

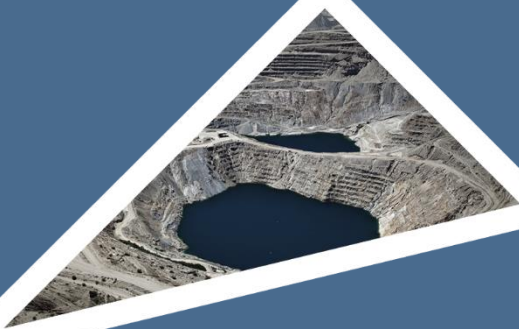


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PUBLIC PARTICIPATION REPORT

MANUNGU COLIERY EXTENSION, ASSOCIATED INFRASTRUCTURE
AND AMENDMENTS TO EXISTING LICENCE CONDITIONS





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1 INTRODUCTION

Tshedza Mining Resources (Pty) Ltd (the Applicant), a subsidiary of Mbuyelo Coal (Pty) Ltd. has appointed Geo Soil and Water cc (GWS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the necessary authorisation and amendment processes for Manungu Colliery. In turn GWS has appointed Environmental Impact Management Services (EIMS) as well as various specialist sub-consultants to assist with compiling the necessary reports and undertaking the statutory consultation processes, in support of proposed mining extension, new infrastructure, facilities and amendments to existing licences. It is anticipated that several listed activities contained in the National Environmental Management Act (Act 107 of 1998) (NEMA), National Environmental Management Waste Act (Act 59 of 2008) (NEMWA) and National Water Act (Act 36 of 1998) (NWA) will be triggered by these proposed facilities and/or amendments. Manungu Colliery is located approximately 9km south of the town of Delmas in Mpumalanga Province. The existing mining right encompasses all portions of the farms Weilaagte 271IR and Welgevonden 272IR which are located within the Victor Khanye Local Municipality, Mpumalanga, South Africa.

This Public Participation Report (PPR) has been compiled as an Appendix to the Scoping Report that has been prepared in support of the Integrated Environmental Authorisation (EA) application, Integrated Water Use Licence (IWUL) Application, amendments to existing EA and Environmental Management Plan (EMP) and amendments to the existing IWUL and outlines the PPP undertaken to date in accordance with the provisions of the NEMA and NWA.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them. Section 57(1) of the Constitution provides that: *"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement"*. This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and the NEMA and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as "a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"¹. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them during each consultation phase as follows:

- Scoping Phase:
 - Raise issues of concern and suggestions for enhanced benefits;
 - Verify that their issues have been recorded;
 - Assist in identifying reasonable alternatives; and
 - Provide relevant local information and knowledge to the environmental assessment.
- Environmental Impact Assessment (EIA) Phase:
 - Contribute relevant local information and knowledge to the environmental assessment;
 - Verify that their issues have been considered in the EIA process; and

¹ Greyling, 1992, p20



- Comment on the findings of the environmental assessments and proposed mitigation measures contained in the Environmental Management Programme (EMPR).
- Decision phase:
 - Obtain information on the outcome, i.e. the competent authority's decision, and be informed of how and by when the decision can be appealed.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for any application must be managed with due care to ensure and promote:

- Compliance with international best practice options;
- Compliance with relevant legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and decision-making process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed new infrastructure, facilities and amendments to existing licences;
- Explain the environmental authorisations and amendments required;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team; and
- Identify feasible mitigation measures or environmental management actions to minimise and/or prevent negative environmental impacts and maximize and/or promote positive environmental impacts associated with the project.

Two initial call to register periods and one scoping phase public review notification period were held in 2017 and early 2018. During the scoping phase an EA application was submitted. Subsequent to a revised scope of work, the previously submitted application was withdrawn and a new public participation process was initiated. This PPR lists all verbal and written issues raised by I&APs and stakeholders during the initial notification and call to register period, from the 20th July 2018 to the 20th August 2018. I&APs have also been notified of the period of the availability of the Scoping Report for public review and comment from the 13th July 2019 to the 14th August 2019. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with relevant environmental legislation that requires public participation as part of an application for authorisation or approval; namely:

- The Mineral and Petroleum Resources Development Act (Act No. 28 of 2002 - MPRDA);
- The National Environmental Management Waste Act (NEMWA, Act 59 of 2008);
- The National Environmental Management Act (Act No. 107 of 1998 - NEMA); and
- The National Water Act (Act No. 36 of 1998 – NWA).



The details of the Integrated PPP process that has been and will be undertaken is provided in the sections below. This report is aligned with the Table of Contents requirements as set forth in GNR 267 (2017) promulgated under the NWA.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database was compiled from previous EIA projects in the vicinity of the study area, Windeed searches as well as the previous consultations undertaken for this project. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners;
- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities. Refer to Appendix B 1 for the I&AP database.

Affected landowner contact details were obtained via the following process:

- A Windeeds search was conducted to obtain the contact details of the affected landowners, where available;
- Feedback from landowners during the hand delivery of notifications where possible; and
- From the existing I&AP databases held by the mine.

3.1 LIST OF AUTHORITIES AND KEY I&APS IDENTIFIED AND NOTIFIED

The following Government Authorities and key I&AP's were notified of the proposed project:



- AGRI SA
- Birdlife South Africa;
- Endangered Wildlife Trust
- Eskom Holdings SOC Limited
- Mpumalanga Agriculture Landbou
- Mpumalanga Department of Agriculture, Rural Development and Land Administration
- Mpumalanga Department of Economic Development, Environment and Tourism
- Mpumalanga Department of Health
- Mpumalanga Department of Human Settlement
- Mpumalanga Department of Mineral Resources;
- Mpumalanga Department of Public Works, Roads and Transport
- Mpumalanga Department of Water and Sanitation
- Mpumalanga Tourism and Parks Agency (MTPA)
- Mpumalanga Wetland Forum
- National Department of Agriculture, Forestry and Fisheries (DAFF)
- National Department of Environmental Affairs (DEA)
- National Department of Mineral Resources (DMR)
- National Department of Rural Development and Land Reform (DRDLR);
- Nkangala District Municipality
- Oliphant's Water Management Agency
- SAHRA Mpumalanga
- SANBI - Working for Wetlands
- SANPARKS
- South African Civil Aviation Authority (CAA);
- South African Heritage Resource Agency (SAHRA)
- South African National Roads Agency (SANRAL);
- Transnet SOC Limited
- Victor Khanye Local Municipality
- Ward Councillor
- Wildlife and Environment Society of South Africa (WESSA)

4 HISTORIC PUBLIC PARTICIPATION

Public participation was undertaken in 2017 and early 2018 however due to recent amendments in the scope of work the EA application was withdrawn from the DMR. A new PPP commenced in July 2018 and is described in Section 5 below.

5 NOTIFICATION OF INTERESTED AND AFFECT PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

5.1 INITIAL NOTIFICATION OF LANDOWNERS AND I&APS

The PPP commenced on the 20th July 2018 with an initial notification and call to register ending on the 20th August 2018. Notification during the initial notification and call to register of the PPP was given in the following manner:



5.1.1 REGISTERED LETTERS, FAXES AND EMAILS

Notification letters (in English and Afrikaans), faxes, and emails were distributed to all pre-identified key I&APs including government organisations, NGOs, relevant municipalities, ward councillors and other organisations, as well as, previously registered I&APs that might be affected. Refer to above Appendix B 2 for proof of initial notification.

The notification letters included the following information:

- List of anticipated activities to be authorised;
- Scale and extent of activities to be authorised;
- A summary of the proposed scope of works to enable I&APs to assess what impact the activities will have on them or on the use of their land;
- The purpose of the proposed project;
- A summary of the application processes associated with activities;
- A summary of the affected properties (including a locality map);
- A summary of the South African environmental legislation applicable to the application;
- Date by which the I&AP must register and send comments through to EIMS; and
- Contact details of the EAP.

In addition, a questionnaire was included in the registered letters, emails and facsimiles to solicit the following feedback from I&APs:

- Information on any perceived impacts from the proposed project;
- Suggestions on potential mitigation measures for the perceived impacts;
- Information on current land uses and their location within the area;
- Information on the location of any environmental features of note within or near the study area;
- Details of the landowner and information (contact details) of lawful occupiers, if any;
- Details of any other I&APs that should be notified; and
- Details on any land developments proposed in the near future.

5.1.2 BACKGROUND INFORMATION DOCUMENT (BID)

A Background Information Document (BID) in English was prepared and made available on the EIMS website (www.eims.co.za). The BID included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of affected project area;
- Description of the application processes;
- A detailed questionnaire/I&AP registration form; and



- Contact details of the EAP.

Refer to Appendix B 3 for a copy of the BID.

5.1.3 NEWSPAPER ADVERTISEMENT

Newspaper advertisements were placed in the “Streeknuus Delmas” (in English and Afrikaans) and the Delmas Chronicle which has adequate circulation in the area, describing the proposed project. In addition to the newspaper advertisement, a notice was published in the provincial Government Gazette. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Contact details of the EAP.

Refer to Appendix B 4 for copies of the newspaper advertisement and Government Gazette.

5.1.4 SITE NOTICE PLACEMENT

Six (6) A1 Correx site notices (in English and Afrikaans) were placed at 6 locations along and within the perimeter of the proposed project study area on the 17th July 2018. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Contact details of the EAP.

Refer to Appendix B 5 for a copy of the site notice content and proof of site notice placement.

Posters were also placed at shops located in Delmas and notices were placed in farm post boxes (where available) and on the gates of some of the properties where possible located within the study area.

6 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

Notification regarding the availability of the Scoping report was provided to I&AP's registered on the I&AP database through distribution of notification letters (in English and Afrikaans), faxes, registered mail and/or emails. Notification documents included details on the duration of the Scoping Report review period, as well as where the report was made available for public review and details of the Public Meeting.

Refer to Appendix B 6 for proof of scoping phase notification.



Copies of the Draft Scoping Report were made available at the Delmas Public Library (hard copy) and online at www.eims.co.za (soft copy) for perusal and comment.

Table 1 below provides a summary of the various opportunities that were provided to I&AP's to date.

Table 1: Opportunities Provided for Public Participation.

ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification (announcement of project).	Newspaper advertisements (Afrikaans and English)	The StreekNuus Mpumalanga Provincial Government Gazette	20 July 2018
	Placement of site notices.	6 A1 site notices (English and Afrikaans within and around the site area (6 locations). Posters in Delmas. Notifications in farm post boxes/gates.	17 July 2018
	Notification of landowners & key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	20 July 2018
Scoping Phase public meeting	Notification of landowners & key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	13 th July 2019
	Pubic Meeting	Delmas Country Lodge 4pm to 6pm	7 th August 2019
EIA phase and public meeting	Notification of landowners & key I&APs.		To be announced

7 PUBLIC MEETING

7.1 SCOPING PHASE PUBLIC MEETING

A public meeting was held on the 7th August 2019 from 4pm to 6pm at the Delmas Country Lodge. The purpose of the meeting was to present the findings from the Scoping Report and provide an opportunity for the public to discuss any concerns. The minutes of the meeting and register is attached in Appendix B 7.

8 INTERESTED AND AFFECTED PARTIES

Refer to Appendix B 1 for a copy of the I&AP database.



8.1 RESPONSE TO COMMENTS RECEIVED: FEEDBACK TO INTERESTED AND AFFECTED PARTIES

Refer to Section 5 and Appendix B 8 for a summary of the comments or concerns raised by the I&APs and responses provided to them.

8.2 DISCLOSURE OF INTERESTED AND AFFECTED PARTIES INTERESTS

Refer to Section 6.

8.3 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via faxes, registered mail and/or emails of the decision as and when available. The notification will include details on the appeal process should they wish to appeal the decision.

9 RECORD OF COMMENTS RAISED

The comments and responses contained in this report are those that have been received and addressed from the 17th July 2018 to date. The PPR has been updated post the review period of the Scoping Report to include any additional comments and responses received.

9.1 HOW COMMENTS RECEIVED WERE ADDRESSED

Comments that have been received to date were addressed in a transparent manner. Comments raised assist in the calculation of the significance of impacts both real and perceived through the prioritisation factor (“public perception”). Where relevant, comments raised were used to provide further suggestions and recommendations with regard to technical management options for impacts.

9.2 SUMMARY OF COMMENTS THAT WERE RAISED

All comments received, and responses provided, are included in Appendix B 8. Concerns raised to date include the possible impacts on the following:

- Water supply;
- Water quality deterioration;
- Noise;
- Dust;
- Blasting/vibration;
- Safety and security;
- Livestock disruption; and
- The loss of agricultural land.

Various organs of state provided comment in terms of the following:

- Compliance with servitude restrictions (Eskom);
- Sensitive ecological areas and/or species (MTPA); and
- Heritage and palaeontology study requirements (SAHRA).

Refer to Appendix B 9 for proof of Correspondence.



10 **CONCLUSION**

To date, various comments, concerns and information have been received from a number of I&AP's. This feedback has been taken into consideration during the course of this application. The PPR has been updated for submission to the DMR, following the review period of the Scoping Report.