

**INZALO CRUSHING AND AGGREGATES (PTY) LTD**

**MINING PERMIT APPLICATION TO MINE STONE  
AGGREGATE/ GRAVEL ON A PORTION OF PORTION  
15 ON FARM RIETSPRUIT 437, IS, MSUKALIGWA  
LOCAL MUNICIPALITY, MPUMALANGA PROVINCE**

**COMMENTS AND RESPONSE REPORT**

**DEPARTMENTAL REFERENCE NUMBER:**

**MP 30/5/1/3/2/13080 MP**

**DECEMBER 2021**



## NOTIFICATION OF STAKEHOLDERS AND I&APS DURING THE PUBLIC PARTICIPATION PROCESS

*COMMENTING PERIOD: 9 DECEMBER 2021 – 31 JANUARY 2022*

During the public participation process the stakeholders and I&AP's were informed of the project by means of background information documents that were sent to the contact persons. A 30-days commenting period was allowed which expired on 31 JANUARY 2022. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

<b>STAKEHOLDERS</b>			
<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Ms S P Xulu	Department of Agriculture, Rural Development, Land & Environmental Affairs	9 December 2021	No Comments Received
Me Pumelo Thabile Mahlaku	Department of Economic Development, Environment and Tourism	9 December 2021	No Comments Received
Mr Maluleka	Department of Economic Development, Environment and Tourism – Environmental Impact Management	9 December 2021	No Comments Received
Ms Fikile Sengwayo	Department of Public Works, Roads and Transport	9 December 2021	No Comments Received
Mr M Mulaudzi	Department of Water & Sanitation	9 December 2021	No Comments Received

**STAKEHOLDERS**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Ms Zithini Dlamini	Department of Agriculture, Rural Development, Land and Environment	9 December 2021	No Comments Received
Mr Richard Mokoena	Department of Labour	9 December 2021	No Comments Received
Mr Kunene	Gert Sibande District Office	9 December 2021	No Comments Received
Mr M.G. Chirwa	Gert Sibande District Municipality	9 December 2021	10 January 2022

Response received from Lindokuhle Magagula - Gert Sibande District Municipality:

Gert Sibande District Municipality as a stakeholder and commenting party would like to enquire on whether a public participation meeting has been conducted for the proposed project and if not will one be held and when?

Response from Greenmined:

Thank you for your email. There is no public participation meeting scheduled at this stage. We will send you a link with the DBAR as soon as it is available, please send us your comments thereafter. Should you require a meeting with the EAP, kindly send us three possible dates for a zoom meeting after the commenting period ends on 31 January 2022.

<b>STAKEHOLDERS</b>			
<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Mr Phiwokuhle Brian Nkosi	Gert Sibande District Municipality - Planning	9 December 2021	No Comments Received
Mr BC Sibeko	Msukaligwa Local Municipality	9 December 2021	No Comments Received

<b>LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES</b>			
<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Cllr Bongani Gladwell Motha	Msukaligwa Local Municipality Ward Councillor 8	9 December 2021	No Comments Received
Me Lydia Zeko	Eskom	9 December 2021	17 January 2022

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
<p>Response received from Herry Ludere - Eskom:</p> <p>Please receive attached Eskom Distribution Consent Letter, Annex D &amp; E and map layout. If you accept Eskom's condition please complete Annex D and E and send back to me before commencement of the project.</p> <p>Note : Eskom's Distribution consent doesn't relieve the applicant from obtaining the necessary statutory, land owner or municipal approvals.</p> <p>We thank you and hope that you find the above in order, and please don't hesitate to contact us should you've any queries or seek clarity</p>			
<p>Response from Greenmined Environmental – 9 February 2022</p> <p>Your email dated 17 January 2022 refers.</p> <p>Your comments and conditions will be send to the applicant for further handling.</p> <p>We thank you for taking part in the public participation process.</p>			
<p>Upload onto South African Heritage Resource Agency on 9 December 2021</p>			
Gerhard Scheepers Trust	Land owner	9 December 2021	No Comments Received

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION /PROPERTY DESCRIPTION	CONTACTED DATE	RESPONSE RECEIVED
De Era Trust	Surrounding Land Owner	9 December 2021	No Comments Received
Oubaas De Jager Familie Trust	Surrounding Land Owner	9 December 2021	No Comments Received
Me Rachel Monica Phumzile Khanyi	Surrounding Land Owner	9 December 2021	No Comments Received
Mr Karel Stefanus Erasmus	Surrounding Land Owner	9 December 2021	26 January 2022

Response received from Elsa Erasmus - Mr Karel Stefanus Erasmus

What specialized studies have been completed? Need to see those specialized studies in order to understand the impact on my farm and to comment on it.

My concerns is that you are not conducting full EIA which requires specialized studies to be completed. My concerns is also that no proper consultation will conducted with me and that I would not be able to comment on all the specialized studies that you are required to complete. Please see the attached sheet.

I, Karel Stefanus Erasmus, a farmer adjacent to Portion 15 on Farm Rietspruit objects to the application for mining permit by Inzalo Crushing and Aggregates (Pty) Ltd based on the following ground:

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

**TITLE, NAME AND SURNAME**

**AFFILIATION /PROPERTY DESCRIPTION**

**CONTACTED DATE**

**RESPONSE RECEIVED**

It is not evident from your Background Information Document what specialized studies will or have been conducted. It is important for me to understand what detrimental affects your project will have on my farming, I would therefore like to see what specialist studies have been conducted and I would like the opportunity to comment on those specialized studies.

What impact will your project have on the adjacent water course? Have you completed any specialized studies assessing what impact your activity will have on the downstream water course?

Also, the area which you are proposed to mine is within 600 meters from my farm building and I do fear that the blasting will cause damage to the infrastructure. Are you going to apply for the 500m blasting permit and also? I would like to see the blasting risk assessment that you have compiled in this regard?

I would appreciate if you can provide me with the information requested in order for me to review the full set of identified impacts and mitigation measures proposed.

Response from Greenmined:

The above matter as well as the letter received from you dated Monday 26 January 2021 refers. We thank you for your valuable participation and for submitting comments. Please see the responses to your comments below.

It is important to note that the Background Information Document dated 9 December 2021 is a document providing background for the first phase of this proposed project. More information relating to the project will be provided in the Draft Basic Assessment Report. The purpose of the Background Information Document is to invite parties to register as interested and affected parties. The effects and the impacts of the proposed activity will only be assessed when the Draft Basic Assessment Report is compiled. All interested and affected parties, including yourself, will be afforded ample opportunity to comment on the proposed activity and its possible impacts.

We note your concern that we are not conducting a full Environmental Impact Assessment. Please note that the proposed project triggers five listed activities in terms of the National Environmental Management Act (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended 2017). These activities that are triggered, all fall under Listing Notice 1 and 3 of the EIA Regulations, which means that a Basic Assessment and not an EIA must be conducted.

The effects and impacts of the proposed activity will be assessed when the Draft Basic Assessment Report is compiled. Any further studies as proposed by you will then

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

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<p>be conducted during this phase should it be found applicable by the specialist in the particular field of expertise.</p> <p>The Background Information Document is compiled according to the screening report that shows which environmental theme will have a high sensitivity. Since the application is still in its early phases, we have appointed a wetland specialist to conduct a study that will include a comprehensive assessment of each watercourse and wetland as required by the relevant legislation and guidelines. This will be provided to all I&amp;AP's who will be allowed the opportunity to comment in the next 30-day commenting period. In terms of blasting, the legislation states that we require a permit when infrastructure is within 500 meters of the blasting site. However, a blasting specialist will be appointed before the commencement of any mining activities and the following will be implemented:</p> <p>Planning the type, duration, and timing of blasting with due cognizance of other land users and structures in the vicinity; and</p> <p>Informing the surrounding landowners and communities in writing ahead of any blasting event.</p> <p>If you are concerned about your infrastructure, the specialist will place a vibro-recorder near your farm building to test the vibration of the blast.</p> <p>We trust you will find this in order. Please do not hesitate to contact us in the event of any uncertainties</p>			
Mr Sipho Samuel Mhlanga	Surrounding Land Owner	9 December 2021	No Comments Received
Dulobase Pty Ltd	Surrounding Land Owner	9 December 2021	No Comments Received



**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION /PROPERTY DESCRIPTION	CONTACTED DATE	RESPONSE RECEIVED
Magagula Family Communal Prop Assoc	Surrounding Land Owner	9 December 2021	No Comments Received
Wouter Kuhn Trust	Surrounding Land Owner	9 December 2021	No Comments Received
Mr Inus De Wit	I&AP	Registered as an I&AP on 30 March 2021	
Mr Johan van Greunen	Rietspruit Crushers PTY LTD	20 January 2022	

Dear Sonette

Your notice of application in terms of section 27 of the Minerals and Petroleum Resources Development Act for Inzalo Crushing and Aggregates (Pty) Ltd – MP 30/5/1/3/2/13080 MP bears reference.

Rietapruit Crushers, is a miner and supplier of sand and aggregate products based in Ermelo and has been in operation for more than 40 years. We have a long and proud record of creating jobs and empowering the community and intent on doing so for another 40 years.

Rietspruit Crushers would like to officially register as an interested and affected party and lodge our objection to the mining permit applications made by Inzalo Crushing and Aggregates (Pty) Ltd for “Dolerite, Gravel and Sand” on Portion 15 of the farm Rietspruit 437 IS, in the magisterial district of Ermelo, Mpumalanga. The proposed

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**CONTACTED DATE**

**RESPONSE RECEIVED**

mining permit area is situated on the farm portion adjacent to Rietspruit Crusher mining licence area.

We are not in favour of your application and will oppose it. The basis of our objection is as follows:

**1. Environmental Studies:**

In your notification you stated that the proposed project trigger listed activities and therefore requires full Environmental Impact Assessment (EIA) to be conducted. We agree with this point however, further in the document you kept referring to a draft Basic Assessment that will compiled for this project. Due to the listed activities that will be triggered a Basic Assessment will not be sufficient and a full EIA will need to be completed. In your Background Information Document, you do not mention what critical specialist studies will be conducted. In these studies, we are supposed to see what the impacts of your mine will have on the following categories:

- Air quality
- Archaeology
- Surface Water
- Groundwater
- Ecology
- Land use & planning
- Waste management
- Economy
- Noise
- Soil
- Visual
- Quality of life
- Nuisance

In your notification you do not state that you will apply for a water use license in terms of section 40 of the National water Act, 36 of 1998. We find this to be of concern due to the fact that your proposed pit will be within 500m from the delineated riparian and/or wetland zone pertaining to a water body (be it a wetland, pan perennial or non-perennial water course or the like). Note, that under the latest DWS requirement the 500m is not from the centre of the relevant water body, but from the edge of the

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION /PROPERTY DESCRIPTION	CONTACTED DATE	RESPONSE RECEIVED
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delineated riparian and/or wetland zone as defined by the relevant regulation. However, your notification omits the following critical studies which forms part of the application for a water use license. These studies include:

- Wetland delineation study
- Biodiversity and Ecology study
- Soil Study
- Geohydrological study

As interested and affected parties Rietspruit Crushers require to see what impacts have been identified by all the necessary specialist studies which you should have conducted and how will these impact be addressed. In the absence of any specialist studies, Rietspruit Crushers will be lead to the conclusion that the impact of the mining and operational activities will be detrimental to the environmental and also that the guidelines for applying for a water use license was not following which cause Rietspruit Crushers to further object to this application for a mining a permit. In your notification you failed to indicate any maps or diagrams indicating the relevant buffer zones around the relevant water bodies. Therefore, Rietspruit Crushers can only deduce that the required mandatory specialist studies have not been conducted therefore Rietspruit Crushers is not awarded the opportunity to comment on the impacts of the mine and what mitigations measures have or are proposed to minimise and reduce the impacts.

You have also omitted the fact that a full Environmental Impact Assessment will have to be conducted due to the fact that the activities on your mining premises will trigger GNR 984 Listing Notice 2 Activity 21 IN ADDITION TO GNR 983 Activities 21, 22 and 35 listing Notice 1. You do not state in the notification of Inzalo Crushing and Aggregates (Pty) Ltd intention to apply for a mining permit that this process will be followed and that all the mandatory specialist studies will be conducted. This point also emphasized the fact that you are failing to provided Rietspruit Crushers the opportunity to provide informed comments on your application.

**2.Socio-economic Impact**

It is clear to Rietspruit Crusher that the necessary socio-economic impact studies have been omitted from the mining permit application. These studies should include:

- Social and labour impact study
- Marketing survey and analysis

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

**TITLE, NAME AND SURNAME**

**AFFILIATION /PROPERTY DESCRIPTION**

**CONTACTED DATE**

**RESPONSE RECEIVED**

Failure to conduct such studies indicates that you have not adequately considered the financial feasibility of a second quarry in the Msukwalikwa area, especially in close proximity to an already established quarry, and if such a quarry, and if such a quarry will be able to operate profitably in an already constrained market. It also indicates that you have not considered the effect that a second quarry will have on Rietspruit Crushers and the potential job losses which Rietspruit Crushers may then face as a consequence. Therefore, you have not considered the negative impact which your quarry will have on the local employment in the area.

It should be noted that Rietspruit Crushers has been mining and producing aggregates for over 40 years and over that span Rietspruit Crushers has experienced the full swing of the volatility in the market. Despite the necessary socio-economic studies not being conducted or the failure to even consider conducting these studies, this amplifies the point that you have not taken due care in considering the market in which you want to operate and that you are ill-informed on the sustainability of a second quarry in Ermelo

**3. Abusing of the mining permit system**

Further to Rietspruit Crushers objection is the fact that you're the 5th application for a mining permit in the last ten years on this portion. This is a clear abuse and violation of the intent behind the mining permit application of the Department of Mineral Rights. A mining permit is valid for the period specified in the permit which may not exceed a period of two years and may be renewed for three periods each of which may not exceed one year. A mining right is granted for larger operations and longer periods (more than 2 years). For what you are planning it is clear that you do not want to apply for a full mining right and that you are attempting to by-pass the requirements by applying for a mining permit. This indicates that you do not want to compete on a level playing field with Rietspruit Crushers and comply with all the necessary regulations which you would need to comply with when you have a mining right. This improper.

The points raised here are not exhaustive. Even so we feel it is sufficient reason for us to oppose your application in its current form. Should there be any change and/or amendment to your documentation arising from this process, please forward it to us. We would appreciate your formal acknowledgement of receipt of our comments as well as any feedback pertaining to it within 10 working days.

Kind regards

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

**TITLE, NAME AND SURNAME**

**AFFILIATION /PROPERTY DESCRIPTION**

**CONTACTED DATE**

**RESPONSE RECEIVED**

Response from Greenmined – 31 January 2022

Dear Sir,

RE NOTICE OF APPLICATION IN TERMS OF SECTION 27 OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 (“MPRDA”) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 (“NEMA”) AS WELL AS THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED 2017)

We refer to the above matter and your letter dated 20 January 2022. We take note of the contents of your abovementioned letter and wish to reply to your objections on a point-by-point basis.

From the outset it is important to note that the Background Information Document dated 9 December 2021 is a document providing background for the first phase of this proposed project. More information relating to the project will be provided in the Draft Basic Assessment Report. The purpose of the Background Information Document is to invite parties to register as interested and affected parties. The effects and impacts of the proposed activity will only be assessed when the Draft Basic Assessment Report is compiled. All interested and affected parties will be afforded ample opportunity to comment on the proposed activity and its possible impacts.

Environmental Studies:

In your letter, you state the following:

In your notification you stated that the proposed project triggers listed activities and therefore requires [a] full Environmental Impact Assessment to be conducted. We agree with this point however, further in the document you kept referring to a draft Basic Assessment that will [be] compiled for this project. Due to the listed activities that will be triggered a Basic Assessment will not be sufficient and a full EIA will need to be compiled. The full EIA which is required will be based on specialist studies that will have to be completed. In your Background Information Document, you do not mention what critical studies will be conducted. In these studies, we are supposed to see what the impacts of your mine will have on the following categories: air quality, archaeology, surface water, groundwater, ecology, land use & planning, waste management, economy, noise, soil, visual, quality of life and nuisance.

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
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As stated in the Background Information Document, the proposed project triggers five listed activities in terms of the National Environmental Management Act (Act 107 of 1998) (hereinafter referred to as “NEMA”) and the Environmental Impact Assessment Regulations 2014 (as amended 2017) (hereinafter referred to as the “EIA Regulations”). These listed activities are: GNR 327 Listing Notice 1 of 2017 Activity 21, GNR 327 Listing Notice 1 of 2017 Activity 27, GNR 327 Listing Notice 1 of 2017 Activity 28, GNR Listing Notice 1 of 2017 Activity 35 and GNR Listing Notice 1 of 2017 Activity 4(f)(i)(ee).

It is common cause that activities which fall under Listing Notice 1 of the EIA Regulations do not require the full EIA process, but rather the Basic Assessment process. Accordingly, an EIA need not be conducted for the proposed project, as none of the proposed activities trigger an activity under Listing Notice 2 of the EIA Regulations.

It is evident from the Background Information Document that, in line with the relevant legislation and regulations, provision will be made for the basic assessment process that assess project specific environmental impacts and alternatives, consider public input and propose mitigation measures to ultimately culminate in an environmental management programme that informs the competent authority (the Department of Mineral Resources and Energy) when considering the environmental authorisation.

Again, we reiterate that the Background Information Document merely serves as a means to provide background information for the purpose of the first phase of this proposed project. The effects of the impacts of the proposed activity will be assessed when the Draft Basic Assessment Report is compiled. Any further studies as proposed by you will then be conducted during this phase should it be found applicable by the specialist in the particular field of expertise.

Furthermore, you state that the proposed project will trigger Listing Notice 2 Activity 21. This is incorrect, seeing as this activity was repealed in 2021.

You further state under this heading that an application for a water use license in terms of section 40 of the National Water Act 36 of 1998 (“NWA”) will have to be brought in relation to the proposed project, seeing that the “proposed pit will be within 500m from the delineated riparian and/or wetland zone pertaining to a water body”. We do not dispute the fact that a water use license will be necessary in the event of the occurrence of such an activity. However, the proposed project does not fall within 500 meters from the delineated riparian and/or wetland zone. A wetland study is currently being undertaken in order to corroborate this statement and more information in relation thereto will be available in the Draft Basic Assessment Report. Should an application in terms of section 40 of the NWA be necessary, this will be set out in the Draft Basic Assessment Report.

Social-economic impact

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

**TITLE, NAME AND SURNAME**

**AFFILIATION /PROPERTY DESCRIPTION**

**CONTACTED DATE**

**RESPONSE RECEIVED**

You state that the necessary socio-economic impact studies have been omitted from the mining permit application and that these studies should include a social and labour impact study and a marketing survey and analysis.

As mentioned in the Background Information Document, the aggregate to be removed from the quarry will be used for local construction and building projects in the vicinity. Should any additional workers be required for this project, they will be sourced from the local community. Due to the small size of the proposed operation, we are of the opinion that these studies are not required.

We will, however, consult with an expert specialist in this particular field and elaborate on the above in the Draft Basic Assessment Report.

Abusing of the mining permit system

The area lends itself to prospecting and mining. Inzalo Crushing and Aggregates (Pty) Ltd has no intention of mining in the area for a period longer than five years and in an area that is larger than 4.9 ha.

We cannot comment on the intention of other companies in the past.

We trust you find the above in order

Me Elsa Erasmus registered the following I&APS on 26 January 2022:

Mr George Ronquesr

Mr Christo Clark

Mr Jannie Myburgh

Mr Kerneels van Rensburg

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Mr Riaan van Rensburg Me Rika Hamman Mr Werner Labuschagne			
Mr George Ronquest	Registered I&AP	9 February 2022	No Comments Received
Mr Christo Clark	Registered I&AP	8 February 2022	No Comments Received
Mr Jannie Myburgh	Registered I&AP	8 February 2022	No Comments Received
Mr Kerneels van Rensburg	Registered I&AP	8 February 2022	No Comments Received
Mr Riaan van Rensburg	Registered I&AP	8 February 2022	No Comments Received



**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Me Rika Hamman	Registered I&AP	8 February 2022	No Comments Received
Mr Werner Labuschagne	Registered I&AP	8 February 2022	No Comments Received

**SUMMARY OF PARTICIPATION PROCESS**

The I&AP's and stakeholders were informed of the proposed project through:

- telephonic discussions;
- direct communication with notification letters inviting comments on the background Information Document (email);
- placement of on-site notices; and
- placement of an advertisement in Highveld Tribune on 14 December 2021.

Response received from:

Gert Sibande District Municipality  
Eskom  
Mr Karel Stefanus Erasmus

## SUMMARY OF PARTICIPATION PROCESS

Mr Inus De Wit  
Rietspruit Crushers PTY LTD

The Draft Basic Assessment Report (DBAR) was subsequently compiled and will be distributed for comment and perusal to the I&AP's and stakeholders listed above. A 30-day commenting period will be allowed for perusal of the documentation and submission of comments. The comments received on the DBAR will be incorporated into the Final Basic Assessment Report (FBAR) to be submitted for decision making to DMRE.

See attached as Appendix F proof of the correspondence with the I&AP's and stakeholders during the public participation process.

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## DRAFT BASIC ASSESSMENT REPORT'S AVAILABILITY TO STAKEHOLDERS AND I&AP'S

*COMMENTING PERIOD: 4 APRIL – 9 MAY 2022*

In accordance with the timeframes stipulated in the EIA Regulations of December 2014 (amended by GNR 326 effective 7 April 2017) the Draft Basic Assessment Report (DBAR) was compiled and distributed for commenting and perusal to the I&AP's and stakeholders listed above. A 30-day commenting period, ending 9 May 2022 was allowed for perusal of the documentation and submission of comments. The following table provides a list of the I&AP's and stakeholders that were invited to comment on the project:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Ms S P Xulu	Department of Agriculture, Rural Development, Land & Environmental Affairs	4 April 2022	No Comments Received
Me Pumelo Thabile Mahlaku	Department of Economic Development, Environment and Tourism	4 April 2022	No Comments Received
Mr Maluleka	Department of Economic Development, Environment and Tourism – Environmental Impact Management	4 April 2022	No Comments Received
Ms Fikile Sengwayo	Department of Public Works, Roads and Transport	4 April 2022	No Comments Received

<b>STAKEHOLDERS</b>			
<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION/KEY STAKEHOLDER STATUS</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Mr M Mulaudzi	Department of Water & Sanitation	4 April 2022	No Comments Received
Ms Zithini Dlamini	Department of Agriculture, Rural Development, Land and Environment	4 April 2022	No Comments Received
Mr Richard Mokoena	Department of Labour	4 April 2022	No Comments Received
Mr Kunene	Gert Sibande District Office	4 April 2022	No Comments Received
Mr M.G. Chirwa	Gert Sibande District Municipality	4 April 2022	No Comments Received
Mr Phiwokuhle Brian Nkosi	Gert Sibande District Municipality - Planning	4 April 2022	No Comments Received
Mr BC Sibeko	Msukaligwa Local Municipality	4 April 2022	No Comments Received

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Cllr Bongani Gladwell Motha	Msukaligwa Local Municipality Ward Councillor 8	4 April 2022	No Comments Received
Me Lydia Zeko	Eskom	4 April 2022	No Comments Received
Upload onto South African Heritage Resource Agency on 4 April 2022			
Gerhard Scheepers Trust	Land owner	4 April 2022	No Comments Received
De Era Trust	Surrounding Land Owner	4 April 2022	No Comments Received
Oubaas De Jager Familie Trust	Surrounding Land Owner	4 April 2022	No Comments Received

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

<b>TITLE, NAME AND SURNAME</b>	<b>AFFILIATION /PROPERTY DESCRIPTION</b>	<b>CONTACTED DATE</b>	<b>RESPONSE RECEIVED</b>
Mr Karel Stefanus Erasmus	Surrounding Land Owner	4 April 2022	No Comments Received
Mr Sipho Samuel Mhlanga	Surrounding Land Owner	4 April 2022	No Comments Received
Dulobase Pty Ltd	Surrounding Land Owner	4 April 2022	No Comments Received
Magagula Family Communal Prop Assoc	Surrounding Land Owner	4 April 2022	No Comments Received
Wouter Kuhn Trust	Surrounding Land Owner	4 April 2022	No Comments Received
Mr Inus De Wit	I&AP	4 April 2022	No Comments Received

**LANDOWNER, SURROUNDING NEIGHBOURS, INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION /PROPERTY DESCRIPTION	CONTACTED DATE	RESPONSE RECEIVED
Mr Johan van Greunen	Rietspruit Crushers PTY LTD	4 April 2022	6 May 2022

The purpose of this communication is to lodge our objection to mining permit applications currently being evaluated by the Department of Mineral Resources (DMR) in the Ermelo area.

Rietspruit Crushers and Construction ('RC') is a miner and supplier of aggregate gravel and sand products based in Ermelo and has been in operation for more than 40 years. We have a long and proud record of creating jobs and empowering the community and intend on doing so for another 40 years.

Rietspruit Crushers and Construction hereby register their objection to the mining permit applications made by Inzalo Crushing and Aggregates (Pty) Ltd for "Stone Aggregate and Gravel" on Portion 15 of the farm Rietspruit 437 IS, in the magisterial district of Ermelo, Mpumalanga. The proposed mining permit area is situated on the farm portion adjacent to Rietspruit Crushers and Construction mining licence area.

Rietspruit Crushers and Construction has registered as an interested and affected party with Greenmined (the environmental consultant used by Inzalo Crushing and Aggregates (Pty) Ltd) and has provided the applicant with our comments.

RC is not in favour of the application and hereby oppose it. The basis of our objection is as follows:

Detailed Description of Activities, and Required Environmental/Specialist Studies:

In the notification the applicant stated that they will not apply for a water use license in terms of section 40 of the National water Act, 36 of 1998, but will use water under a General Authorisation (GA). We disagree that a GA will be sufficient. A WUL will be required, due to the fact that the applicant's proposed pit, as per the general map provided, will be within 500m from the delineated riparian and/or wetland zone pertaining to a water body (be it a wetland, pan, perennial or non- perennial water course or the like). Note, that under the latest DWS requirement the 500m is not from the centre of the relevant water body, but from the edge of the delineated riparian and/or wetland zone as defined by the relevant regulation. On their own version, the applicants' activities are 130m from a delineated wetland. Furthermore, the applicant's notification failed to indicate any maps or diagrams with the relevant/applicable buffer zones around the relevant water bodies and/or delineated features.

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The above is a fatal flaw in their application.

The applicant has omitted the fact that a full Environmental Impact Assessment will have to be conducted due to the fact that the activities on the applicant's mining premises will trigger GNR 984 Listing Notice 2 Activity 21 IN ADDITON TO GNR 983 Activities 21, 22 and 35 listing Notice 1. The applicant did not state in the applicant's notification, that this process will be followed and that all the mandatory specialist studies will be conducted. This point emphasizes the fact that the applicant is failing to afford interested and affected parties the opportunity to provide informed comments to the application.

Basic Assessment Report versus full EMP complete with EIA

By virtue of the listed activities (i.e., mining as well as crushing and screening to be performed within 500m from the riparian zone/delineated wetland feature) and the proximity to the water bodies, the applicant failed to inform the authority that a full EIA with EMP needs to be performed and have in fact premised the application on a Basic Assessment Report. This is a fatal flaw, as this is the incorrect process and procedure.

We can only conclude that this is an attempt to bypass the more rigorous requirements under a full EIA with EMP, as well as the need for a WUL that also includes the required (i) and (j) water use aspects.

Socio-economic Impact

The necessary socio-economic impact studies have been omitted from the mining permit application. These studies should include:

Social and labour impact study

Marketing survey and analysis

A basic screening on the social and labour impacts have been performed, but this is clearly insufficient by virtue of a full EIA with EMP as well as the triggering of the listed activities under NEMA.



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Failure to conduct such studies indicates that the applicant has not considered the financial feasibility of a second quarry in the Msukaligwa area, especially in close proximity to an already established quarry, and if such a quarry will be able to operate profitably in an already constrained market. The applicant also has not considered the effect that their quarry will have on Rietspruit Crushers and the potential job losses which Rietspruit Crushers will be facing. In all respects, the applicant has not considered the negative impact their operation will have on the local employment in the area.

It should be noted that Rietspruit Crushers has been mining and producing aggregates for over 40 years and over that timespan Rietspruit Crushers has experienced the full swing of the volatility in the market. The failure of the applicant to conduct and make these studies available, amplifies the point that that the applicant is not affording interested and affected parties the opportunity to comment on all their impacts.

It is lastly noted, and expanded upon below, that this is an abuse of the mining permit system, to by-pass the more rigorous requirements of a mining authorisation, and more specifically of the Social and Labour plan requirements. A full SLP study that included the aforementioned studies listed above, will clearly indicate that this project is not viable, and in fact will have a detrimental effect on the local economy. Instead of stimulating healthy competition, it allows the applicant an artificially reduced requirement (i.e., by abusing the mining permit system) to compete with an established mine and undermine the market and viability of an operation that has been operating for a few decades.

**Abusing of the mining permit system**

Further to the above, Rietspruit Crushers and Construction note the fact that this application is the 5th application for a mining permit in the specific area over the last eight years. This is and remains a clear abuse and violation of the intent behind the mining permit application of the Department of Mineral Resources and Energy.

As per feedback from previous objections lodged to the DMRE, the DMRE has indicated that it seeks to promote mining permits to allow NEW ENTRANTS (i.e., specifically emerging BEE entrants) easy access to the mining industry. The applicant, being Inzalo Crushing and Aggregates (Pty) Ltd, clearly is NOT a new BEE entrant, thus does not qualify under this policy. The applicant is in fact

Attached please find correspondence from Inzalo which specifically cites them as c/o (care of B&E International); furthermore, you will notice that Mr C Weideman is a director of B&E as well as the consultants Greenmined Environmental. It is evident that B&E wish to extract aggregates from a 'borrow pit' or permit for road building purposes, by way of permit. This at the expense of the local businesses. Furthermore, the property has had 3 permits previously thus fully exhausting the legally allowed

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number on the same property.

As per the MRPDA, a mining permit is valid for the period specified in the permit which may not exceed a period of two years and may be renewed for three periods each of which may not exceed one year. This means a mining permit is generally applicable for 2-5 years.

A mining right/authorisation is granted for larger operations and longer periods (more than 5-25 years).

As per previous feedback received from the DMRE in regards to the referred policy, these new entrants will be expected to apply for a Mining Right/Authorisation after the initial Mining Permit has lapsed. However, and as mentioned, the above mining permit application is the fifth in a series of Mining Permits applied in the area (3 have been previously granted). We also point out that, prior to these mining permits, illegal sand mining operations were conducted on this area by the surface owner. It follows that the only instrument that could be legally contemplated on this property is a fully-fledged mining right application.

From the historic facts and the current application before us and as stated elsewhere, RC can only conclude that the applicant is using the Mining Permit process in an attempt to by-pass the requirements of a mining authorisation, most notably a full Social and Labour Plan. The DMRE should only allow further mining authorisation applications in the specific area, i.e., full-fledged mining right application that are based upon proper exploration and feasibility studies,

Please note that the points raised here are not exhaustive.

Should the applicant persist in their attempts to obtain a Mining Permit application in the area, at least they should follow the correct process that will be applicable under a Mining Permit, that triggers the stated listed activities (i.e., full EIA with EMP as well as WUL).

Furthermore, we will continue to object and oppose any mining permit application made in an attempt to circumvent the requirements of a mining authorisation application.

We have also engaged on this matter with other stakeholders, including the Rietspruit Crushers and Construction Employee Trust, and the relevant employees' trade unions.

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Response from Greenmined – 12 May 2022

Objection noted, please also note the Department is referred to as the Department of Mineral Resources and Energy (DMRE)

We take note of your comments above, please keep in mind that the Department of Water and Sanitation is the competent authority in this regard and said department will confirm whether a water use license is required, during their review period.

Please note that a background information document serves as an information document to invite parties to register as interested and affected parties. The effects and impacts of the proposed activity as well as conducted studies are only assessed during the Draft Basic Assessment phase. All interested and affected parties were afforded ample opportunity to comment on the proposed activity and its possible impacts during the DBAR phase.

As per the DBAR the proposed mining area falls within the C11F quaternary catchment which falls within the upper reaches of the Vaal River primary catchment that is situated in the Upper Vaal Water Management Area which is managed by the Department of Water and Sanitation (DWS). A small wetland system is located 130m from the southern border of the site. According to the Risk Assessment conducted by DPR Ecologist, - mining within close proximity of the valley-bottom wetland is anticipated to have a low risk as long as a 100-meter buffer between the edge of the wetland as delineated and the quarry excavations, stockpile areas, chemical toilets, wastes and any hazardous materials (diesel, etc.) are maintained. A small artificial dam and wetland area forming in previous excavations occur approximately 450 meters to the west of the site. These artificial wetland areas also fall within a separate catchment, upstream of the site and therefore the proposed mining area will not be able to have any effect on these artificial wetland areas. Therefore, proposed project does require a General Authorisation in terms of Section 39 of the National Water Act, 1998 (Act No 36 of 1998) which will be submitted to DWS by the applicant prior to commencement of mining activities on this application.

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Please note that the specialist study containing buffer zones as indicated in the DBAR was attached as Appendix M Wetland Assessment Report.

The Background Information Document clearly stipulates that provision will be made for the basic assessment process that assess project specific environmental impacts and alternatives, in line with the relevant legislation and regulations, consider public input and propose mitigation measures to ultimately culminate in an environmental management programme that provides the competent authority (the Department of Mineral Resources and Energy) with sufficient information when considering the environmental authorisation.

Again, we reiterate that the Background Information Document merely serves as a means to provide background information for the purpose of the first phase of this proposed project. The effects of the impacts of the proposed activity were assessed during the Draft Basic Assessment phase. Any further studies proposed during the initial phase were then conducted should it be found applicable by the specialist in the particular field of expertise.

The proposed project triggers five listed activities in terms of the National Environmental Management Act (Act 107 of 1998) (hereinafter referred to as “NEMA”) and the Environmental Impact Assessment Regulations 2014 (as amended 2017) (hereinafter referred to as the “EIA Regulations”). These listed activities are: GNR 327 Listing Notice 1 of 2017 Activity 21, GNR 327 Listing Notice 1 of 2017 Activity 27, GNR 327 Listing Notice 1 of 2017 Activity 28, GNR Listing Notice 1 of 2017 Activity 35 and GNR Listing Notice 1 of 2017 Activity 4(f)(i)(ee).

Furthermore, you state that the proposed project will trigger Listing Notice 2 Activity 21. **This is incorrect, considering that Listing Notice 2 Activity 21 has been repealed.**

The application was made in accordance with the identified listing notices, and therefore no need exists to burden the competent authority with the magnitude of a full EIA

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with EMP thereto.

This application falls within the ambit of Listing Notice 1 Activity 21, as revised on 11 June 2021, which substituted activity reads as follows:

“21. Any activity, including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the mining permit.”

It should therefore be clear that the listing notices triggered as part of this application only requires a Basic Assessment to be conducted, which would have rendered a full EIA application superfluous in terms of expenditure and a waste of departmental resources, especially in light thereof that Listing Notice 2 Activity 21 has been repealed.

Your allegations contained in your objections that this application is based on fatal flaws is therefore unfounded and should be disregarded as such.

Your comments with regards to socio-economic impacts are noted, however, we disagree with your stance that this proposed project will have a detrimental impact on the local economy. In the event that this application is granted, this operation will not only increase employment opportunities in the area, which area suffers from extreme unemployment but will also boost the local economy.

It is very clear from the objections that Rietspruit Crushers may well wish to maintain the existing monopoly in terms of mining & / or quarrying activities in the Ermelo area, with specific reference to the aggregate & building material production and supply market, which is in direct contradiction to the objectives of the Mineral and Petroleum Resources Development Act, 2002 (as amended), as well as the provisions of the Competition Act, 1998 (as amended).

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It is also clear from your objections that Rietspruit Crushers has an existing mining right, which we assume is valid and compliant. RC should thus be aware that the legislative provisions only require a mining right application to be accompanied by a Social and Labour Plan, therefore, in the premises, a Social and Labour Plan would have been superfluous as part of this mining permit application.

It should be noted that the applicant is well aware of the requirements & differences in requirements, for a mining permit and a mining right. Although we cannot comment on other mining permit applications applied for within the area, it should be noted, that the area lends itself to prospecting and mining, and the MPRDA is clear that mining should be promoted. Inzalo Crushing and Aggregates (Pty) Ltd has no intention of mining in the area for a period longer than five years and in an area above its approved area, if this application is approved.

Inzalo Crushing and Aggregates (Pty) Ltd comply with all the relevant BEE provisions as prescribed in the MPRDA, the Mining Charter and all other relevant empowerment provisions. Once again it is evident from the objections that RC is against this application solely due to the monopoly that it wishes to maintain within the area.

Kindly note that Inzalo and B&E specialize in the mining of aggregate, crushing and the provision of material for road building & construction purposes. The objections are contradictory as it states that this application, if approved, will have a detrimental impact on the employment and economy of the area, but, on the other hand, it is inferred that the purpose of the permit is for road building purposes, which will not only boost the local economy and maintain the local infrastructure, but also ensure an increase in local employment for the next 5-years.

We take note of your further comments and would like to request you to kindly provide us with the documentation in which the *“legally allowed number of mining*

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*permits*” are prescribed, as well as the formal policy published by the DMRE in terms of new entrants.

We take note of your comments, but please refrain from making assumptions or allegations. Inzalo cannot be held responsible for previous illegal mining activities which were conducted in the area, by surface owners, probably many years ago. This application indeed demonstrates Inzalo’s commitment to conducting legal mining activities.

Kindly be advised that Inzalo will be guided by the competent authority in this regard, as you do not have the authority to instruct the application of a *“fully-fledged mining right”*.

This application falls within the ambit of Listing Notice 1 Activity 21, as revised on 11 June 2021, which substituted activity reads as follows:

“21. Any activity, including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the mining permit.”

Not only is the view of the applicable legislative provisions incorrect, but you are basing the objections on a repealed listing notice.

We take note of your further comments, all comments received as well as our response will be incorporated in the Final Basic Assessment Report to be submitted to DMRE for their consideration.

Kindly note that we will be guided by the competent authority in terms of any further matters.

We thank you for your participation in this process and will keep you informed of the progress of this application.

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Mr Christo Clark	Registered I&AP	4 April 2022	No Comments Received
Mr Jannie Myburgh	Registered I&AP	4 April 2022	No Comments Received
Mr Kerneels van Rensburg	Registered I&AP	4 April 2022	No Comments Received
Mr Riaan van Rensburg	Registered I&AP	4 April 2022	No Comments Received
Me Rika Hamman	Registered I&AP	4 April 2022	No Comments Received
Mr Werner Labuschagne	Registered I&AP	4 April 2022	No Comments Received



## **SUMMARY OF PARTICIPATION PROCESS**

The comments received on the DBAR were incorporated into the Final Basic Assessment Report (FBAR) to be submitted for decision making to DMRE.

See attached as Appendix F2 proof of the correspondence with the I&AP's and stakeholders during the public participation process.

**-END OF COMMENTS AND RESPONSE-**