

# TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD

## BARRAGE BULK SAND MINE

MINING OF SAND, AGGREGATE AND ALLUVIAL DIAMONDS ON PORTION 4 OF THE FARM  
WOODLANDS 407, NGWATHE LOCAL MUNICIPALITY, FREE STATE PROVINCE

### COMMENTS AND RESPONSE REPORT

VAAL OEWER RATE PAYERS ASSOCIATION (PROTECT THE VAAL COMMITTEE)



**MAY 2018**

**REFERENCE NUMBER:** FS 30/5/1/1/2/10020MR

**PREPARED FOR:**

Tja Naledi Beafase Investment Holdings (Pty) Ltd  
PO Box 11  
Modderfontein  
1654  
Tel: 011 606 3116  
Fax: 011 608 2056

**PREPARED BY:**

Greenmined Environmental (Pty) Ltd  
Yolandie Coetzee  
Postnet Suite 62, Private Bag X15  
Somerset West, 7129  
Tel: 011 966 4390  
Fax: 086 546 0579  
Cell: 082 734 5113  
E-mail: [yolandie.c@greenmined.co.za](mailto:yolandie.c@greenmined.co.za)



COMMENTS RECEIVED DURING CONSULTATION WITH VAAL-OEWER RATE PAYERS ASSOCIATION (PROTECT THE VAAL)

DATE	NAME AND SURNAME	COMMENT RECEIVED	RESPONSE FROM EAP AND TJA NALEDI.
27 March 2018	Tertius Wehmeyer	<p>Dear Mr Mulaudzi</p> <p>To our surprise we recently discovered the notice board and equipment of a new mining operation in the Vaal Eden area. This is Barrage Bulk Sand owned by, according to the notice board, SPH Kundalila (<a href="http://www.sphkundalila.co.za/">http://www.sphkundalila.co.za/</a>), which is part of the Raumix Division (<a href="http://www.raubex.co.za/pages.aspx?i=14">http://www.raubex.co.za/pages.aspx?i=14</a>) of the Raubex Group (<a href="http://www.raubex.co.za/default.aspx">http://www.raubex.co.za/default.aspx</a>). No one on the IAP committee for Goosebay Farm's mining right application is aware of this mine or their application for a mining right. Below is a Google Maps link of the location of this mine as well as a Google Search directory entry that links to Google Maps</p> <p><a href="https://www.google.com/maps/place/Barrage+Bulk+Sand,+Unnamed,+Newlands,+Pretoria,+0049/@-26.764023,27.621663,14z/data=!4m2!3m1!1s0x1e94466021802943:0xd315167af49d7340">https://www.google.com/maps/place/Barrage+Bulk+Sand,+Unnamed,+Newlands,+Pretoria,+0049/@-26.764023,27.621663,14z/data=!4m2!3m1!1s0x1e94466021802943:0xd315167af49d7340</a></p> <p><a href="https://www.google.com/search?client=firefox-b&amp;ei=Oxy0WoyslSLPgAa1w5GwAQ&amp;q=barrage+bulk+sand&amp;oq=barrage+bulk+sand&amp;gs_l=psy-ab.12..0i71k1l8.0.0.0.50689792.0.0.0.0.0.0.0.0.0....1c..64.psy-ab.0.0.0....0.h7pGIN_bnV4&amp;qfe_rd=cr&amp;dcr=0">https://www.google.com/search?client=firefox-b&amp;ei=Oxy0WoyslSLPgAa1w5GwAQ&amp;q=barrage+bulk+sand&amp;oq=barrage+bulk+sand&amp;gs_l=psy-ab.12..0i71k1l8.0.0.0.50689792.0.0.0.0.0.0.0.0.0....1c..64.psy-ab.0.0.0....0.h7pGIN_bnV4&amp;qfe_rd=cr&amp;dcr=0</a></p> <p>Please be so kind to forward:</p> <ol style="list-style-type: none"> <li>1. The number of the mining permit or mining right for this mine.</li> <li>2. A copy of mining permit / right</li> <li>3. A copy of the Section 10 Notice for this mine sent out by your office.</li> <li>4. Copies of public documents such as the EIA, EMP, EMPR, Proof of Consultation and Public Participation, Scoping Report and Heritage Impact Assessment.</li> </ol> <p>If they, SPH, have been contracted by any other mine to provide services for them, please provide detail requested above for that mine as well as the registered mine name and mine owner.</p> <p>We will appreciate your urgent attention to this matter. According to SPH's site manager, a Mr Henk Barnard, they are due to start mining on 1 April.</p> <p>Please find attached in order of attached files:</p> <ol style="list-style-type: none"> <li>1. A picture of Barrage Bulk Sand notice board</li> <li>2. A screenshot of Google entry on Barrage Bulk Sand</li> <li>3. A picture of the MD of SPH Kundalila.</li> </ol>	<p>Dear Mr. Wehmeyer.</p> <p>Hope this email finds you well.</p> <p>Greenmined Environmental has been appointed by SPH Kundalila, Barrage Bulk Sand Mine to conduct the MPRDA and NEMA processes for the new Section 102 Mining Right Amendment.</p> <p>With regards to your email sent to the DMR's Regional Manager, Mr Mulaudzi, I hereby responds as follow:</p> <p>Goosebay Farm has been notified during the Public Participation Process of the new mining right application (Section 102). Please refer to attached correspondence with Vanessa Bosman and Mr. Robert that was sent on 8 September 2017.</p> <p>There must have been a misunderstanding as SPH is currently commencing (continuing)? with their mining operations, on their old approved Mining Right. No new activities, as per the Section 102 amendment, are currently taking place on site, as the DMR is also aware of the activities on site.</p> <p>We would gladly send you the requested information as per your email and please confirm whether only the below mentioned documents are required:</p> <ol style="list-style-type: none"> <li>1. Mining Right Number, and copy of the Mining Right</li> <li>2. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)</li> </ol> <p>Could you please provide me with the contact details for the Vaal Eden Association so that I can arrange a meeting, as per DMR's request to discuss any potential issues.</p>

5 April 2018	Tertius Wehmeyer	<p>Thanks Yolandie. I forwarded your mail to Gavin and the Committee.</p> <p>Yolandie is an EAP for Greenmined Environmental. They are doing a new Public Participation to amend Tja Naledi Beafase Holding's mining right to include onsite processing of silica sand.</p> <p>I will send her your phone number to finalise arrangements.</p> <p>The attachments are copies of messages so you might not be able to open. I will forward screenshots of these emails and PDF of BID, once she sends them.</p>	<p>As discussed telephonically, please see attached the BID that was distributed on 8 September 2017 to Vanessa Bosman.</p> <p>I will arrange the meeting with the Vaal-Oewer Association as soon as I receive the details from you.</p>
			<p>Email to Gavin About:</p> <p>Yolandie Coetzee got your contact details from Tertius Wehmeyer. Tertius send an email to the RM from the DMR regarding the Tja Naledi (SPH) Barrage Bulk Sand mine close to Parys.</p> <p>Greenmined Environmental has been appointed by SPH Kundalila, Barrage Bulk Sand Mine to conduct the MPRDA and NEMA processes for the new Section 102 Mining Right Amendment. DMR requested Greenmined Environment to contact the Vaal Oewer Association to arrange a public meeting with all parties involved to discuss the project.</p> <p>Tertius did mention that most of the committee members on the board all work full time, and if we can arrange the meeting for a Saturday. Would Saturday, 21 April 2018 suite?</p> <p>Do you have a boardroom where all parties involved can meet, or do you possibly have another suggestion for a meeting place?</p>
6 April 2018	Gavin Aboud	<p>I must say I am rather confused, let me elaborate. Your heading above is for a Public Participation Meeting, yet below you request to meet The Protect Vaal Eden Committee.</p> <p>I am working on the assumption that you would like to meet with the committee to introduce yourself, discuss the way forward, and then arrange the PPM.</p> <p>May I inform you that the Committee represents some 800 residents in the area.</p> <p>I see that a screening plant is already onsite, and not in the current mining plan. Hence your current application. This is extremely presumptuous, and you are requested to remove said equipment until this process is completed.</p> <p>Upon confirmation of my assumptions above, we will confirm meeting date and venue.</p>	<p><b>Screening Plant:</b></p> <p>Quintin van der Merwe (QM) explained during the Meeting held on the 21<sup>st</sup> of April why the screen plant was there, QM states that as Dr. Stephen Jacobz (SJ) mentioned, we are all business men and woman here. Therefore, the screen plant being there was a business decision. QM states that the screen plant came from a project called Aggenys, the screen plant was placed at this mine and will sit there until the amendment has been approved. QM states that as the safety officer, he stopped any use of the screening plant in order to remain compliant and prevent DMR from closing them down or receiving any fines. QM states that he followed the EMP and said that no screening may take place at that point.</p>
	Renee Hartslief	<p>Please be so kind as to provide the other documentation Tertius requested. I am particularly interested in the consultation and public participation documentation:</p> <p>Please be so kind to forward:</p> <ol style="list-style-type: none"> <li>1. The number of the mining permit or mining right for this mine.</li> <li>2. A copy of mining permit / right</li> <li>3. A copy of the Section 10 Notice for this mine sent out by your office.</li> <li>4. Copies of public documents such as the EIA, EMP, EMPR, Proof of Consultation</li> </ol>	<p><b>Document Request:</b></p> <p>The FBAR documentation was supplied to the committee on 11 April that included all the requested documentation.</p> <p><b>Registration:</b></p> <p>This is not applicable Section 102 Amendment, as also stated in the letter compiled by Elsaine Coster-Mohr of Greenmined</p>

	<p>and Public Participation, Scoping Report and Heritage Impact Assessment.</p> <p>If they, SPH, have been contracted by any other mine to provide services for them, please provide detail requested above for that mine as well as the registered mine name and mine owner.</p> <p>On 29 November 2014, I registered myself, the FS Private Nature Reserve Savannah, and the Wild Water Conservancy as IAPs with the consultant Monty van Eeden of Dorean in the Tja Naledi mine application. Due to the comprehensive rehabilitation plan, distance from the Vaal River, and small scale of the operation, as contained in the BID document we received, we did not object at that time to the mining.</p> <p>However, it appears that the rehabilitation did not take place as promised. Further, the scale is proposed to be greatly increased and the highly-stressed Vaal River is being encroached upon. I question the efficacy of your dust mitigation proposal, your statements about noise pollution and whether due diligence has been paid to the road and bridge capacities for transport trucks. Also, has a proper public participation process been followed regarding the rezoning of the land? It would be helpful to receive answers to these questions in advance of any meeting with the Protect Vaal Eden committee or the public.</p> <p>Finally, please note that the registered IAP's mentioned above were NEVER contacted regarding the new application and I hereby object in the strongest terms to any new application, on those grounds alone.</p>	<p>Environmental, the legal advisor. Please refer to Appendix C for this letter.</p> <p><b>Rehabilitation:</b> This issue has also been addressed in the meeting presentation. This is not applicable to the Section 102 application.</p> <p><b>Dust:</b> Dust monitoring will be conducted on a monthly basis together with wind roses. A dust management plan will be compiled for this project. A 10 000l water cart is on site to be used for dust suppression and a water canon is suppressing the stockpiles. SPH have appointed an occupation hygienist as per the OHS to conduct the gravimetric noise testing done. This has been addressed during the meeting.</p> <p><b>Noise:</b> Noise monitoring station will be set up at Craig Richardson farm to measure the levels of noise from Tja Naledi. Personal dust and noise monitoring is being conducted, which forms part of the Mine Health and Safety Act. SPH have appointed an occupation hygienist as per the OHS to conduct the gravimetric noise testing done. This concern will be investigated further to minimise noise in the mining area.</p> <p><b>Road Integrity:</b> Going forward, together with other sand mines in the area, which will be using the same road (Sweet Sensation and Pure Source Minerals), a strategy will be developed to assist in road repairs once the Section 102 mining right has been approved for Barrage Bulk Sand Mine. Roads Department is currently busy with an analysis of the road integrity and the sand mines. Once finalized a negotiated plan between BBSM, Pure Source Minerals, Sweet Sensations and the roads department will be discussed and a plan implemented.</p> <p><b>Bridge:</b> The Roads Department informed SPH Kundalila that the Barrage Bridge was built to hold the capacity of the heaviest legal load on national roads, as the bridge is built over a national road. - 120 tons' maximum payload. Vaal-Eden Bridge loads will be investigated.</p>
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8 April 2018	Gavin Aboud	<p>Noted and supported. Yolandie please treat as urgent and reply? I have now copied in the DMR,</p> <p>Attention Allister: This mine is on your doorstep and a mining right has been granted, I suggest you urgently take this up with Yolandie. Were you consulted with?</p>	<p>Please note that this is an old mining right that has been granted in 2016.</p> <p>Please send the property details (farm name and portion number) of Allister Cousins, Michelle Warmback and Jason Peter.</p>
9 April 2018	Gavin Aboud	<p>Yes, we acknowledge that a mining right was granted according to the approved mining plan, for Silica Sand.</p> <p>However, you are applying to change the mining plan and add new minerals to the mining right. Therefore, you have to follow the process to get this done.</p> <p>Please advise on the meeting with the committee so that we can start the process.</p>	
	Michelle Warmback	<p>Jason Peter will be handling it from my side.</p>	
10 April 2018	Allister Cousins	<p>We are Erina portion 4 and Portion 9/2 Thanks, please let me know when the meeting will be. If you could let me know the name of the person you are in touch with on our side in terms of consultation, I can get the info from them and take over any needed correspondence from them.</p>	<p><b>Email to Allister:</b></p> <p>Thank you for your correspondence, please note that the PPP process has been completed and that a meeting will be held with the Vaal Oewer Association where all issues and concerns will be addressed. You will be informed of the details of this meeting in due course.</p> <p>In terms of Regulation 41(2)(b)(ii) of the Amendments to the Environmental Impact Assessment Regulations, 2014 the person conducting a public participation process must give notice to all</p>

	<p>Gavin Aboud</p>	<p>Pont Du Vaal is the estate name. They are basically adjacent to the mine. Please confirm that they were consulted with?</p> <p>Yes, you should have been consulted. Do you know that they intend blasting twice a week? The effect on your properties will be devastating? I strongly recommend that you engage Yolandie on this matter and establish why you were not consulted with? We will be meeting with them shortly and I suggest you attend the meeting.</p> <p>Yes, the PPP process has been conducted and was flawed. If a River divides two pieces of land they are regarded as adjacent. And if any party is affected by a proposed mine they must be consulted. Committee members please comment.</p> <p>Your mail below is relevant and procedurally you should have been consulted. We will discuss further at the meeting next week. I will send you a meeting invite,</p>	<p>potential interested and affected parties of an application or proposed application which is subjected to public participation by giving written notice, in any manners provided for in section 47D of the Act (NEMA), to <u>owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken.</u></p> <p>Therefore, in terms of the regulations, we were not obliged to contact you, as your land is not adjacent to the site. However, you have been registered as an I&amp;AP'S during this current PPP with the Vaal Oewer Association.</p>
<p>11 April 2018</p>			<p><u>Email to Gavin Aboud:</u></p> <p>Yolandie Coetzee was out on site from Thursday last week, and go back today and will respond to all you email during the course of the day. She apologizes for any convenience caused.</p> <p>Yolandie Coetzee have send you a copy of the FBAR for the association's comments via We Transfer, as the file is very big. We will discuss all your concerns during the meeting on the 21<sup>st</sup> of April 2018. Can you please provide us with your comments in writing, so that we can incorporate them into the meeting Agenda, as well as into the FBAR as requested by DMR.</p>
	<p>Gavin Aboud</p>	<p>Email to Craig Richardson,</p> <p>Your farm is across the road from this mine, were you consulted? Please liaise with Yolandie in this regard. We are meeting with them shortly to discuss public participation and I would appreciate if you attend, As discussed telephonically, we will continue this debate at the meeting of the 21<sup>st</sup>.</p>	<p><u>Email to Craig Richardson:</u></p> <p>Can you please provide me with your farm details and portion number so that Yolandie Coetzee can provide you with the correct information?</p> <p>We hereby acknowledge your concerns and that all question</p>

	Craig Richardson	<p>We are across the river. Have never been consulted. Have the noise of heavy machinery and trucks reversing and hooting all day.</p> <p>My farm details are as follows, Portion 3,7,13, and the Remainder of Boschdraai 575-IQ, Portion 55 of Kaalplaats 577-IQ and Portion 26 of Zeekoefontein 573-IQ. Please could you clarify what you mean by "provide you with the correct information"?</p>	<p>relating to the application will be address during the meeting that will be held with the Vaal Oewer Association. As discussed with Gavin we are trying to book a venue for the meeting that will be held on the 21<sup>st</sup> of April 2018.</p> <p>Yolandie Coetzee will revert a time and venue to the association as soon as I have received confirmation from the venue.</p>
12 April 2018	Gavin Aboud	<p>Please also send the FBAR to our committee as per above.</p> <p>At this point my only comment is that the public participation process was flawed, and that given the required amendments in terms of minerals to be mined and the amendment in the Mining Plan, the PPP must be redone.</p> <p>I refer your mail below and heading above. Please note your heading is inaccurate. This is not a public meeting. It is a meeting to discuss the Public Participation Process and the way forward only.</p> <p>Secondly you are not meeting with the Vaaloewer Ratepayers Association, you are meeting with the Protect Vaal Eden Committee, we represent the complete area around the mine, which incorporates three provinces, Gauteng, Free State, and North West.</p>	<p>Yolandie Coetzee do apologies for the heading of the Email being incorrect, and it should state meeting regarding Barrage Bulk Sand Mine, as I have corrected it the heading.</p> <p>Yolandie Coetzee received the details from the DMR, stating that we need to contact the Vaaloewer Ratepayers Association, whereby Yolandie Coetzee received Tertius Wehmeyer contact details, and he referred me to you.</p>
16 April 2018	Renee Hartslief	<p>Please can you respond to my question below regarding IAPs, who registered with Dorean in 2014, but were never subsequently contacted?</p>	<p>Please refer to correspondence above regarding registration.</p>
		<p>There were some issues with booking a venue. The Association was not happy with meeting in Carletonville. The Meeting will be held on 21 April 2018, at 9am at Stonewall Café.</p>	
17 April 2018	Renee Hartslief	<p>Please can you prepare for and consider further questions from other IAPs who might not have been consulted or contacted?</p> <p>Living in this Free State farming community, we bond around security, environmental and fire issues. It seems as if my neighbours and friends were not engaged?!</p>	<p>Noted. We will address all questions during the meeting on Saturday.</p>
	Tertius Wehmeyer	<p>At the outset I want to state that the public participation process conducted by yourself and your company Greenmined, is in my view not in line with the NEMA act, regulations and guidelines and I will set out my reasons in the email below. Just ask yourself this question: "Why would an international Environmental Consultancy like SLR Consulting (<a href="https://slrconsulting.com/za/">https://slrconsulting.com/za/</a> &amp; <a href="https://slrconsulting.com/za/slr-documents/goosebay-sand-gravel-and-diamond-project-1-1-1">https://slrconsulting.com/za/slr-documents/goosebay-sand-gravel-and-diamond-project-1-1-1</a>) have a list of over 800 I&amp;APs excluding government departments and Greenmined, a small local environmental consultancy with a website under construction (<a href="http://www.greenmined.com/index.php">http://www.greenmined.com/index.php</a>), have an I&amp;AP'S list of only 10 people (excluding government departments) which includes at least 2 owners of Tja Naledi</p>	<p>Please refer to Appendix B for response to letter.</p>

	<p>Beafase Holdings, the applicant, and also owners / employees of the two other sandmines, for the public participation process of two neighbouring sandmines with a very similar profile?"</p> <p>Was that because SLR followed the latest (2017) DEA Public Participation Guideline which encourages the public participation process to be as inclusive as possible (<a href="https://www.environment.gov.za/sites/default/files/docs/publicparticipationguideline_in_terms_of_nema_eia_regulations.pdf">https://www.environment.gov.za/sites/default/files/docs/publicparticipationguideline_in_terms_of_nema_eia_regulations.pdf</a>) and possibly followed the Funnel Approach as outlined in this paper at <a href="http://www.thegreenconnection.org.za/dmdocuments/Public%20Participation%20in%20EIAs.pdf">http://www.thegreenconnection.org.za/dmdocuments/Public Participation in EIAs.pdf</a> by Liz McDaid (Green Connections) and Lynette Kruger (Environmental Evaluation Unit, UCT)? In contrast, it seems to me as if Greenmined spoke to as few members of the public as possible and then also to only people who welcomed the changes to TNB's mining right. But of course, size does not always matter and possibly Greenmined and not SLR followed the correct approach. However, it is my contention that SLR's approach is more correct, although not flawless in our experience. I give my reasons below.</p> <p>Firstly, for those who are not aware of what Regulation 41 of the NEMA act is about, it regulates the Public Participation process with regards to interested and affected parties. In subsection (2) of regulation 41 it states that "The person conducting a public participation process <u>must</u> take into account <u>any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties</u> of an application or proposed application which is subjected to public participation by ..." and then list 5 main categories of methods of giving notice summarised below:</p> <ul style="list-style-type: none"> <li>- Regulation 41 (2) (a) - fixing a notice board in a place accessible and conspicuous to the public at mining site. (Not shown in FBAR document)</li> <li>- Regulation 41 (2) (b) - written notices to at least 6 categories of individuals / organisations (FBAR only alludes to written notices to residents / owners of farm on the mining site itself and some adjacent farms, examples of written notices are not provided)</li> <li>- Regulation 41 (2) (c) - placing an advertisement in a local newspaper or an official gazette published specifically to provide public notice of applications or other submissions made in terms of these regulations (the FBAR document Appendix E lists Parys Gazette of 7 September 2017 but does not provide a copy of the advertisement)</li> <li>- Regulation 41 (2) (d ) - placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is (PLEASE NOTE that due to the fact that the mine lies in a tripoint area where THREE provinces (Free State, Gauteng &amp; North-West) meet and the fact that the mining activity may impact on these areas, this subsection IS relevant)</li> <li>- Regulation 41 (2) (e) - using reasonable alternative methods, as agreed to by the</li> </ul>	
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	<p>CA, in those instances where a person is desirous of but unable to participate in the process due to illiteracy, disability or any other disadvantage (there is an informal settlement next to Vaaloewer which may fall in this category).</p> <p>Furthermore, the definitions of “interested and affected party” and the “public participation process” are also critical in interpreting the NEMA act, regulations and guidelines. In the NEMA act, these concepts are defined as follows:  “interested and affected party”, for the purposes of Chapter 5 and in relation to the assessment of the environmental impact of a listed activity or related activity, means an interested and affected party contemplated in section 24(4)(a)(v), and which includes-</p> <ul style="list-style-type: none"> <li>(a) any person, group of persons or organisation <u>interested in</u> or <u>affected by</u> such operation or activity; and</li> <li>(b) <u>any organ of state</u> that may have jurisdiction over any aspect of the operation or activity;</li> </ul> <p>“public participation process”, in relation to the assessment of the environmental impact of any application for an environmental authorisation, means a process by which potential interested and affected parties are given opportunity to comment on, or raise issues relevant to, the application</p> <p>Section 24 deals with Environmental Authorisation. Section 24(4)(a)(v) mentioned in the definition of "interested and affected parties" above, reads as follows:  "Section 24 (4) Procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment –</p> <ul style="list-style-type: none"> <li>(a) must ensure, with respect to every application for an environmental authorisation—</li> <li>(v) public information and participation procedures which provide <u>all interested and affected parties</u>, including <u>all organs of state in all spheres of government that may have jurisdiction over any aspect of the activity</u>, with a <u>reasonable opportunity to participate</u> in those information and participation procedures; and</li> </ul> <p>Yolande, in your reply to Allister Cousins from Pont de Val, you stated (text in blue and "" below) that you were not obliged to contact him through a written notice.  "In terms of Regulation 41(2)(b)(ii) of the Amendments to the Environmental Impact Assessment Regulations, 2014 the person conducting a public participation process must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by giving written notice, in any manners provided for in section 47D of the Act (NEMA), to <u>owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken.</u></p> <p>Therefore, in terms of the regulations, we were not obliged to contact you, as your land is not adjacent to the site. However, you have been registered as an I&amp;AP'S during this current PPP with the Vaal Oewer Association."  Although your statement is correct in a minimalist approach to the NEMA act and</p>	
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	<p>regulations with regards to a WRITTEN notice to Pont de Val residents / owners, as Pont de Val on farm Erina is not a neighbouring property, this is only 1 of all the methods of notification listed in Regulation 41! Also, written notices had to be issued to other neighbouring properties to Woodlands 407 (like Vaaloewer and other neighbouring farms across the Vaal River adjacent to Woodlands 407, Mr Abrie Hanekom of farm De Fonteine 189 (between De Pont and Woodlands 407)) AS WELL AS any organisation of ratepayers (see Regulation 41(2)(b)(iii)) that represent the community in the area. This was clearly not done.</p> <p>If Greenmined used the 2017 DEA "PUBLIC PARTICIPATION GUIDELINE IN TERMS OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS" as CLEARLY instructed in the introductory part of Section 41 (2), then you would have been familiar with Section 6 of the Guideline quoted below:</p> <p>"6. GUIDANCE ON THE LEVEL OF PUBLIC PARTICIPATION  <u>The minimum requirements for public participation outlined in the EIA Regulations will not necessarily be sufficient for all applications. This is because the circumstances of each application are different, and it may be necessary in some situations to incorporate extra steps in the PPP. The table below provides guidance for deciding on the required level of PP."</u></p> <p>Table 1 list 3 main categories with 16 different situations that might be applicable in an area with regards to an Environmental Authorisation. In my view, only 2 of the situations are not applicable to our area and your current environmental authorisation process. So that indicates to me that the public participation process should be as wide and as inclusive as possible. The public participation process outlined in the FBAR document supplied, fails dismally in this respect. Noticeable omissions were known I&amp;APs such as Mr Abrie Hanekom on a neighbouring farm, who you alleged to have contacted but who cannot recall any such contact and you do not provide proof of it. Me Renee de Jong Hartsliel owner of farm Savannah and co-chair of Friends of the Vredefort Dome was also a registered I&amp;AP'S for the application for a mining right of Tja Naledi Beafase who should have been contacted. Others are the residents of Vaal Eden (those not contacted), Vaaloewer and Lindequesdrift as well as government structures in North-West province, Tlokwe LM, Gauteng province and Emfuleni LM as these mines falls close to the border of 3 provinces.</p> <p>Lastly, please respond to the following:</p> <ol style="list-style-type: none"> <li>1. Provide copies or photographs of all notices (e.g. notice boards, newspaper adverts, letters to I&amp;APs etc) that were used in the public participation process for the Basic Assessment Report required for TNBH Section 102 application. In the FBAR document, it is stated (see screenshot below) that these documents are contained in Appendix A which only contains maps! If you have copies, also copies of all section 10 notices</li> <li>2. How did you contact Mr Abrie Hanekom on 8 September 2017 as stated in 1st table of Appendix E (Comments and Response Report)? He is a member of our</li> </ol>	
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		<p>committee and was completely unaware of this Environmental Authorisation until he noticed the Barrage Bulk Sands board (which contains NO information about the owners of the mine, Tja Naledi Beafase Holdings) a week before my email to Mr Mulaudzi. Please provide proof of contact. See 2nd screenshot below of 1st table in Appendix E.</p> <p>3. Mining Right Number, and copy of the Mining Right</p> <p>4. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)</p> <p>Items 3 and 4 were offered in your first email to me but I haven't received any yet. The rest of the issues raised we can discuss in our meeting on Saturday although you are welcome to respond before the meeting.</p>	
17 April 2018	Gavin Aboud	<p>Thanks you for the very comprehensive explanation of what the public participation process entails.</p> <p>This will serve as an excellent basis for the meeting on Saturday.</p>	

Tja Naled – Barrage Bulk Storage

1. Are these 9 listed parties below the ONLY affected parties you contacted with regard to this license application:

Comments and Response Report

NOTIFICATION OF LANDOWNER AND NEIGHBOURS AND OTHER I&AP'S

Name	Organisation
Mr Jonathan van Aswegen	Greybank and Woodlands 407 Surrounding Land Owner
Mr Abrie Hannekom	Surrounding Land Owner
Mr Marie Greef	Willow Grange Surrounding Land Owner
Mr Trevor van Heerden	Welbedagt Surrounding Land Owner
Ms Venessa Bosman	Pure Source Minerals Mining Co (Pty) Ltd
Mr SE van Rooyen	Damlaagte Surrounding Land Owner
Mr PJ van Rensburg	Woodlands 407 Surrounding Land Owner
Mr PC Rensburg	Woodlands 407 Surrounding Land Owner
Mr L Koekemoer	Woodlands 407 Surrounding Land Owner

2. Did you contact the local Ngwathe ward councillor or inform him in any way of this application and if so please provide proof thereof?
3. Did you contact the Ngwathe Mayor or inform her in any way of this application and if so please provide proof thereof?
4. Did you contact the local Fezile Dabi ward councillor or inform him in any way of this application and if so please provide proof thereof?
5. Did you contact the Fezile Dabi Mayor or inform her in any way of this application and if so please provide proof thereof?

PLEASE BE ADVISED THAT ALL FOUR OF THE ABOVE MENTIONED PERSONS HAVE BEEN INVITED TO OUR MEETING SATURDAY

6. Which of the following Members of the Free State Executive Council did you inform of this application:

- a. MEC of TOURISM
- b. MEC of FINANCE
- c. MEC of AGRICULTURE
- d. MEC of ROADS
- e. MEC of ENVIRONMENTAL AFFAIRS
- f. MEC of ECONOMIC AFFAIRS

Please submit copies of the notifications you sent these MEC; s prior to our meeting on SATURDAY.

7. Did you or anyone from your firm advise or contact the FREE STATE Premier in any way in regard to this application and if so please send copy of such advices.
8. Did you or anyone from your firm advise or contact M/s Seipati Dlamini of DMR about this application in any way?
9. What is the present land zoning of your client's property?
10. Are you and/or anyone in your firm aware of the Constitutional Court Ruling of April 12. 2012 in the case of Mac Sands VS Cape Town City?
11. What is the relationship between Mr PJ van Rensburg -Mr PC Rensburg -Mr L

<p>20 April 2018</p>	<p>Renee Hartslief</p>	<p>I have been copied on communications between yourself and Mr Bob Hartslief. Prior to our meeting tomorrow, please explain why the following IAPs, registered with Dorean, were not contacted regarding any changes to Tja Naledi mining applications. The parties are myself, my FS nature reserve “The Savannah Africa” and the FS “Wild Water Conservancy”.</p> <p>What “proof of correspondence in the current mining right” are you referring to, please?</p> <p>I do have proof of correspondence in the 2014 application. How many times does an IAP have to register?</p> <p>Thanks for calling! Please see attached proof of correspondence, as you have just requested... Please amend your presentation. I have supplied the proof of correspondence you asked for. Please confirm receipt.</p> <p>Yes, you are correct, I did register with Monty in 2014 and SHOULD have been contacted as an IAP, along with The Savannah Africa nature reserve and Wild Water conservancy.</p> <p>(I have subsequently become co-Chair of Vredefort Dome Tourism Association and co-Chair of Vaal Eden Land Care Committee. Please register these as well.)</p> <p>Indeed, it is very strange that we were never contacted.</p> <p>I have questions that plague me and maybe you can help:</p> <ol style="list-style-type: none"> <li>1. Why do the mining applicants not apply for rezoning first? The Vaal Eden Road S171 is in our IDP / SDF as a scenic route and Gauteng gateway to the Vredefort Dome World Heritage Site. Sand and gravel mining is supposed to take place near Sasolburg, along the R59...</li> <li>2. Why do the water use applications seem to also lag behind? The critically-stressed Vaal River and its water table is the lifeline of Parys and VDWHS.</li> <li>3. Why is rehabilitation of prior mining activity seemingly not taken into account before a new permit is issued?</li> <li>4. Why do the applicants change their company names?</li> </ol>	<p>Comments have been included in the presentation. Please refer to section above, Registration.</p> <p>Please note that your registration was not listed in the current approved EMP for Tja Naledi, therefore you have not been consulted during the Section 102 Amendment. There was no proof of correspondence with you in the current mining right application. It seems that you have not been registered during the 2014 mining right. Do you have communications with Dorean that I can include into the Section 102 amendment, stating the registration on 24 November 2014?</p> <p>Please note that Greenmined Environmental is the consultant responsible for the Section 102 amendment of the Mining Right Application, and cannot be held responsible for any of the previous mining right processes.</p> <p>Thank you for you proof of correspondence with Monty from Dorean.</p> <p>You should have been registered then as an I&amp;AP’S during the 2014 Mining Right Process, it is very strange that there is no proof in the current approved EMP.</p> <p>I will add your registration to the Section 102 amendment to the Mining Right.</p> <p>Please note that Greenmined Environmental cannot be held responsible for any of the previous mining right processes and that you weren’t included in the current approved EMP.</p> <ol style="list-style-type: none"> <li>1. <b>Why do the mining applicants not apply for rezoning first? The Vaal Eden Road S171 is in our IDP / SDF as a scenic route and Gauteng gateway to the Vredefort Dome World Heritage Site. Sand and gravel mining is supposed to take place near Sasolburg, along the R59...</b> This is a process that is follow by the local municipalities guidelines and spatial planning. During PPP the municipality will inform the applicant that rezoning needs to be conducted. This is an historical mine. So the IDP needs to accommodate historic mines.</li> <li>2. <b>Why do the water use applications seem to also lag behind? The critically-stressed Vaal River and its water table is the lifeline of Parys and VDWHS.</b> We cannot answer for any delays in the Departments.</li> <li>3. <b>Why is rehabilitation of prior mining activity seemingly not taken into account before a new permit is issued?</b> We cannot answer for any other mining companies. This is not applicable to the Section 102 amendment.</li> <li>4. <b>Why do the applicants change their company names?</b> This is not applicable to the Section 102 amendment.</li> </ol>
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21 April 2018		<p><b>Additional Concerns raised during the meeting:</b></p> <ul style="list-style-type: none"> <li>The PPP that was done during the 2014 Mining Right Application is flawed and therefore the mining right should not have been granted.</li> <li>The association should be given more time to comment on the FBAR</li> </ul>	<p>DMR will respond to this question as we do not have authority over this. A request was made to the association to compile a letter asking for more time for the review. An exact date should be provided to the consultant.</p>
23 April 2018	Gavin Aboud	<p>Reference is made to the BID. Page 4 Heading Noise refers. Here you cover the issue regarding blasting, yet in the meeting you said there would be nothing.</p>	<p><b>Blasting:</b> The BID (Background Information Document, the reference to the document that was made) was compiled to cover all the basis for the project. During the Basic Assessment that was conducted for the site numerous sample holes were dug and no rock beds were encountered. Therefore, no blasting will take place at Tja Naledi. There will be no explosives magazine on site. This is also the reason that no reference is made to blasting in the Basic Assessment Report.</p>
	Mariette Lieferink	<p>Allow me to subjoin hereunder preliminary comments prior to the proposed public participation process pursuant to our meeting on Saturday.</p> <p><b>Land Use</b></p> <p>I have transmitted a document on Saturday to the above e-mail address. I received a notification that it miscarried. It is the legal opinion we obtained regarding the legal requirements for the rezoning of agricultural land within the Free State Province to mining land. Kindly confirm whether you have received it. I nonetheless attach it hereto.</p> <p><b>Sense of Place</b></p> <p>During our discussion on Saturday, I referred to sense of place and the legal precedent which was established in DIRECTOR: MINERAL DEVELOPMENT, GAUTENG REGION, AND ANOTHER v SAVE THE VAAL ENVIRONMENT AND OTHERS 1999 (2) SA 709 (SCA). I attach a summary of the judgment hereto as well as the guideline document on “Sense of Place”. I am of the considered opinion that it has particular relevance to the current application under consideration.</p> <p><b>Biodiversity Priority Area</b></p> <p>May I furthermore kindly request whether the mining area falls within a 1:100-year flood line or within 500 meters of a water course (that is the delineated wetland area) or within a FEPA and a 1 km buffer around the FEPA, critical biodiversity area (or equivalent areas) from the provincial spatial biodiversity plans or critically</p>	<p><b>Land Use:</b> Received thank you.</p> <p><b>Sense of Place:</b> Noted.</p> <p><b>Biodiversity Priority area:</b> The mining area does not fall within the 1:100 year floodline, or is located within 500m from the watercourse. Therefore, this is not applicable. The mining area is located 900m from the watercourse.</p>

	<p>endangered and endangered ecosystems in terms of the Mining and Biodiversity Guideline? I infer from the SANBI Map that it falls within a River FEPA &amp; associated sub-quaternary catchment.</p> <p>If my inference is correct the mining application is within a highest biodiversity importance area with the highest risk for mining. The likelihood of a fatal flaw for mining is very high because of the significance of the biodiversity features in this area and the associated ecosystem services.</p> <p>This mining application under consideration therefore resolves around the issue of mining in a sensitive area. This must be dealt in accordance with the <u>Mining Biodiversity Guidelines</u> and must be utilised in the evaluation of the <u>Best Practicable Environmental Option</u> (BPEO).</p> <p>The balancing of the negative environmental impacts versus the alleged short term social benefits and the economic advantages can only be assessed if the loss to the environment is evaluated. This appraisal ought to be conducted with the guidance of <i>inter alia</i> the Mining Biodiversity Guideline and the taking into consideration of the opportunity costs.</p> <p>According to the Mining and Biodiversity Guideline the importance of the biodiversity features in these areas and the associated ecosystem services is sufficiently high to prohibit mining in these areas. Given the very high biodiversity importance, the Guideline states that an EIA conducted in respect of such an area should include the strategic assessment of optimum, sustainable land-use for a particular area which should determine the significance of the impact on biodiversity. The EIA must take into account the environmental sensitivity of the area, the overall environmental and socio-economic costs and benefits of mining as well as the potential strategic importance of the minerals to the country.</p> <p>The Guideline states that the EIA “<i>needs to identify whether mining is the optimal land use, whether it is in the national interest for that deposit to be mined in that area and whether the significance of unavoidable impacts on biodiversity are justified. It is important that a risk averse and cautious approach is adopted. This implies strongly avoiding these biodiversity priority areas, given the importance of the receiving environment and the probability that the proposed activity would have significant negative impacts</i>”.</p> <p>When considering mining within these biodiversity priority areas, the Guideline prescribes a set of filters that should be sequentially applied and “<i>mining should only be considered if:</i></p> <p>a. <i>It can be clearly shown that the biodiversity priority area coincides with mineral or petroleum reserves that are strategically in the national interest to exploit.</i></p>	<p>An Environmental Impact Assessment has been conducted for the Barrage Bulk Sand Mine.</p>
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	<p>b. <i>There are no alternative deposits or reserves that could be exploited in areas that are not biodiversity priority areas or less environmentally sensitive areas.</i></p> <p>c. <i>It can be demonstrated that they are spatial options in the landscape that could provide substitute areas of the same habitat conservation, to ensure that biodiversity targets would be met.</i></p> <p>d. <i>A full economic evaluation of mining compared with other reasonable/feasible alternative land uses, undertaken as a necessary component of the EIA, shows that mining would be the optimum sustainable land use in the proposed area.</i></p> <p>e. <i>A detailed assessment and evaluation of the potential direct, indirect and cumulative impacts of mining on biodiversity and ecosystem services shows that there would be no irreplaceable loss or irreversible deterioration, and that minimising, rehabilitating, and offsetting or fully compensating for probable residual impacts would be feasible and assured, taking into account associated risks and time lags.</i></p> <p>f. <i>A risk averse and cautious approach, taking into account the limits of current knowledge about the consequences of decisions and actions, can be demonstrated both in the assessment and evaluation of environmental impacts, and in the design of proposed mitigation and management measures.”</i></p> <p>The Guideline states further that <i>“the above filters should form the basis for deciding on whether or not, and how and where, to permit mining. This means that based on the significance of the impact, some authorisations may well not be granted. If granted, authorisation may set limits on allowed activities and impacts, and may specify biodiversity offsets that would be written into licence agreements and/or authorisations.</i></p> <p>The original (2014) EIA/EMP ought to have been compiled so as to give effect to the Guideline and the decision maker should have considered the Guideline in deciding whether or not to grant environmental authorisation. Since we were not consulted during the 2014 process, I am unsure whether or not the Guidelines were considered by the decision maker.</p> <p>The fact is that sand is plentiful on South Africa, it is overproduced and the sensitive environment is neither of the aforesaid. It would not have been possible to make an informed decision if this information, dealing specifically with the matters raised in the Mining Biodiversity Guideline, was lacking.</p> <p>This includes an assessment of the opportunity costs, e.g.:</p> <ul style="list-style-type: none"> <li>o Understanding the value of the foregone opportunity;</li> <li>o The achievement of the desired aim/goal for the specific area;</li> <li>o Optimising of positive impacts;</li> <li>o Minimising of negative impacts;</li> </ul>	<p>These guidelines were considered both during the 2014 and 2017 assessment.</p>
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	<p>o Equitable distribution of impacts; and o The maintenance of ecological integrity and environmental quality.</p> <p>Applying the “opportunity cost” principle would change the question being asked, namely, by placing a positive duty upon the decision maker to consider if the development constituted the best use of the resources (i.e. the best practicable environmental option).</p> <p>The decision maker must make a decision based upon the following premise: a. If we, as a country, are to mine all minerals (and in the case under consideration, sand) in the ground, then there should be no regard for the environment since all of South Africa, as a resource rich country, will in any event be mined. b. If, however, not all minerals are to be mined and some will be left in the ground, then a decision on which areas to mine and the areas in which to leave the minerals in the ground, should be made.</p> <p>It is our submission that the first scenario is not sustainable and thus not an option. The second scenario is of direct application in this matter under consideration. The decision must reflect the guidelines in such a situation, as well as the lack of information before the decision maker in the documentation dealing with such a scenario.</p> <p>The decision will have to balance the above-mentioned factors at the hand of the EIA Regulations and other guidelines, including the Mining Biodiversity Guideline.</p> <p>The reasons for the decision maker’s decision will have to address these issues in detail in order to justify the decision.</p> <p>In order to ripen our judgement, may I kindly request an electronic copy of the 2014 EIA/EMP and the environmental authorisation?</p> <p>Water Use Licence</p> <p>And finally, during our meeting on Saturday it was stated that an application for a Water Use License (WUL) was submitted in 2017. I recollect that it was also stated during the meeting that the water uses in terms of section 21 of the National Water Act (36 of 1998) (NWA) will not be triggered by the mine’s activities. If my recollection is correct, it begs the question why the Application considered it necessary to apply for a WUL?</p>	<p>DMR is the decision maker.</p> <p>Noted and send.</p> <p><b><u>Water Use Licence:</u></b> An application for general authorisation was submitted to DWS for the abstraction of water from the two (2) boreholes located on site. One borehole for use for potable water, and the other for dust suppression on site.</p> <p>Therefor a section 21a will be triggered.</p>
<p>26 April 2018</p>		

3 May 2018	Gavin Aboud	You will note above that I have copied in the DMR and various other departments. I still have not had a reply? Please urgently advise and also advise when we will receive the minutes of our meeting held on 21 April.	Meeting Minutes to be send the minutes through by the 4 <sup>th</sup> of May 2018.
	Renee Hartslielief	Thank you for an overdue response to our Protect Vaal Eden committee Chair, Gavin. We look forward to receiving your meeting minutes and answers to ancillary questions regarding, amongst others, zoning, rehabilitation, water use and road restrictions in full tomorrow. Thank you Mariette, At-a-glance, I am disappointed in the quality, substance and accuracy of the documentation provided. I have privately asked Yolandie to address at least one issue I have with her minutes and comments. I trust she will do so as a matter of urgency.	Please refer to above comments regarding Zoning, Rehabilitation, Water Use and Road Restrictions.
6, 7, 9 May 2018	Gavin Aboud	Various corrections where requested where the meeting minutes where adjusted. Mariette Liefferick requested the voice recording as the meeting minutes was not a true reflection of the meeting	Yolandie Coetzee send the voice recording and stated that the meeting minutes was compiled word for word as per the voice recording.
8 May 2018	Renee Hartslielief	Send proof of registration with Dorean Environmental.	Not applicable to the Section 102. Renee Hartslielief has been registered as an I&AP'S with the Section 102 amendment. A letter was send by Elsaine Costerus Mohr, regarding the registration. Please refer to attached letter.
10 May 2018	Gavin Aboud	Ask to finalise the comments and response and meeting minutes. The DMR letter from the association will be circulated once meeting minutes are finalised.	Agreed. Just waiting on all responses from the I&AP'S. The final meeting minutes where circulated on the 11 <sup>th</sup> of May 2018, whereby Greenmined Asked for the DMR letter from the association. No letter has been received by the date of print of this document.

