

## **Meeting Notes – Public Participation**

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 (<https://slrconsulting.com/za/> & <https://slrconsulting.com/za/slr-documents/goosebay-sand-gravel-and-diamond-project-1-1-1>) have a list of over 800 I&APs excluding government departments and Greenmined, a small local environmental consultancy with a website under construction (<http://www.greenmined.com/index.php>), have an I&AP list of only 10 people (excluding government departments) which includes at least 2 owners of Tja Naledi 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?"

- I&AP'S list is created from I&APS that registered for the project, if the list only includes 20 people, it's the only 20 people that registered
- Website
- The other sand mines are adjacent landowners.
- Tja Naledi owner is also the landowner

Was that because SLR followed the latest (2017) DEA Public Participation Guideline which encourages the public participation process to be as inclusive as possible ([https://www.environment.gov.za/sites/default/files/docs/publicparticipationguideline\\_intermsofnemaEIAregrulations.pdf](https://www.environment.gov.za/sites/default/files/docs/publicparticipationguideline_intermsofnemaEIAregrulations.pdf)) and possibly followed the Funnel Approach as outlined in this paper at [http://www.thegreenconnection.org.za/dmdocuments/Public\\_Participation\\_in\\_EIAs.pdf](http://www.thegreenconnection.org.za/dmdocuments/Public_Participation_in_EIAs.pdf) by Liz McDaid (Green Connections) and Lynette Kruger (Environmental Evaluation Unit, UCT)?

- Greenmined follows the Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA EIA Regulations, read together with the National Environmental Management Act 107 of 1998 (as amended) and the 2017 Amendments to the Environmental Impact Assessment Regulations.

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.

- This is incorrect, the project was advertised, site notices were placed and BID's where distributed by hand.

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 must take into account *any relevant guidelines* applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by ..." and then list 5 main categories of methods of giving notice summarised below:

- 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) **Please refer to appendix E1. Site notices were placed on the Vaaloewer-Barrage Bulk Sand mine entrance as well as the Parys Municipality**
- 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) **Please refer to appendix E1. BID was distributed by hand to 8 individuals including landowners and Stakeholders.**
- 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) **Please refer to appendix E1.**
- 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 & North-West) meet and the fact that the mining activity may impact on these areas, this subsection IS relevant) **Please refer to appendix E1. The mining footprint area is located 700m from the river boundary, which forms the border of the three provinces. Therefore, the mining footprint is 100% is the Free state province, and therefore only the Free state province has been contacted.**
- Regulation 41 (2) (e) - using reasonable alternative methods, as agreed to by the 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). **Please refer to appendix E1. Vaaloewer is situated 3.5km from the mining area, and therefore not applicable.**

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-*

*(a) any person, group of persons or organisation interested in or affected by such operation or activity; and*

*(b) any organ of state that may have jurisdiction over any aspect of the operation or activity;*

*“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*

*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 –*

*(a) must ensure, with respect to every application for an environmental authorisation—*

*(v) public information and participation procedures which provide all interested and affected parties, including all organs of state in all spheres of government that may have jurisdiction over any aspect of the activity, with a reasonable opportunity to participate in those information and participation procedures; and*

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 owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken.*

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&AP during this current PPP with the Vaal Oewer Association."

Although your statement is correct in a minimalist approach to the NEMA act and 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 property's to Woodlands 407 (like Vaaloewer and other neighbouring farms across the Vaal River adjacent to Woodlands 407, Mr Abrie Hanekom of farm De Fontaine 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.

- All notifications where compiled in terms of Regulation 41, which clearly states neighbours.

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:  
 "6. GUIDANCE ON THE LEVEL OF PUBLIC PARTICIPATION  
 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."

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&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&AP 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 Lindequesdrif 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.

- Please be advised that we have consulted the table during our public participation process. Most of the anticipated impacts where not relevant as this is a Section 102 amendment.
- Please refer to proof below of communication to Abrie Hanekom.
- Me Renee de Jong Hartsliel registration was for the current Mining Right applications, and have not been included in the I&AP database. Greenmined Environmental cannot be held responsible for any errors in the previous Mining Right public participation process.
- It is not a requirement to contact other provinces and municipalities, as the mining right footprint area falls within the Free State Province, Ngwathe Local Municipality and Fezile Dabi District Municipality.

Scale of anticipated impacts:	Recommended Response		Comments:
	If "yes"	If "No"	

<p>Are the impacts of the project likely to extend beyond the boundaries of the local municipality?</p>	<p>Formal Consultation with other affected municipalities should be carried out during the PPP. No need to have a formal consultation with other municipalities during PPP.</p>	<p>Minimum requirements for public participation in accordance to EIA</p>	<p><b>No.</b> District municipality has been contacted.</p>
<p>Are the impacts of the project likely to extend beyond the boundaries of the province?</p>	<p>Formal Consultation with other affected provinces should be carried out during the PPP. No need to have a formal consultation with other provinces during PPP.</p>	<p>Minimum requirements for public participation in accordance to EIA must be met.</p>	<p><b>No.</b> Dust and Noise Impacts will be minimum as mitigation measures will be applied during the mining process. The trees on the boarder of the mining area, and border of the farm boundary also act as a screen. The mining area is located 700m form the river.=</p>
<p>Is the project a greenfields development (a new development in a previously undisturbed area)?</p>	<p>Extensive consultation with RI&amp;APs might be required before a decision is taken on the project to in order to gather more information, and to ensure that there is minimal impact on the environment.</p>	<p>Minimum requirements for public participation in accordance to EIA Regulations must be met.</p>	<p><b>No.</b></p>
<p>Does the area already suffer from socio-economic problems (e.g. job losses) or</p>	<p>Extensive consultation with RI&amp;APs within the area should be undertaken, to gather</p>	<p>Minimum requirements for public participation in accordance to EIA Regulations must be</p>	<p><b>No.</b> N/A as no jibs will be</p>

environmental problems (e.g. pollution), and is the project likely to exacerbate these?	more information on both the socioeconomic and environmental problems.	met.	created.
Is the project expected to have a wide variety of impacts (e.g. socio-economic and ecological)?	Thorough consultation needs to be conducted with RI&APs, in order to address variety of impacts	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>No.</b>
Public and environmental sensitivity of the project:			
Public and environmental sensitivity of the project: Are there widespread public concerns about the potential negative impacts of the project?	Broader consultation with all RI&APs will need to be undertaken.	Minimum requirements for public participation in accordance to EIA Regulations must be met	<b>No.</b> No concerns were raised during the PPP. A late concern was received regarding the Dust, Noise and Road Integration, that was addressed in the BAR.
Is there a high degree of conflict among RI&APs?	There might need to be more consultation to ensure that there is consensus reached among RI&APs.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>No.</b>
Will the project impact on private land other than that of the applicant?	Consultation with the private land owner must be done, and all their concerns need to be addressed.	Minimum requirements for public participation in accordance to EIA Regulations must be met	<b>No.</b> Except dust and noise, mitigation measures are in place.
Does the project have the potential to create unrealistic expectations (e.g. that a new factory would create a large	Thorough consultation that addresses the perceptions of unrealistic expectations	Minimum requirements for public participation in accordance to EIA Regulations must be	<b>No.</b> Please refer to SLP. No reference or insinuation is given for work

number of jobs)?	needs to be carried out.	met.	opportunities.
<b>Potentially affected parties:</b>			
Has very little previous public participation taken place in the area?	More thorough public participation should take place within the area, to ensure that all potential and RI&APs participate. Minimum requirements for public participation in accordance to EIA Regulations must be met.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>No.</b> In depth participation has taken place in the area over the years by various companies.  Minimum requirements are met.
Did previous public participation processes in the area result in conflict?	Additional consultation might be needed to ensure that issues of conflict are addressed effectively.	Minimum requirements for public participation in accordance to EIA regulations must be met.	<b>No.</b> Minimum requirements are met.
Are there existing organisational structures (e.g. local forums) that can represent I&APs?	Organizational structures might minimise conflict whilst maximising the participation.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>Yes.</b> Conflict arose from the organisational structures.
Is the area characterised by high social diversity (i.t.o. socioeconomic status, language or culture)?	Proper consultations that address language and cultural diversity should be promoted.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>No.</b> 3.5km from the Vaaloewer.
Were people in the area victims of unfair expropriations or relocation in the past?	PPP should be extensive and address any unfair practices that occurred in the past.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	<b>No</b>
Is there a high level of	The PPP should ensure	Minimum requirements	35% unemployment

unemployment in the area?	that there are no unrealistic expectations created due to the project. The consultation should ensure that any unrealistic expectations are adequately addressed before the project starts	for public participation in accordance to EIA Regulations must be met.	rate. <b>No.</b> Please refer to SLP. No jobs will be created as a skilled work force in needed.
Do the RI&APs have special needs (e.g. a lack of skills to read or write, disability, etc)?	Consultation should include mechanisms that will ensure full participation by people with special needs.	Minimum requirements for public participation in accordance to EIA Regulations must be met. Minimum requirements for PP in accordance to the Act and must be met as well as best practices relating to PP	<b>N/A</b> as no jobs will be created.



DMR Reference Number: FS 30/5/1/1/2/10020MR



P O Box 1768

Vanderbijlpark

1911

**BACKGROUND INFORMATION DOCUMENT**


**Applicant:**  
Tja Naledi Beafase Investment Holdings (Pty) Ltd  
PO Box 11  
Modderfontein  
1654  
Tel: 011 608 3118  
Fax: 011 608 2056

Attention: Mr Abrie Hannekom

Dear Sir

8 September 2017

**RE: NOTICE OF APPLICATION IN TERMS OF SECTION 102 OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO. 28 OF 2002) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998 NEMA) AS WELL AS THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS OF 2014 (AS AMENDED BY GNR 326 EFFECTIVE 7 APRIL 2017)**

<b>Invoice From:</b> <b>PostNet Somerset Mail</b> Shop 18 Melkbok Village Somerset Mall, Somerset West 7130 Tel: 021-851-5378 Fax: 021-851-5357 Email: somerset-mail@postnet.co.za		  <b>TAX INVOICE</b> *** Copy of Original ***				
<b>Invoice To:</b> <b>GREENMINED ENVIRONMENTAL</b> Postnet Suite 62 private bag X15 Somerset West 7129		<b>Deliver To:</b> <b>GREENMINED ENVIRONMENTAL</b>  Tel: 0119791150 Fax: 0665199952 Customer VAT No.: 4420103634				
<b>Account No.</b>	<b>VAT Reg No.</b>	<b>Invoice Date</b>	<b>Order Number</b>	<b>Representative</b>	<b>Invoice Number</b>	<b>Page</b>
B8E001	4493218890	08/09/2017	FS 30/5/17/1/1/1002	1 Rep 2	INV23712	1 of 1
<b>Item Code</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Disc %</b>	<b>Vat Amt</b>	<b>Line Total</b>
23	POSTAL SERVICES RC253554402A Trevor van Heerden Vanderb@perk	1.00	67.00		8.23	67.00
23	POSTAL SERVICES RC2535540952A Marie Grooff Parys	1.00	67.00		8.23	67.00
23	POSTAL SERVICES RC2535543782A	1.00	67.00		8.23	67.00
23	POSTAL SERVICES RC2535543812A Abrie Hanekom Vanderb@perk	1.00	67.00		8.23	67.00

Lastly, please respond to the following:

1. Provide copies or photographs of all notices (e.g. notice boards, newspaper adverts, letters to I&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.

- Please refer to Appendix E1 for all references to site notices.
- Section 10 – current mining right, not applicable as this process is part of the Section 102 amendment.

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 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.

- Contact was made with Mr. Hannekom via phone call and post.

3. Mining Right Number, and copy of the Mining Right

- This pertains to the previous Mining Right. Please see attached.

4. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)

- This has been sent via WeTransfer on 12 April 2018, to Gavin Aboud, Chairperson.

Items 3 and 4 were offered in your first email to me but I haven't received any yet.