

**PROPOSED PROSPECTING RIGHT OVER FARM 570
(ZAAI PLAATS) IN THE HAY ADMINISTRATIVE DISTRICT
OF THE NORTHERN CAPE**

COMMENTS AND RESPONSE REPORT

DEPARTMENT REFERENCE NUMBER:

NC 30/5/1/1/2/14264 PR

MARCH 2025



NOTIFICATION OF PROSPECTING RIGHT APPLICATION AND DRAFT BASIC ASSESSMENT REPORT TO STAKEHOLDERS AND I&APS DURING PUBLIC PARTICIPATION

COMMENTING PERIOD: 10 FEBRUARY 2025 – 12 MARCH 2025

The relevant landowner, stakeholders and I&AP's were informed of the prospecting right application by means of an advertisement in the Noordkaap Bulletin, and on-site notices that were placed at the Postmasburg Municipal Offices and on the fence of Farm 570 (Zaai Plaats). A notification letter inviting comments on the DBAR over a 30-days commenting period (ending 12 March 2025) was sent to the landowner, lawful occupier, neighbouring landowners, stakeholders, and any other I&AP that may be interested in the project. All the notices and advertisement were available in both Afrikaans and English. Also refer to Appendix H2 for the proof of public participation that was conducted. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr I Visser	Pixley ka Seme District Municipality	10 February 2025	No Comments received
Mr X Geco	Siyancuma Local Municipality	10 February 2025	No Comments received
Cllr J George	Siyancuma Local Municipality – Ward 1	10 February 2025	No Comments received
Mr WD Mothibi	Department of Agriculture, Land Reform and Rural Development	10 February 2025	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr B Fisher	Department of Agriculture, Environment Affairs, Rural Development and Land Reform	10 February 2025	No Comments received
Ms N Pause	Department of Economic Development and Tourism	10 February 2025	No Comments received
Mr K Nogwili	Department of Roads and Public Works	10 February 2025	No Comments received
Mrs K Moalosi	Department of Water and Sanitation	10 February 2025	No Comments received
Mr Z Albanie	Department of Labour	10 February 2025	No Comments received
Mr K Makale	Eskom	10 February 2025	No Comments received
Heritage Officer	SAHRA	10 February 2025	No Comments received
Pabalelo Mokale	Department of Land Affairs	10 February 2025	19 February 2025

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
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The Commission on Restitution of Land Rights confirmed on 19 February 2025 that no land claims appear on their database in respect of the property of this application.

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mrs J van Wyk & Mr A Viljoen	Landowner of Farm Nr 570 Surrounding Landowner of farm Vaalwater Nr 84	10 February 2025	No Comments received
Mr AJC van Wyk	Surrounding Landowner of: Farm Cone Nr 82	10 February 2025	No Comments received
Mr F van der Schyff	Surrounding Landowner of: Remaining Extent of farm Range Nr 93	10 February 2025	No Comments received
Mr W Snyman	Surrounding Landowner of: Farm Langkloof Nr 94	10 February 2025	12 March 2025

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Laufs Attorneys, representing Mr Snyman submitted the following on 12 March 2025:</u></p> <p>“1. We refer to the above-mentioned application for a prospecting right submitted by Greenmined Environmental (Pty) Ltd to prospect for diatomite, diatomaceous earth, kieselguhr on the Farm No 570 (Zaai Plaats).</p> <p>2. We hereby confirm that we represent the Surface Owners (“our client”) who are the surface owners of the following property: 2.1 Langkloof 94, Hay Distrik (“the Property”)</p> <p>3. Our clients are interested and affected parties in the Application in their capacity as neighbouring surface owners.</p> <p>4. Greenmined Environmental (Pty) Ltd, did not give sufficient and adequate notice and information of its intended operations. Sufficient notice includes the duty to provide the person concerned with all the essential information in relation to the application for the Prospecting Right. Our client needs reasonable notice to enable our client to assemble the relevant information and prepare and submit his representations and objections against the Application.</p> <p>5. Section 6 of the MPRDA refers to administrative decisions and confirms that any administrative process, taken in terms of the MPRDA, has to be conducted or taken in accordance with the principals of lawfulness, reasonableness and procedural fairness and must all affected party be granted a reasonable time to make representations and to object against the granting of the Prospecting Right.</p> <p>6. Procedural fairness includes the duty to give adequate notice and the duty to appraise the person affected (in this instance the neighbouring surface owner) with information which motivates any impeding administrative decision which, in this case includes the granting of the Prospecting Right and the approval of the Environmental Management Plan.</p> <p>7. It was recently confirmed in the Constitutional Court case of Bengwenyama Minerals (Pty) Ltd that consultation will entail the following:</p> <p><i>“The consultation process required by section 16(4)(b) of the Act thus requires that the applicant must:</i></p> <p><i>a) inform the landowner in writing that his application for prospecting rights on the owner’s land has been accepted for consideration by the Regional Manager concerned;</i></p> <p><i>b) inform the landowner in sufficient detail of what the prospecting operation will entail on the land, in order for the landowner to assess what impact the prospecting will have on the landowner’s use of the land;</i></p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p><i>c) consult with the landowner with a view to reach an agreement to the satisfaction of both party in regard to the impact of the proposed prospecting operations; and d) submit the result of the consultation process to the Regional Manager within 30 days of receiving notification to consult.”</i></p> <p>It is clear from the information at hand that Greenmined Environmental (Pty) Ltd did not notify our Client of the Application for the Prospecting Right as stipulated in Section 16(4) of the MPRDA or consulted with our client as stipulated in Section 16(4) of the MPRDA and the Bengwenyama Minerals (Pty) Ltd Constitutional Court case.</p> <p>8. It is our submission that our Client in his capacity as interested and affected party must be provided with at least the following:</p> <ul style="list-style-type: none"> 8.1 a copy of the Environmental Management Plan as submitted; 8.2 the methods of prospecting to be employed; 8.3 the period for which the right is applied for; 8.4 the details of the land or area; 8.5 the applicant’s financial competence; 8.6 the applicant’s technical competence; 8.7 the details of the minerals and quantities thereof which the applicant intend to remove or dispose of during prospecting operations; 8.8 the date on which the application was submitted and the date on which the Application was accepted; 8.9 a copy of the acceptance letter 8.10 a copy of the Prospecting Work Programme. <p>By providing this information, it will enable our Client and afford him a meaningful opportunity to make representations and/or to complement his objection to the granting of the Prospecting Right.</p> <p>9. In order to give commentary and/or object against the Application, our Client must be provided with all the above information, the acceptance and processing of the Application, particulars of the envisaged activities and a detailed explanation of how the property is going to be rehabilitated.</p> <p>10. By not consulting with our Client, our Client has not been given a proper opportunity to make representations on:</p> <ul style="list-style-type: none"> 10.1 the manner in which the proposed prospecting activities is to be conducted; 			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

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<p>10.2 the method of rehabilitation of the surface and the rehabilitation as proposed by Greenmined Environmental (Pty) Ltd; 10.3 the capacity of Greenmined Environmental (Pty) Ltd to rehabilitate the damage to be caused to the surface and to the water table by the mining; 10.4 the EMP submitted by Greenmined Environmental (Pty) Ltd; 10.5 the required quantum of financial provision to be made for rehabilitation by Greenmined Environmental (Pty) Ltd; 10.6 and the technical ability of the applicant to conduct the operations.</p> <p>11. Our client will apply for access to information to the Department to obtain information as referred to in this letter..."</p>			
<p><u>Greenmined responded as follows on 19 March 2025 to the objection:</u></p> <p>"We acknowledge receipt of your letter dated 12 March 2025 regarding your client's objection to the application for a prospecting right applied for by K2022641005 (South Africa) (Pty) Ltd over Farm No 570 (Zaai Plaats) in the Hay Administrative District of the Northern Cape. Below, we provide responses to the concerns raised:</p> <p>1. Identification of the Applicant</p> <p>Greenmined Environmental (Pty) Ltd (Greenmined) is not the applicant for the prospecting right but serves as the Environmental Assessment Practitioner (EAP) responsible for the Prospecting Right Application and Environmental Impact Assessment (EIA). The prospecting right application was submitted by K2022641005 (South Africa) (Pty) Ltd.</p> <p>K2022641005 (South Africa) (Pty) ("K2022") Ltd is a subsidiary of Strata Energy Minerals & Resources (Pty) Ltd ("SEMR") and background on the company can be found on www.strata-africa.com, who is also a shareholder in Langkloof Minerals. Your client has previously dealt with Mr Lionel Koster who is a director of K2022 and SEMR.</p> <p>2. Representation of the Surface Owners</p> <p>We acknowledge that your client is the surface owner of Langkloof No 94 and recognize their status as Interested and Affected Parties under the Mineral and Petroleum Resources Development Act, 2002 (Act Number 28 of 2002).</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

3. Notification and Consultation Process

Contrary to the assertion that insufficient notice was provided, we confirm that your client was duly informed of the project and invited to comment on the Draft Basic Assessment Report (DBAR) and Environmental Management Programme (EMPR) on 10 February 2025. Email records indicate that this correspondence was read by your client on 11 February 2025. Additionally, Greenmined engaged in a telephonic discussion with your client prior to sending the invitation, during which the project was introduced and contact details were requested for formal communication. There was no indication at that stage from your client that any further information was required or that you client had any grievances with the prospecting right application or environmental processes as indicated above.

4. Relevance of Case Law

The Constitutional Court's decision in *Bengwenyama Minerals Proprietary Limited v Genorah Resources Proprietary Limited* does not pertain to your clients' rights. As such, the argument based on this precedent is inapplicable to your client's position.

5. Information Requested by Your Client

Your client has been provided with access to the DBAR, which contains the following relevant information:

- **Environmental Management Plan:** Included in the DBAR as the Environmental Management Programme (EMPR);
- **Methods of Prospecting:** Discussed in the DBAR;
- **Duration of Prospecting Right:** Prospecting rights are valid for a maximum of five years as per the MPRDA, which is confirmed in the DBAR;
- **Details of Land to be Prospected:** Included in the DBAR;
- **Financial and Technical Competence:** These details are not public documents, and such has been put to the test in numerous court cases and remain confidential documentation submitted for DMRE evaluation in terms of the MPRDA only;
- **Date of Application and Acceptance:** The application was submitted on 23 August 2024 and accepted by the Department of Mineral Resources and Energy on 9 December 2024;
- **Acceptance Letter and Prospecting Work Programme:** These are not public documents.

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>6. Alleged Failure to Consult on Specific Matters</p> <p>The matters outlined in points 10.1 – 10.5 of your letter are comprehensively covered in the DBAR, which your client was invited to review and comment on. Further:</p> <ul style="list-style-type: none"> • Greenmined are independent Environmental Assessment Practitioners for the applications submitted by K2022 and nothing further. • If approved, K2022 will be the Prospecting Right Holder. • This application pertains strictly to prospecting, not mining. No mining activities will be conducted on the property. <p>7. Right to Access Information</p> <p>Your client is entitled to seek access to additional information through the Promotion of Access to Information Act, 2000 (Act Number 2 of 2000). However, as noted, certain documents, such as financial and technical competence records, are not public documents.</p> <p>Conclusion</p> <p>Given that your client was properly notified, consulted, and provided with sufficient information in accordance with the applicable legislation, the objection raised lacks merit and any <i>locus standi</i>. We urge your client to submit any further comments on the Draft Basic Assessment Report by 24 March 2025 to allow for consideration and inclusion in to the final report to be submitted to the Department of Mineral Resources and Energy (DMRE) by 01 April 2025....”</p> <p>To date no additional correspondence were received from Laufs Attorneys or Mr Snyman.</p>			
Mr A Nel	Surrounding Landowner of: Farm Zaai Plaat Nr 83	10 February 2025	No Comments received

SUMMARY OF PUBLIC PARTICIPATION PROCESS THUS FAR

The I&AP's and stakeholders were informed of the proposed project and invited to comment on the DBAR through:

- telephonic discussions;
- direct invitations with notification documents;
- placement of on-site notices;
- the placement of advertisements in the Noordkaap Bulletin.

Correspondence was received from Laufs Attorneys representing Mr W Snyman who is a surrounding landowner of Farm Langkloof 94, as well as the Commission on Restitution of Land Rights.

Also refer to Appendix H2 for the proof of public participation conducted for this project.

-END OF COMMENTS AND RESPONSE REPORT-