

PUBLIC PARTICIPATION REPORT

FOR THE

Yoctolux Investments (Pty) Ltd Weltevreden Colliery

ON THE FARM

Weltevreden 324JS Portion 2

Department Minerals Resources Ref: MP30/5/1/3/2/10487MP

ENVIRONMENTAL & PROJECT MANAGEMENT PROFESSIONALS

REPORT



2014

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PROJECT DETAILS

Department of Mineral Resources:	Mpumalanga
Reference No:	MP30/5/1/3/2/10487MP
Applicant:	Yoctolux Investments (Pty) Ltd
Project Title:	Weltevreden Mining Permit
Project Number:	14-017-AUTH-REP
Compiled by:	Eco Elementum (Pty) Ltd
Date:	July 2014
Property Description:	A portion of Portion 2 of the farm Weltevreden 324JS
Municipality:	Emalahleni Local Municipality
Water Management Area:	Olifants Water Management Area (WMA 4)
Catchment Description:	Wilge River Catchment Area_ Quaternary B20G Saalboomspruit (MU21, confluence with Wilge)
Topographical 1:50 000 Reference:	2529CC
Site Middlepoint Coordinates:	25°56'38.94"S 29° 6'0.95"E
Mineral to be mined	Coal and clay
Mining Method	Opencast – Continuous rollover rehabilitation sequence
Mining Area	5 ha
Life of mine	3 years
Total tonnages	400 000tons

1. Public Participation and the Environmental Impact Assessment Process

Guideline 4 on “Public Participation in support of the EIA Regulations”, published by DEAT in May 2006, states that public participation is one of the most important aspects of the environmental authorisation process. This stems from the requirement that people have a right to be informed about potential decisions that may affect them and that they must be afforded an opportunity to influence those decisions. Effective public participation also improves the ability of the competent authority to make informed decisions and results in improved decision-making as the view of all parties are considered (DEAT, 2006: pg 9).

An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently. The DEAT (2006) Guideline on Public Participation further notes that:

“The public participation process:

- Provides an opportunity for interested and affected parties (I&APs) to obtain clear, accurate and comprehensive information about the proposed activity, its alternatives or the decision and the environmental impacts thereof;
- Provides I&APs with an opportunity to indicate their viewpoints, issues and concerns regarding the activity, alternatives and /or the decision;
- Provides I&APs with the opportunity of suggesting ways of avoiding, reducing or mitigating negative impacts of an activity and for enhancing positive impacts;
- Enables the applicant to incorporate the needs, preferences and values of affected parties into the activity;
- Provides opportunities to avoid and resolve disputes and reconcile conflicting interests; and
- Enhances transparency and accountability in decision making.”

Public participation is a process and vehicle to provide sufficient and accessible information to I&APs in an objective manner to assist I&APs to identify issues of concern, to identify alternatives, to suggest opportunities to reduce potentially negative or enhance potentially positive impacts. The principles of NEMA govern many aspects of EIAs, including consultation with interested and affected parties (I&APs) and other stakeholders. These principles include the provision of sufficient and transparent information to I&APs on an ongoing basis, to allow them to comment, and ensuring the participation of historically disadvantaged individuals, including women, the disabled and the youth. Public participation forms the most important component of the entire project. Public Participation is the involvement of all parties who are either potentially interested or affected by the proposed development. The principle objective of public participation is to inform and enrich decision-making. This is also its key role in the Environmental Impact Assessment (EIA) process.

Public Participation is the cornerstone of any EIA. The principles of NEMA as well as EIA Regulations govern the EIA process, including public participation. The Public Participation Process for the proposed development has been undertaken according to Guideline 4 of the EIA Regulations taking into account the Department of Mineral Resources Guideline. These include provision of sufficient and transparent information on an ongoing basis to stakeholders to allow them to comment, and ensuring that participation of previously disadvantaged people, women and youth.

The Public Participation Process is primarily based on two (2) factors; namely:

- Ongoing interaction with the environmental specialists and technical teams in order to achieve integration of technical assessment and public participation throughout; and
- To obtain the bulk of the issues to be addressed early on in the process, with the latter half of the process designed to provide environmental and technical evaluation of these issues.

The findings are presented to stakeholders for verification that their issues have been captured and for future comment.

Input into the public participation process by members of the public and stakeholders can be given at various stages in the process. Registration of the project can take place at any time during the process up until the final report is submitted to the competent authority. There are however set periods in which comments are required from Interested and Affected Parties (I&APs) in order to ensure that these are captured in time for submission of the various reports. The EIA Regulations emphasises the importance of public participation. In terms of the regulations, registered interested and affected parties:

- May participate in the application process;
- May comment on any written communication submitted to the competent authority by the applicant or environmental consultant;
- Must comment within the timeframes as stipulated in the EIA Regulations;
- Must send a copy of all comments to the applicant or Environmental Assessment Practitioner (EAP) if the comments were submitted directly to the competent authority; and
- Must disclose any direct business, financial, personal or other interests that the person has in the application being granted or refused.

The following actions were taken upon receiving comments / queries / issues:

- The contact details provided were entered into the project database for use in future notifications;
- Communication of receipt of comments; and
- Addressed comments in the Issue and Responses Report.

2. Public Participation Process Followed

This section of the report provides an overview of the tasks undertaken for the public participation process prior to the submission of information to the Department of Mineral Resources (Witbank).

2.1 Task 1: I&AP identification, registration and the creation of an electronic database

Public Participation is the involvement of all parties who are either potentially interested or affected by the proposed development. The principle objective of public participation is to inform and enrich decision-making. This is also its key role in the Environmental Impact Assessment (EIA) process. Generally, the following information is included:

Interested and Affected parties (I&APs) representing the following sectors of society have been identified (see Appendix 6 – Copy of Interested and Affected Parties Register) for a complete I&AP distribution list:

- National, provincial and local government;
- Agriculture, including local landowners;
- Community Based Organisations;
- Non-Governmental Organisations;
- Water bodies;
- Tourism;
- Industry and mining;
- Commerce;
- Historically disadvantaged groups, including women, youth and the disabled;
- Research; and
- Other stakeholders.

2.2 Task 2: Announcement phase

The project was announced as follows:

- Publication of a media advertisement was done
 - 09 May 2014 Middelburg Observer (Appendix 3)
 - 09 May 2014 Witbank News (Appendix 3)

In order to inform surrounding communities and adjacent landowners of the proposed prospecting, four (4) site notices were erected at visible locations close to the site at Weltevreden 324 JS Portion 2.

- Key stakeholders, who included the abovementioned sectors, were directly informed of the proposed development by e-mail and fax.

- Distribution of Background Information Documents and Registration and Comment sheets by fax/post/email to I&APs:
- I&APs were given 30 days to comment and / or raise issues of concern regarding the proposed development. The comment period however only expired on the 11 July 2014.

2.3 Task 3: Consultation with authorities and interested and affected parties

A consultation meeting was held with the Department of Mineral Resources to discuss the proposed implication of the project in terms of the National Mineral and Petroleum Resources Act (Act 28 of 2002) to receive guidance from the officials on the type of application required and the approach to be undertaken.

The outcome of the meeting with DMR: Mpumalanga led to the following actions:

The applicant should undertake the following actions:

- Provide the results of public participation undertaken as required in terms of Regulation 52(2)(g) of the MPRDA, 2002 (Act 28 of 2002).
- The applicant should compile a Public Participation Report in which proof of notification and consultation with landowners and surrounding interested and affected stakeholders are listed and addressed.
- The applicant should conduct a Public Participation Process (PPP) in terms of the EIA Regulations, Section 54 of Regulation 543 of 18 June 2010 (NEMA).

A public consultation meeting was held with Interested and affected parties on site – minutes of this meeting has been attached. However, should another meeting be arranged during later phases of the project minutes of the meeting will be attached as an important component of the public participation process and submitted to the DMR. The issues raised by the registered Interested and Affected Parties will also captured and addressed in the Comments and Response Report (CRR) (Appendix 5).

2.4 Task 4: Identification and recording of issues

I&APs had the opportunity to raise issues either in writing, during the initial announcement phase of the project; I&APs were given an opportunity to do so by telephone, fax and/or email.

All the issues that will be raised by I&APs during the prospecting phase was captured in a Comment and Response Report (Appendix 5).

3. Next Phases of the Public Participation Process

3.1 Public participation during the mining permit phase

Public participation during the Mining Permit Application Phase of the project will revolve around a review of the findings of the process and inputs into the activities. The findings will be presented in a Public Participation Report. The EIA Regulations specify that I&APs must have an opportunity to verify that their issues have been captured. The Public Participation Report will be available for public review once the responsible authority has had an opportunity to review and comment on this Report. The availability of the Public Participation Report will be announced as follows:

- Personal letters, fax and email to all the registered I&APs on the distribution list.

In addition, the Public Participation Report will be distributed for comment as follows:

- Hand-delivered to the relevant authorities
- Emailed/faxed to registered I&AP's

4. Appendices

Appendix 1: Proof of Site Notices

Appendix 2: Written Notices

Appendix 3: Newspaper Advertisements

Appendix 4: Communications between consultants and Interested and Affected Parties

Appendix 5: Comments and Response Report

Appendix 6: Copy of Interested and Affected Parties Register

Appendix 1: Proof of Site Notice

PUBLIC PARTICIPATION NOTICE FOR A MINING PERMIT APPLICATION

Notice is hereby given of the intent of Yoctolux Investments (Pty) Ltd to apply for a Mining Permit in terms of Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) on a portion of portion 2 of the farm Weltevreden 324JS, Magisterial District of Witbank. An application for a Mining Permit has been accepted by the Department of Mineral Resources (Mpumalanga) in this regard and is currently in process.

PROJECT TITLE: Yoctolux Investments (Pty) Ltd Coal and Clay Mining Permit Application

PROJECT PROPOSAL: Yoctolux Investments (Pty) Ltd intends to undertake a Mining Permit Environmental Management Programme process as part of their application for a Mining Permit, in order to win Coal and Clay minerals via opencast boxcut mining with a concurrent roll-over rehabilitation sequence.

LOCATION: A Portion of Portion 2 of the Farm Weltevreden 324 JS, Magisterial District of Witbank

APPLICATION FOR AUTHORISATION TO UNDERTAKE THE FOLLOWING ACTIVITIES:

Number and date of the relevant Government Notice:	Activity No (s) (in terms of the relevant notice) :	Listed Activity Description:
Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)	Section 27	A Mining Permit for Coal and Clay is applied for.

DATE OF PUBLICATION OF THIS NOTICE: 05 May 2014

DEPARTMENT MINERALS RESOURCES REFERENCE NUMBER: MP 30/5/1/3/2/10487 MP

Queries regarding this matter should be referred to: Environmental Assessment Practitioners: Eco Elementum (Pty) Ltd

Contact details:
Silverlakes Office Park 2
Block A, Office 7
Silverlakes
0054

Office: 012 348 5214
Mobile: 082 690 9105 / 072 196 9928
Fax: 086 714 5399
Email: info@ecoelementum.co.za



In order to ensure that you are identified and registered as an **interested and/or affected party**, please submit your name, contact information and interest in the matter to the contact person given above before within **30 days** from the date of this notice.

Site Notice 1



Site Notice 2



Site Notice 3



Site Notice 4



Appendix 2: Written Notices

Dear Sir/Madam,

2014/05/0

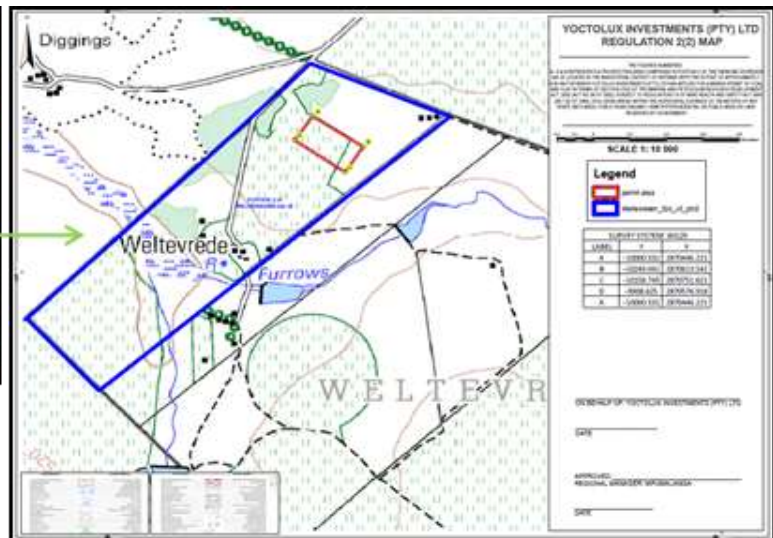
Invitation to Comment and Notice of Public Participation Process for the Proposed Mining Permit Application for Clay and Coal on a Portion of Portion 2 of the Farm Weltevreden 324 JS, Magisterial District of Witbank .

Department: Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

Notice is hereby given of the intent of Yoctolux Investments (Pty) Ltd to apply for a Mining Permit in terms of Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) on a portion of portion 2 of the farm Weltevreden 324JS, Magisterial District of Witbank. An application for a Mining Permit has been accepted by the Department of Mineral Resources (Mpumalanga) in this regard and is currently in process.

APPLICATION FOR A MINING PERMIT IN TERMS OF SECTION 27 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002): A PORTION OF PORTION 2 OF THE FARM WELTEVREDEN 324 JS, MAGISTERIAL DISTRICT OF WITBANK.

Number and date of the relevant Government Notice:	Activity No (s) (in terms of the relevant notice) :	Listed Activity Description:
Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)	Section 27	A Mining Permit for Coal and Clay is applied for.



Should you wish to register as an Interested and/or Affected Party (I&AP) for this project, require additional information or would like to submit comments on the project please contact Eco Elementum (Pty) Ltd using the following contact details:

Contact details:
Silverlakes Office Park 2
Block A, Office 7
Silverlakes
0054

Office: 012 348 5214
Mobile: 082 690 9105 / 072 196 9928
Fax: 086 714 5399
Email: info@ecoelementum.co.za

If you are aware of any other parties that may be interested in this project please feel free to pass this information on to them or alternatively provide us with their contact details.

Yours Sincerely - Eco Elementum

PUBLIC PARTICIPATION REGISTRATION FORM

Environmental Impact Assessment Process for a Mining Permit for Clay and Coal on a portion of portion 2 of the farm Weltevreden 324JS, Magisterial District of Witbank.

Department Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

Applicant: Yoctolux Investments (Pty) Ltd

Environmental Assessment Practitioners: Eco Elementum (Pty) Ltd

Contact details:

Silverlakes Office Park 2
Block A, Office 7
Silverlakes
0054

Office: 012 348 5214

Mobile: 082 690 9105

Fax: 086 714 5399

Email: info@ecoelementum.co.za



You are hereby invited to register as an interested and/or affected party to raise concerns and to be consulted on issues which may have a detrimental impact on the environment which might result due to the;

APPLICATION FOR A MINING PERMIT IN TERMS OF SECTION 27 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002): A PORTION OF PORTION 2 OF THE FARM WELTEVREDEN 324 JS, MAGISTERIAL DISTRICT OF WITBANK.

Please Complete and return no later than 25 June 2014:

Due to possible delays in the postal system it is advisable to either fax or email this registration form if possible.

Interested and/or Affected Party Contact Details

Date:

Full name(s) and surname:

Organisation/Interest

Represented:

Physical Address:

Postal Address:

Contact number(s):

Fax number:

E-mail:

Appendix 3: Newspaper Advertisements

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Department: Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

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Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)	Section 27	A Mining Permit for Coal and Clay is applied for.

OPPORTUNITY TO PARTICIPATE: Interested and affected parties (I&APs) are invited to register and provide written comments. I&APs should refer to the relevant reference number(s), and must provide their comments together with their name, contact details (preferred method of notification, e.g. e-mail address or fax number) and an indication of any direct business, financial, personal or other interest which they have in the application to the contact person indicated below within **30 days** from the date of this notice.

For more information contact: Environmental Assessment Practitioners: Eco Elementum (Pty) Ltd

Contact details:

Silverlakes Office Park 2
Block A, Office 7
Silverlakes
0054

Office: 012 348 5214

Mobile: 082 690 9105 / 079 527 5775

Fax: 086 714 5399

Email: info@ecoelementum.co.za



Appendix 4: Communications between consultants and I&AP's

The following email was sent to the entire list of identified potential interested and affected parties as per Appendix 6.

Dear Sir/Madam,

Invitation to Comment and Notice of Public Participation Process for the Proposed Mining Permit Application for Clay and Coal on a Portion of Portion 2 of the Farm Weltevreden 324 JS, Magisterial District of Witbank .

Department: Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

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Kindly fill out the attached Public Participation Registration Form and send it back to us before 2014/06/25.

Alternatively please do not hesitate to contact us for alternative arrangements.

Kindest regards

Henno Engelbrecht

082 690 9105

B.Sc Honn Env Analysis & Mgmt

M.Sc Project Management (3rd year)



2012/021578/07

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The following responses has been received through the entire public participation process;

Subject	RE: Yoctolux Weltevreden Mining Permit Application Public Participation Invitation
From	Thami Hadebe Transnet Pipelines DBN
To	Ecoelementum Info
Sent	28 May 2014 10:14 AM
Attachments	<<2932_001.pdf>>

Good Morning,

Your e-mail has reference.

Please find the attached response.

Yours Sincerely
Thami

From: Ecoelementum Info [<mailto:info@ecoelementum.co.za>]
Sent: 26 May 2014 09:31 AM
To: Thami Hadebe Transnet Pipelines DBN
Subject: Yoctolux Weltevreden Mining Permit Application Public Participation Invitation

Dear Sir/Madam,

Invitation to Comment and Notice of Public Participation Process for the Proposed Mining Permit Application for Clay and Coal on a Portion of Portion 2 of the Farm Weltevreden 324 JS, Magisterial District of Witbank .

Department: Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

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Kindly fill out the attached Public Participation Registration Form and send it back to us before 2014/06/25.

Alternatively please do not hesitate to contact us for alternative arrangements.

Kindest regards

Henno Engelbrecht
082 690 9105
B.Sc Honn Env Analysis & Mgmt
M.Sc Project Management (3rd year)



2012/021578/07

28 May 2014

Ref: PYP/W1/07/05/NC/17619

Eco Elementum (Pty) Ltd
 Environmental & Project Management Professionals
 Silverlakes Office Park 2
 Block A, Office 7
SILVERLAKES
 0054

Dear Sir/Madam

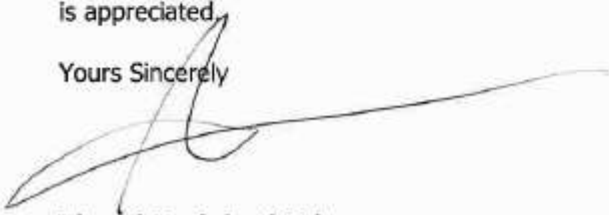
PROPOSED MINING PERMIT APPLICATION FOR CLAY AND COAL ON A PORTION OF PORTION 2 OF THE FARM WELTEVREDEN 324 JS, MAGISTERIAL DISTRICT OF WITBANK

Your letter with DMR reference MP 30/5/1/3/2/10487 MP dated 05 May 2014 has reference.

Transnet Pipelines (ex-Petronet), a division of Transnet SOC Limited, is not affected by the proposal as indicated on your Witbank Cadastral/Topographical Map extract.

Your awareness of the existence of Transnet's pipeline servitudes and concern for their integrity is appreciated.

Yours Sincerely



Thami Hadebe (Mr)
Servitude Management

Subject	RE: Yoctolux Weltevrede Mining Permit Application Public Participation Invitation
From	Ackerman Pieter
To	Ecoelementum Info
Sent	26 May 2014 09:59 AM

Morning.

Please address the WULA authorization.

Alternatives should include the exclusion of watercourses and wetlands

All the best

Pieter Ackerman (PrLArch)
 Chief Landscape Architect
 Department of Water Affairs (DWA), South Africa
 Sub Directorate Instream Water Use
 Tel: 012 336 8217
 Cell: 082 807 3512
 Fax: 012 336 6608

From: Ecoelementum Info [<mailto:info@ecoelementum.co.za>]
Sent: 26 May 2014 09:32 AM

To: Ackerman Pieter

Subject: Yoctolux Weltevreden Mining Permit Application Public Participation Invitation

Dear Sir/Madam,

Invitation to Comment and Notice of Public Participation Process for the Proposed Mining Permit Application for Clay and Coal on a Portion of Portion 2 of the Farm Weltevreden 324 JS, Magisterial District of Witbank .

Department: Minerals Resources Ref: MP 30/5/1/3/2/10487 MP

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Alternatively please do not hesitate to contact us for alternative arrangements.

Kindest regards

Henno Engelbrecht

082 690 9105

B.Sc Honn Env Analysis & Mgmt

M.Sc Project Management (3rd year)



2012/021578/07

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Appendix 5: Comments and response report

Comments and response report – Yoctolux Investments Weltevreden 324JS Public Participation

Stakeholder Name	Organisation	Contact Details	Comments	Response
Thami Hadebe	Transnet Servitude Management	Carlton Centre 150 Commissioner Street Johannesburg 2001 P.O. Box 72501 Parkview South Africa 2122 Tel: +27 11 308 3000 Fax: +27 11 308 2638 thami.hadebe@transnet.net	Transnet indicated that they will not be affected by the proposed mining project.	Eco Elementum acknowledged and thanked Transnet for their response
Pieter Ackerman	Department of Water Affairs Sub Directorate Environment and Recreation (E&R)	Private Bag X313 Tel: 012 336 8217 ackermanp@dwaf.gov.za	Please address the WULA authorization. Alternatives should include the exclusion of watercourses and wetlands	Eco Elementum indicated that they will address the WULA authorisation and consider the alternatives mentioned.

Appendix 6: Copy of Interested and Affected Parties register

Stakeholder Database – Yoctolux Investments Weltevreden 324JS Public Participation

Stakeholder Name	Organisation	Contact Details	Method of Communication
Musa Lubambo	Department: Water Affairs - Bronkhorstspruit	Physical address : 22 Rooth Street; Bronkhorstspruit; 1020 Postal address : Private Bag X10580; Bronkhorstspruit; 1020 T: 013 932 2061 C: 083 320 5489 F: 086 231 7108 LubamboM@dwa.gov.za	Email
Okwethu-kuhle Fakude	Mpumalanga Provincial Government Officer	Cnr Rosmead & Ryan Street, Klipfontein Witbank 1035 T: 013 692 5808 ogfakude@mpg.gov.za	Email
Milton Moloko	ESKOM	Megawatt Park Maxwell Drive Sunninghill Sandton PO Box 1091 Johannesburg 2000 T: 011 800 2345 F: 011 800 3917 MolokoMM@eskom.co.za	Email
Noxolo Galela	ESKOM Land Management	Megawatt Park Maxwell Drive Sunninghill Sandton PO Box 1091	Email

		Johannesburg 2000 T: 011 800 2345 F: 011 800 3917 noxolo.galela@eskom.co.za	
Thami Hadebe	Transnet Servitude Management	Carlton Centre 150 Commissioner Street Johannesburg 2001 P.O. Box 72501 Parkview South Africa 2122 Tel: +27 11 308 3000 Fax: +27 11 308 2638 thami.hadebe@transnet.net	Email
Jenna Lavin	South African Heritage Resources Agency (SAHRA) Case Officer Ref 4134	South African Heritage Resources Agency (SAHRA) Head Office 111 Harrington Street CAPE TOWN 8001 PO Box 4637 Cape Town, 8000 Tel 021 462 4502/Fax 021 462 4509 Email info@sahra.org.za Web www.sahra.org.za jlavin@sahra.org.za	Email
Pieter Ackerman	Department of Water Affairs Sub Directorate Environment and Recreation (E&R)	Private Bag X313 Tel: 012 336 8217	Email

			ackermanp@dwaf.gov.za
Klaus Schimdt	South African National Roads Agency Limited (SANRAL)	Private Bag X17 Lynnwood Ridge 0040 T:012 426 6247	Email
			schmidk@nra.co.za
Herbert Kutama	Department of Environmental Affairs: Authorisation and Waste Disposal Management	Private Bag X447 Pretoria, 0001 Tel: 012 310 3536	Email
			HKutama@environment.gov.za
Conciliation Sambo	DWA-Working for Water	Tel: 012-392 1455 Cell: 082 805 7647	Email
			samboc@dwa.gov.za
Obed Baloyi	DEA-Pollution and Waste Management Directorate	Tel: 012-310 3833 Fax: 012-320 1639	Email
			obaloyi@environment.gov.za
Sibusisiwe Hlela	DEA-Environmental Impact Management	Tel: 012-310 3045 Fax: 012-320 3688	Email
			shlela@environment.gov.za
Charles Makula	Nkangala District Municipality Municipal Manager	PO Box 437 Middelburg Tel: 013 249 2006 Fax: 013 249 2050	Email
			nkosinm@nkangaladm.org.za
SK Mashilo	Nkangala District Municipality Mayor	PO Box 437 Middelburg Tel: 013 249 2008 Fax: 013 249 2056 Cell: 082 419 0929	Email

Pierre Rossouw	Nkangala District Municipality Environmental Health Officer	vanbuurensmp@nkangaladm.org.za PO Box 437 Middleburg Tell: 013 249 2127 Fax: 086 536 0378	Email
Adam Engelbrecht	eMalahleni Local Municipality Municipal Manager	rossouwp@nkangaladm.org.za PO Box 3, Witbank Tel: 013 690 6911 Fax: 013 690 6207	Email
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