete Local Municipality), and government departments (DMRE and DHSWS) for review.
- 3) All comments received during the scoping phase will be included as an Appendix in the Final Scoping Report to be submitted to the DMRE.

- Environmental Impact Assessment Phase:

- 4) The draft EIAR will be made available for public review for 30 days. Registered I&APs will be notified of the availability of the EIAR. The report will be made available electronically via a downloadable link and a hard copy of the report will be made available in the town of Hendrina (as libraries will be opening within July 2020, it is recommended that the EIAR be placed at the public library together with a hand sanitiser, if permitted).
- 5) Copies of the EIAR will be submitted to the stakeholders (Mpumalanga Parks and Tourism Agency, SAHRA and the Steve Tshwete Local Municipality), and government departments (DMRE and DHSWS) for review.
- 6) All comments received during the environmental impact assessment phase will be included as an Appendix in the Final EIAR to be submitted to the DMRE.

2.7 SECTION 44: COMMENTS OF INTERESTED AND AFFECTED PARTIES TO BE RECORDED IN REPORTS SUBMITTED TO COMPETENT AUTHORITY

2.7.1 Public Meetings and Open days

Due to the restrictions, as a result of COVID-19, and as per the requirements of the Disaster Management (Act 57 of 2002), and all regulations thereunder, or the Scoping Phase, Zoom meetings, Microsoft Team Meetings, Skype, and/or phone calls with landowners and I&AP's will be undertaken. The purpose of these meetings for the Scoping Phase will be to introduce the project and to get the potential Interested and Affected parties to register, as well as raise any concerns or issues that the I&APS may have with regards to the proposed Birmingham Project. Notes of the Zoom, Microsoft Team, Skype, and/or phone calls will be included in the Final Scoping Report as an Appendix.

It is proposed to hold a public open day for the EIA Phase of the project (outdoor venue with the location to be confirmed) to provide a further opportunity for I&APs to review the available documentation of the project for the EIA phase of the project. Posters will be made available to provide information to I&APs and any questions/queries can also be directed to the EAP. The number of people at the venue for the open day will be limited to ten people (depending on the capacity of the venue) at any one specific time. Strict protocols with regards to the requirements of the Disaster Management Act (Act 57 of 2002), and all regulations thereunder, including a complete register, sanitation of hands etc will be adhered to. Posters containing information about the project will be made available for I&APs to view, BIDs will be distributed and questions with regards to the project can be directed to the EAP.

Zoom or Skype, and/or phone calls with landowners and other I&AP's will be undertaken.

The purpose of the Scoping Phase meeting will be to introduce the project and to get the potential Interested and Affected parties to register, as well as raise any concerns or issues that the I&APS may have with regards to the proposed Birmingham Project.

During the EIA phase, the purpose of the meeting will be to provide the findings of the specialist reports to the public and to address any concerns that I&APs may have with regards to the project.

It must be noted that there are currently restrictions in place in terms of meetings and gatherings during the COVID-19 period and, therefore, there is a possibility that public meetings will not form part of the Scoping and EIA phases. An open day has been proposed, but a decision will be made based on the status of pandemic at that stage as well as the interest expressed in the project.

As per GNR 43412 (5 June 2020), the EAP and Applicant will ensure that all reasonable measures are taken to identify potential I&APs for purposes of conducting public participation on the application; and

- ensure that, as far as is reasonably possible, taking into account the specific aspects of the application-

(a) information containing all relevant facts in respect of the application or proposed application is made available to potential I&APs; and

(b) participation by potential or registered I&APs has been facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application.

The applicant and EAPs, in addition to the methods contained in Chapter 6 of the EIA Regulations, or as part of reasonable alternative methods proposed in terms of regulation 41(2)(e) of the EIA Regulations, may make use of the following non-exhaustive list of methods:

- emails, websites, Cloud Based Services, or similar platforms, direct telephone calls, virtual meetings, newspaper notices, community representatives, distribution of notices at places that are accessible to potential I&APs.

Hard copies or electronic versions of reports may be made accessible through any of the following non-exhaustive list of methods:

- Websites, Zero Data Portals, community or traditional authorities, Cloud Based Services, provided that all registered I&APs have access to the reports.

As libraries are to be opened within the next two weeks, it is proposed that a hard copy of the report/s be made available at the Hendrina Public Library for review. This is dependent on whether it will be permitted by the library at the time.

2.7.2 Summary of Issues Raised By I&APs From Public Participation

All issues raised and / or comments received will be included in the Public Participation Report, which will be attached as an appendix in the Scoping Report and updated for the EIAr to be submitted to the competent authority.

3 IDENTIFICATION OF THE REPORT

This Public Participation Plan herewith includes a certificate of identification as follows;

Herewith I, the person whose name and identity number is stated below, confirm that I am the person authorised to act as representative of the applicant in terms of the resolution submitted with the application, and confirm that the above report comprises the results of consultation as contemplated in Section 16 (4) (b) or 27 (5) (b) of the MPRDA Act, Section 39, 40, 41, 42 and 43 of the NEMA EIA regulations, as the case may be.	
Full Names and Surname	
Identity Number	
Signature	

4 REFERENCES

Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA EIA Regulations, Department of Environmental Affairs, Pretoria, South Africa.

Department of Environmental Affairs. (2017). GNR 326 National Environmental Management Act (Act 108 of 1998) Amendments to the Environmental Impact Assessment Regulations of 2014.

Environment, Forestry and Fisheries, Department of/ Omgewing, Bosbou en Visserye, Departement van. (2020). GNR 43412. Disaster Management Act (57/2002): Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences.