

APPENDIX A – PUBLIC PARTICIPATION

TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD, CURRENTLY HOLDS A MINING RIGHT AND APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPR) OVER PORTION 4 OF THE FARM WOODLANDS 407 (437.8330HA), WHICH FALLS IN THE NGWATHE LOCAL MUNICIPALITY IN THE FEZILE DABI MAGISTERIAL DISTRICT, FREE STATE PROVINCE. TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD, INTENDS TO APPLY FOR A MINING RIGHT AMENDMENT, TO INCLUDE ALLUVIAL DIAMONDS AND GRAVEL INTO THE MINING RIGHT, AND TO AMEND THE EMP TO INCLUDE PROCESSING.

FS 30/5/1/1/2/10020MR



1. The number of the mining permit or mining right for this mine.
2. A copy of mining permit / right
3. A copy of the Section 10 Notice for this mine sent out by your office.
4. Copies of public documents such as the EIA, EMP, EMPR, Proof of Consultation and Public Participation, Scoping Report and Heritage Impact Assessment.
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.

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.

Please find attached in order of attached files:

1. A picture of Barrage Bulk Sand notice board
2. A screenshot of Google entry on Barrage Bulk Sand
3. A picture of the MD of SPH Kundalila.

Kind regards

--

Tertius Wehmeye

r

tertiusw@gmail.com

071 288 3742

RESPONSE SEND TO TERSIUS WEHMEYER ON THE 4TH OF APRIL 2018

From: Yolandie Coetzee
Sent: Wednesday, April 4, 2018 2:05 PM
To: 'tertiusw@gmail.com' <tertiusw@gmail.com>
Subject: Request for Mining Permit / Right License of Barrage Bulk Sand (owner SPH Kundalila (PTY) LTD)
Importance: High

Dear Mr. Wehmeyer.

Hope this email finds you well.

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.

With regards to your email sent to the DMR's Regional Manager, Mr Mulaudzi, I hereby respond as follow:

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.

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.

We would gladly send you the requested information as per your email and please confirm whether only the below mentioned documents are required:

1. Mining Right Number, and copy of the Mining Right
2. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)

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.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant

RESPONSE RECEIVED FROM TERSIUS WEHMEYER ON THE 5TH OF APRIL 2018

The screenshot shows an Outlook email window with the following details:

- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Sender:** Yolandie Coetzee (Greenmined Admin)
- Date:** 2018/04/26
- From:** Yolandie Coetzee
- Sent:** Wednesday, April 4, 2018 2:05 PM
- To:** 'tertiusw@gmail.com' <tertiusw@gmail.com>
- Subject:** Request for Mining Permit / Right License of Barrage Bulk Sand (owner SPH Kundalila (PTY) LTD)
- Importance:** High

Dear Mr. Wehmeyer.
Hope this email finds you well.
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.
With regards to your email sent to the DMR's Regional Manager, Mr Mulaudzi, I hereby respond as follow:

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.

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.

We would gladly send you the requested information as per your email and please confirm whether only the below mentioned documents are required:

1. Mining Right Number, and copy of the Mining Right
2. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)

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

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 5TH OF APRIL 2018

Greenmined Admin

From: Gavin Aboud <gavinaboud@vodamail.co.za>
Sent: 06 April 2018 06:56 AM
To: Yolandie Coetzee
Cc: Abrie Hanekom Vaaloewer; Bob; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin; Mariette Liefferink; craigrichardson100@gmail.com; hcschmidt@mweb.co.za
Subject: FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Attachments: BID for Barrage Bulk Sand Mine.00.pdf; Proof of Goosebay Farm Notice.png

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Good Day Yolandie,

I hope you are well?

I refer your mail below.

I refer attached.

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.

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.

May I inform you that the Committee represents some 800 residents in the area.

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.

Upon confirmation of my assumptions above, we will confirm meeting date and venue.

Kindly advise?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment

CORRESPONDENCE SEND TO GAVIN ABOUT ON THE 5TH OF APRIL 2018

From: Yolandie Coetzee [mailto:yolandie.c@greenmined.co.za]
Sent: 05 April 2018 02:05 PM
To: gavinaboud@vodamail.co.za
Cc: tertiusw@gmail.com
Subject: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Importance: High

Good Afternoon Gavin,

Hope this email reaches you well.

I 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.

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 Assosiation to arrange a public meeting with all parties involved to discuss the project.

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?

Do you have a boardroom where all parties involved can meet, or do you possibly have another suggestion for a meeting place.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant



Tel: 011 966 4390

Cell: 082 734 5113

Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619

Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

RESPONSE RECEIVED FROM GAVIN ABOUD ON THE 6TH OF APRIL 2018

On 6 April 2018 at 06:56, Gavin Aboud <gavinaboud@vodamail.co.za> wrote:

Good Day Yolandie,

I hope you are well?

I refer your mail below.

I refer attached.

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.

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.

May I inform you that the Committee represents some 800 residents in the area.

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.

Upon confirmation of my assumptions above, we will confirm meeting date and venue.

Kindly advise?

Kind Regards

Gavin Aboud

Chairman

083 281 5045

Vaaloewer Ratepayers Association

One Tree many Fruits, in a Secure Environment



CORRESPONDENCE RECEIVED FROM RENEE DE JONG HARTLIEF ON THE 6TH OF APRIL 2018

Greenmined Admin

From: Renee de Jong Hartslielief <renee@bundunet.com>
Sent: 06 April 2018 10:24 AM
To: Gavin Aboud
Cc: Yolandie Coetzee; Abrie Hanekom Vaaloewer; Bob; Chris; Dina; liz; Louis Kruger; Tertius; warrin; Mariette Liefferink; craigrichardson100@gmail.com; HC Schmidt; Savannah Africa; Coach Carl - Life Adventures
Subject: Re: FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Yolandie,

Please be so kind as to provide the other documentation Tertius requested. I am particularly interested in the consultation and public participation documentation:

Please be so kind to forward:

1. The number of the mining permit or mining right for this mine.
2. A copy of mining permit / right
3. A copy of the Section 10 Notice for this mine sent out by your office.
4. **Copies of public documents such as the EIA, EMP, EMPR, Proof of Consultation and Public Participation, Scoping Report and Heritage Impact Assessment.**

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.

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.

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 the 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.

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.

Yours sincerely,
Renee Hartslielief (071) 448-4332

RESPONSE SEND TO RENEE DE JONG HARTLIEF ON THE 6TH OF APRIL 2018

***PLEASE REFER TO COMMENTS AND REPONSE REPORT AND APPENDIX A
IN COMMENTS AND RESPONSE REPORT***



Ref No: FS 30/5/1/2/3/2/1 (10020) EM

11 May 2018

MRS RENEE DE JONG HARTSLIEF

BY EMAIL: renee@bundunet.com

Dear Madam,

SECTION 102 AMENDMENT OF A MINING RIGHT APPLICATION - TJA NALEDI BEAFASE INVESTMENT HOLDING (PTY) LTD: PORTION 4 OF THE FARM WOODLANDS 407, SITUATED IN THE MAGISTERIAL DISTRICT OF PARYS, FREE STATE PROVINCE.

The above matter as well as numerous correspondence between yourself and our environmental consultant, Mrs Yolandie Coetzee, refers.

As per the Department of Mineral Resources' letter dated 11 April 2018 we were requested to consult with the Vaaloewer Ratepayers Association in Vaal Eden and to include proof of the consultation in the revised Final Basic Assessment Report and the Environmental Management Plan. This consultation was held on the 21st of April 2018 and most of the comments have already been received from the Association, which comments will be incorporated and addressed in the Final Basic Assessment Report and Environmental Management Plan.

However, up to date hereof you have refused and/or neglected to provide us with your comments, as you have indicated that you will only provide said comments when there is a correction made in the initial mining right application's public participation process. We would like to reiterate that we were not involved in this mining right application, which application has already been granted, and therefore we cannot amend and/or rectify any process that took place during this time.

In the event that you feel that you have been wronged in the previous process you are free to appeal to the Department of Mineral Resources in regards to the granted mining right. You should however keep

the goal isn't to live forever, it is to protect a planet that will

Greenmined Environmental (Pty) Ltd | Tel: 021 851 2673 | Fax: 086 546 0579
Office No 36, Baker Square Block 1, De Beers Avenue, Paardevlei, Somerset West, 7130
Postnet Suite 62, Private Bag X15, Somerset West, 7129
Directors: S Smit; R L Shedlock; C Weideman | Reg No: 2012/055565/07 | VAT No. 4040263032



in mind that we, as consultants, are only involved in the amendment of the mining right, and therefore cannot be held responsible for any process, or lack thereof, that might have taken place during the initial mining right application.

Therefore please provide us with your comments in regards to our Section 102 amendment of the mining right application, otherwise your comments will not be included in the final documentation.

We trust you will find this in order.

Kind Regards,

A handwritten signature in black ink, appearing to read 'E.C.M.', is positioned above the typed name.

Elsaine Costerus-Möhr

Legal Advisor

Greenmined Environmental

Elsaine.CM@greenmined.co.za

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 8TH OF APRIL 2018

The screenshot shows an Outlook window with the following details:

- Title Bar:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Menu Bar:** File, Message, Tell me what you want to do...
- Command Bar:** Includes icons for Ignore, Delete, Reply, Reply All, Forward, and other actions. It also features a 'Quick Steps' section with 'To Manager', 'Done', and 'Create New'.
- Sender Information:** Yolandie Coetzee (Greenmined Admin), 8:42 AM.
- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
- Message Content:**

From: Gavin Aboud [<mailto:gavinaboud@vodamail.co.za>]
Sent: 08 April 2018 11:43 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; mamabefu.modipa@dmr.gov.za; 'Azwihangwisi Mulaudzi' <azwihangwisi.mulaudzi@dmr.gov.za>
Cc: Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuux@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; hcschmidt@mweb.co.za
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Day Yolandie,

Mails below refer.

I have now copied in the DMR ,

Please can you urgently respond,

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree manv Fruits. in a Secure Environment

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 9TH OF APRIL 2018

Greenmined Admin

From: Yolandie Coetzee
Sent: 09 April 2018 08:27 AM
To: Sonette Smit; Graeme Campbell
Subject: Fwd: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Kind Regards
Yolandie Coetzee
Greenmined Environmental
Tel: 082 734 5113

----- Original message -----

From: Gavin Aboud <gavinaboud@vodamail.co.za>
Date: 2018/04/09 06:38 (GMT+02:00)
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>, 'Allister Cousins' <allister@upriver.co.za>, 'Michelle Warmback' <michelle.warmback@saiw.co.za>, 'Jason Peter' <jasoncpeter@gmail.com>
Cc: Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>, Bob <bobh@dullies.com>, Chris <chris@cesa.co.za>, Dina <dina.henstock@gmail.com>, liz <liz.tuxx@gmail.com>, Louis Kruger <krugerskroon@gmail.com>, Renee <renee@bundunet.com>, Tertius <tertiusw@gmail.com>, warrin <warrinf@gmail.com>
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good day Yolandie,

Your mail below refers.

Yes we acknowledge that a mining right was granted according to the approved mining plan, for Silica Sand.

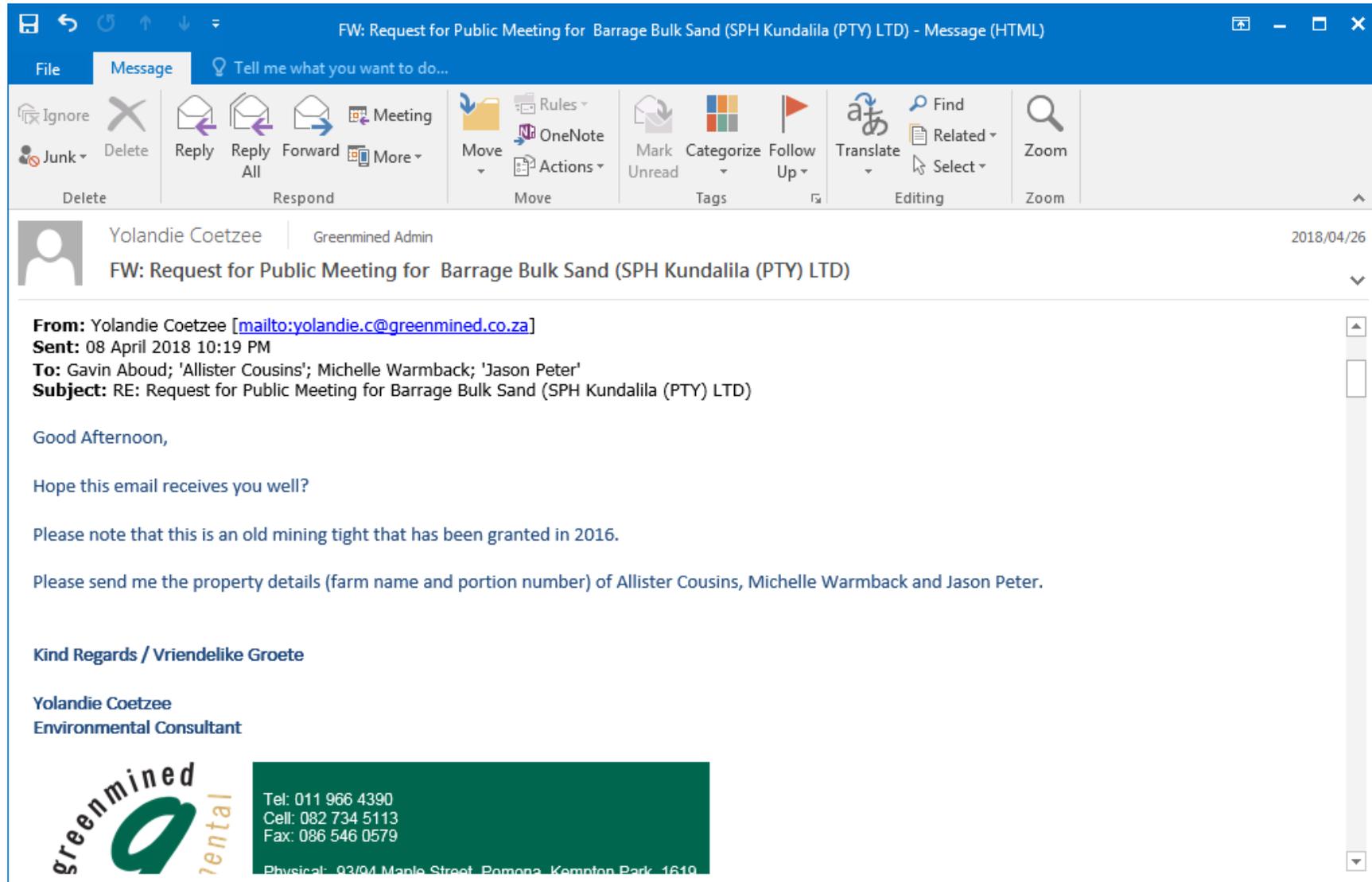
However, you are applying to change the mining plan and add new minerals to the mining right. Therefore you have to follow the process to get this done.

Please advise on the meeting with the committee so that we can start the process.

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment

RESPONSE SEND TO GAVIN ABOUT ON THE 9TH OF APRIL 2018



The screenshot shows an Outlook window with the following details:

- Title Bar:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Menu Bar:** File, Message, Tell me what you want to do...
- Command Bar:** Includes icons for Ignore, Delete, Reply, Reply All, Forward, Meeting, More, Move, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom.
- Sender:** Yolandie Coetzee (Greenmined Admin) | 2018/04/26
- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
- Message Body:**

From: Yolandie Coetzee [<mailto:yolandie.c@greenmined.co.za>]
Sent: 08 April 2018 10:19 PM
To: Gavin About; 'Allister Cousins'; Michelle Warmback; 'Jason Peter'
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Afternoon,

Hope this email receives you well?

Please note that this is an old mining tight that has been granted in 2016.

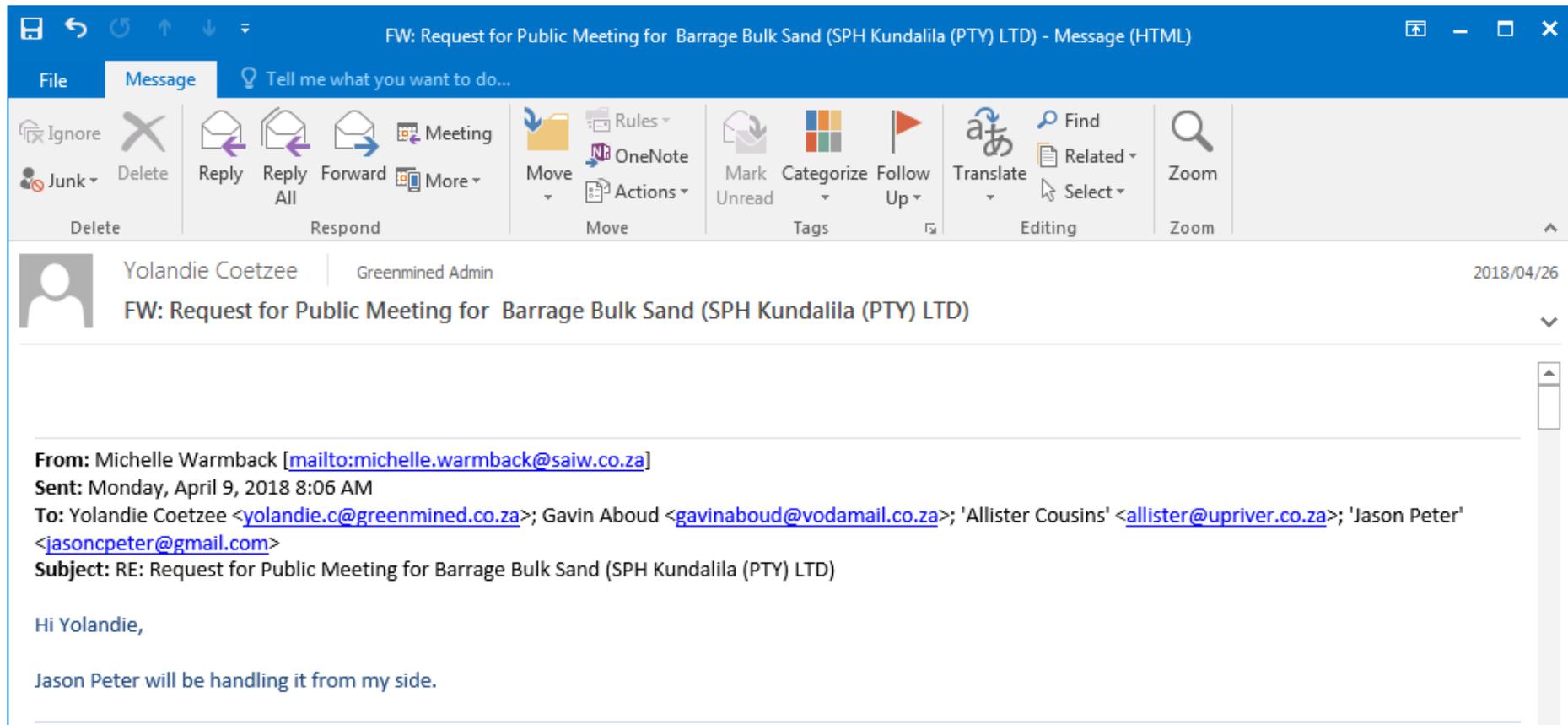
Please send me the property details (farm name and portion number) of Allister Cousins, Michelle Warmback and Jason Peter.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant

 Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579
Physical: 93/94 Maple Street, Bomona, Kompton Park, 1619

CORRESPONDENCE RECEIVED FROM MICHELLE WARMBACK ON THE 9TH OF APRIL 2018



The screenshot shows an Outlook window with the title bar "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)". The ribbon is set to "Message" and includes various action buttons like Ignore, Delete, Reply, Forward, Meeting, Move, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom. The email header shows the sender as "Yolandie Coetzee" (Greenmined Admin) and the date as "2018/04/26". The subject line is "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)". The body of the email contains the following text:

From: Michelle Warmback [<mailto:michelle.warmback@saiw.co.za>]
Sent: Monday, April 9, 2018 8:06 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; Gavin Aboud <gavinaboud@vodamail.co.za>; 'Allister Cousins' <allister@upriver.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Yolandie,

Jason Peter will be handling it from my side.

CORRESPONDENCE RECEIVED FROM ALLISTER COUSINS ON THE 10TH OF APRIL 2018

From: Allister Cousins [<mailto:allister@upriver.co.za>]
Sent: 10 April 2018 03:50 PM
To: Gavin Aboud
Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Gavin,

We own Erina Portion 4 and 9. We were not consulted, should we have been?

From: Allister Cousins [<mailto:allister@upriver.co.za>]
Sent: Wednesday, April 11, 2018 3:39 PM
To: Gavin Aboud <gavinaboud@vodamail.co.za>
Cc: Yolandie Coetzee <yolandie.c@greenmined.co.za>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <boh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>
Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Thanks, please let me know when the meeting will be.

From: Allister Cousins [<mailto:allister@upriver.co.za>]

Sent: Wednesday, April 11, 2018 3:41 PM

To: Gavin Aboud <gavinaboud@vodamail.co.za>; 'Michelle Warmback' <michelle.warmback@saiw.co.za>; Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>

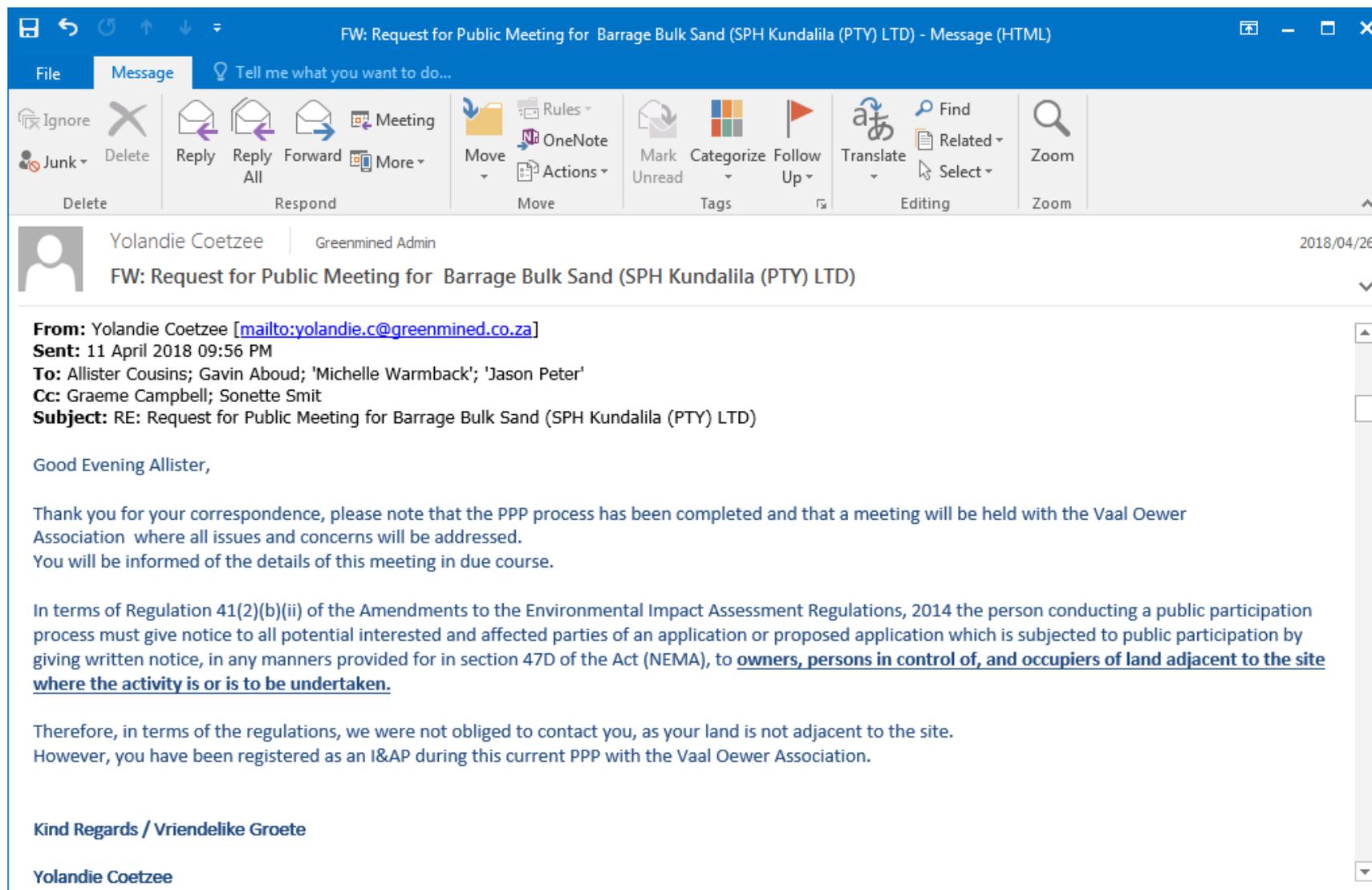
Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Yolandie,

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.

Thank you so much.
Allister

RESPONSE SEND TO ALLISTER COUSINS ON THE 11TH OF APRIL 2018



The screenshot shows an Outlook email window. The title bar reads "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)". The ribbon is set to "Message". The email header shows the sender as "Yolandie Coetzee" (Greenmined Admin) and the date as "2018/04/26". The subject is "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)".

From: Yolandie Coetzee [mailto:yolandie.c@greenmined.co.za]
Sent: 11 April 2018 09:56 PM
To: Allister Cousins; Gavin Aboud; 'Michelle Warmback'; 'Jason Peter'
Cc: Graeme Campbell; Sonette Smit
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Evening Allister,

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.

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.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

DMR LETTER TO CONSULT WITH VAALOEWER RATEPAYERS ASSOCIATION ON 11TH OF APRIL 2018



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

DMR 10

Private Bag X33, Welkom, 9460, Tel: 057 391 1318, Fax: 057 357 6003
The Strip Building, 314 Stateway Street, Welkom, 9459

Enquiries: Ms R.R. Mphaphuli
Sub-Directorate: Mine Environmental Management

E-Mail: Reshoketswe.Mphaphuli@dmr.gov.za
Ref No.: FS 30/5/1/2/3/2/1 (10020) EM

The Directors

Tja Naledi Beafase Investment Holding (Pty) Ltd

P.O. Box 11

Modderfontein

1654

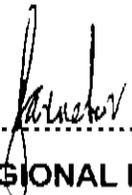
Attention: Mr. Stephen Fax: 011 606 3116
Cc. Ms Yolandie Coetzee (EAP: Greenmined Environmental) Fax: 086 546 0579
e-mail: admin@mohealth.co.za and yolandie.c@greenmined.co.za

REQUEST FOR ADDITIONAL INFORMATION REGARDING THE BASIC ASSESSMENT REPORT AND THE ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF REGULATION 3(6) OF THE ENVIRONMENTAL IMPACT ASSESMENT REGULATIONS, 2014 AS AMENDED (HEREIN REFERRED TO AS THE EIA REGULATIONS) IN RESPECT OF PORTION 4 OF THE FARM WOODLANDS 407, SITUATED IN THE MAGISTERIAL DISTRICT OF PARYS IN THE FREE STATE PROVINCE. APPLICANT: TJA NALEDI BEAFASE INVESTMENT HOLDING (PTY) LTD.

1. The Basic Assessment Report (BAR) and an Environmental Management Programme (EMPr) submitted to this Department on the 23rd of November 2017 has reference.
2. The BAR and an EMPr have been evaluated to determine compliance with regard to section 24N(2) & (3) of the National Environmental Management Act, 1998 (Act 107 of 198) as amended, as well as the Environmental Impact Assessment Regulations, 19(3) and (4) of 2014 as amended.

3. The BAR and EMPr has been evaluated and the following matters need to be addressed and the amendments and additional information must be consolidated into a revised BAR and EMPr which include the following:
 - a. You are requested to consult the Vaaloewer Ratepayers Association in Vaal Eden and include proof of consultation in the revised BAR and EMPr. Please note, the association must be given a minimum of 30 days to comment.
4. You should also note that commencement with a listed activity without an environmental authorisation being granted by the competent authority contravenes the provisions of section 24F (1) of NEMA and constitutes an offence in terms of section 49A (1) (a) of said Act.

Yours faithfully

pp. 

REGIONAL MANAGER: MINERAL REGULATION
FREE STATE REGION

DATE 11/04/2016

Please quote this office file number as reference for any correspondence regarding this application.

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 11TH OF APRIL 2018

The screenshot shows an Outlook window with the following details:

- Title Bar:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Menu Bar:** File, Message, Tell me what you want to do...
- Command Bar:** Includes icons for Ignore, Delete, Reply, Reply All, Forward, Meeting, More, Move, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom.
- Sender:** Yolandie Coetzee (Greenmined Admin) | 2018/04/26
- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
- Message Content:**

From: Gavin Aboud <gavinaboud@vodamail.co.za>
Sent: Wednesday, 11 April 2018 7:07 AM
To: Allister Cousins; 'Michelle Warmback'; 'Yolandie Coetzee'; 'Jason Peter'
Cc: Abrie Hanekom Vaaloewer; Bob; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Day Yolandie,

Please see mail below.

Please see contact details above.

Pont Du Vaal is the estate name.

They are basically adjacent to the mine.

Please confirm that they were consulted with?

Kind Regards

Gavin Aboud
Chairman

CORRESPONDENCE SEND FROM GAVIN ABOUD TO CRAIG RICHARDSON ON THE 11TH OF APRIL 2018

The screenshot shows an Outlook window with the following details:

- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Sender:** Yolandie Coetzee (Greenmined Admin) on 2018/04/26
- Original Sender:** Gavin Aboud (mailto:gavinaboud@vovamail.co.za)
- Sent:** Wednesday, April 11, 2018 7:32 AM
- To:** craigrichardson100@gmail.com
- Cc:** Yolandie Coetzee <yolandie.c@greenmined.co.za>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>
- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
- Importance:** High

The email body contains the following text:

Good Day Craig,

I refer mail below and attached.

Your farm is across the road from this mine, were you consulted?

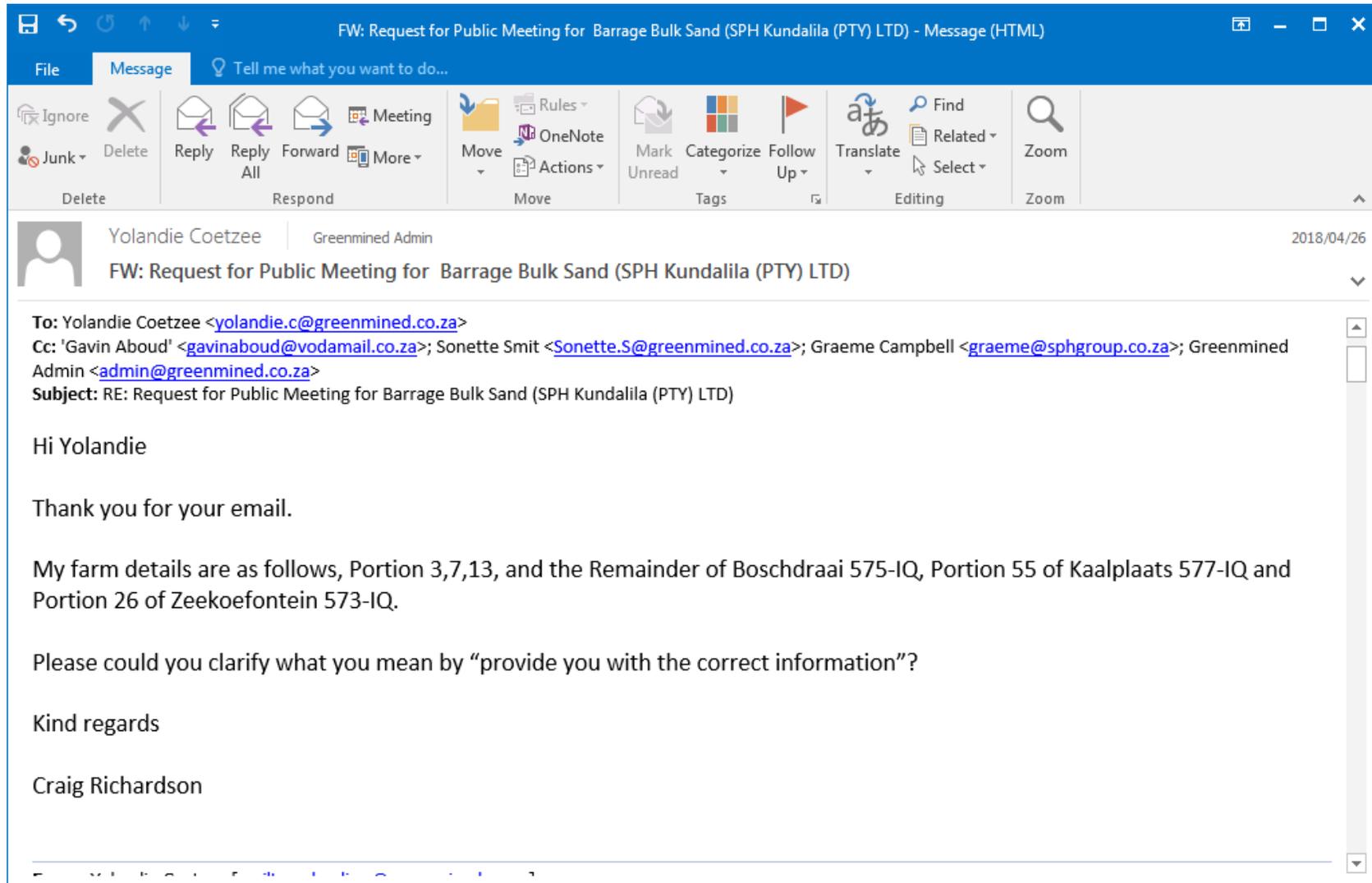
Please liaise with Yolandie in this regard.

We are meeting with them shortly to discuss public participation and I would appreciate if you attend,

Kind Regards

Gavin Aboud
Chairman
082 281 5045

CORRESPONDENCE RECEIVED FROM CRAIG RICHARDSON ON THE 11TH OF APRIL 2018



The screenshot shows an Outlook window with the following details:

- Title Bar:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Menu Bar:** File, Message, Tell me what you want to do...
- Ribbon:** Includes groups for Delete (Ignore, Junk, Delete), Respond (Reply, Reply All, Forward, More), Move (Move, OneNote, Actions), Tags (Mark Unread, Categorize, Follow Up), Editing (Translate, Find, Related, Select), and Zoom.
- Sender:** Yolandie Coetzee | Greenmined Admin (2018/04/26)
- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
- To:** Yolandie Coetzee <yolandie.c@greenmined.co.za>
- Cc:** 'Gavin Aboud' <gavinaboud@vodamail.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Greenmined Admin <admin@greenmined.co.za>
- Subject:** RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Yolandie

Thank you for your email.

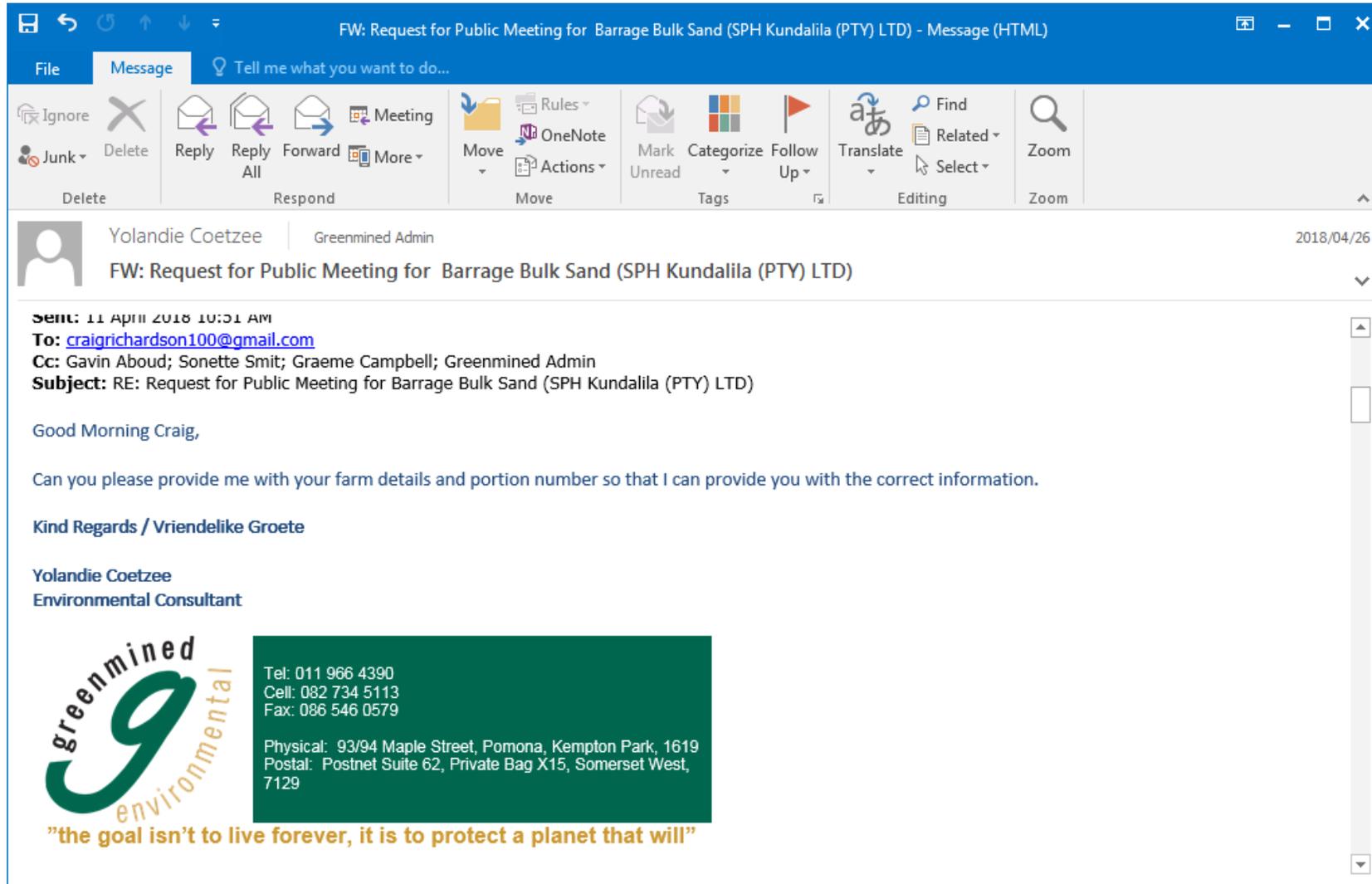
My farm details are as follows, Portion 3,7,13, and the Remainder of Boschdraai 575-IQ, Portion 55 of Kaalplaats 577-IQ and Portion 26 of Zeekoefontein 573-IQ.

Please could you clarify what you mean by “provide you with the correct information”?

Kind regards

Craig Richardson

RESPONSE SEND TO CRAIG RICHARDSON ON THE 11TH OF APRIL 2018



The screenshot shows an Outlook window with the following details:

- Subject:** FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
- Sender:** Yolandie Coetzee | Greenmined Admin (2018/04/26)
- Received:** 11 April 2018 10:51 AM
- To:** craigrichardson100@gmail.com
- Cc:** Gavin Aboud; Sonette Smit; Graeme Campbell; Greenmined Admin
- Subject:** RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

The body of the email contains the following text:

Good Morning Craig,

Can you please provide me with your farm details and portion number so that I can provide you with the correct information.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant

 Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

CORRESPONDENCE RECEIVED FROM GAVIN ABOUT ON THE 12TH OF APRIL 2018

The screenshot shows an Outlook window with the following details:

- Subject:** Re: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process - Message (HTML) (Read-Only)
- Sender:** Bob Hartsliet <bobh@dullies.com>
- Recipients:** Gavin About; Abrie Hanekom Vaaloewer; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin; Graeme Campbell; + 4
- Date:** 2018/04/16
- Message Content:**

From: Gavin About [<mailto:gavinabout@vodamail.co.za>]
Sent: Thursday, April 12, 2018 7:35 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Subject: RE: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process

Good Day Yolandie,

I hope you are well?

Your mail below refers.

As per meeting invite 9h00.

I have also sent you the numbers of alternative venues in Vaaloewer.

Kind Regards

Gavin About
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment
<image006.jpg>

CORRESPONDENCE RECEIVED FROM TERSIUS WEYHMEYER ON THE 17TH OF APRIL 2018

Greenmined Admin

From: Yolandie Coetzee
Sent: 26 April 2018 09:32 AM
To: Greenmined Admin
Subject: FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Attachments: publicparticipationguideline_intermsofnemaEIAreulations_201704.pdf

From: Tertius Wehmeyer [mailto:tertiusw@gmail.com]
Sent: Tuesday, April 17, 2018 4:21 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Cc: Gavin Aboud <gavinaboud@vodamail.co.za>; Azwihangwisi Mulaudzi <azwihangwisi@dmr.gov.za>; Allister Cousins <allister@upriver.co.za>; Michelle Warmback <michelle.warmback@saiw.co.za>; Jason Peter <jasoncpeter@gmail.com>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chris@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; warrin <warrinf@gmail.com>; Scholtz, Carl (C) <carl.scholtz@natref.com>; Mariette Lieferink <mariette@pea.org.za>; michael oberholzer <michaeloberholzer94@gmail.com>; Mike Gaade <mjgaade@gmail.com>; Mamikie Semanya <Mamikie.Semanya@dmr.gov.za>; Mamokete Mpatane <mamokete.mpatane@dmr.gov.za>; hcschmidt@mweb.co.za
Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Dear Yolandie,

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?"

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_intermsofnemaEIAreulations.pdf) and possibly followed the Funnel Approach as outlined in this paper at http://www.thegreenconnection.org.za/dmddocuments/Public_Participation_in_EIAs.pdf 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.

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)
 - 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)
 - 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)

- 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)

- 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).

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.

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. Noticable ommissions 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 Hartslielief 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 resident's of Vaal Eden (those not contacted), Vaaloewer and Lindequesdrif as well as government structures in North-West province, Tlokwe LM, Gauteng province and Enfuleni LM as these mines falls close to the border of 3 provinces.

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 Assesment 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
 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.
 3. Mining Right Number, and copy of the Mining Right
 4. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)
- 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.

Best regards

Tertius Wehmeyer

Of

SUMMARY OF PARTICIPATION PROCESS
<p>1. The I&AP's and stakeholders were informed of the proposed project through:</p> <ul style="list-style-type: none">• telephonic discussions,• direct communication with notification letters,• placement of on-site notices, and• placement of advert in the Parys Gazette on 7th of September 2017
<p>See attached Appendix A as proof of the correspondence with the I&AP's and stakeholders during the public participation process.</p>

NOTIFICATION OF APPLICATION TO STAKEHOLDERS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 7 SEPTEMBER - 9 OCTOBER 2017

TITLE, NAME AND SURNAME	AFFILIATION KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jonathan van Aswegen	Crystalline and Woodlands 407 Surrounding Land Owner	jnavasv@gmail.com	8 September 2017	No Comments Received
Mr Abrie Hatnokon	Surrounding Land Owner	016 986 1752	8 September 2017	No Comments Received
Mr Mantie Greef	Willow Grange Surrounding Land Owner	navy@hatic.net	8 September 2017	No Comments Received
Mr Trevor van Heerden	Welbedagti Surrounding Land Owner	bubybodyz@telkomia.net	8 September 2017	No Comments Received
Mr Vanessa Bosman	Pure Source Minerals Mining Co (Pty) Ltd	info@vstc.co.za	8 September 2017	No Comments Received
Mr SE van Rooijen	Damkaggle Surrounding Land Owner	sa@pe@minerals.co.za	7 September 2017	20 September 2017

On 12 April 2018 at 06:57, Gavin Aboud <gavinaboud@vodamail.co.za> wrote:

Good Day Yolandie,

I hope you are well?

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.

We will discuss this matter further at said meeting, but I regard your statement below as inaccurate and I place on record that I do not agree.

Kind Regards

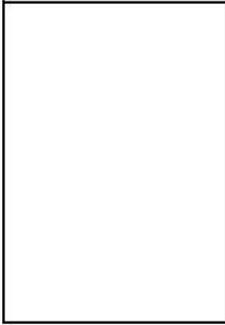
Gavin Aboud

Chairman

083 281 5045

Vaalower Ratepayers Association

One Tree many Fruits, in a Secure Environment



From: Yolandie Coetzee [mailto:yolandie.c@greenmined.co.za]

Sent: 11 April 2018 09:56 PM

To: Allister Cousins; Gavin Aboud; 'Michelle Warmback'; 'Jason Peter'

Cc: Graeme Campbell; Sonette Smit

Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Evening Allister,

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.

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.

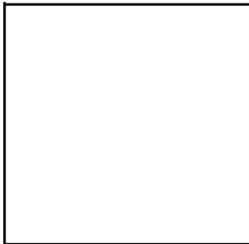
Therefore, in terms of the regulations, we were not obliged to contact you, as your land is not adjacent to the site.

However, you have been registered as an I&AP during this current PPP with the Vaal Oewer Association.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

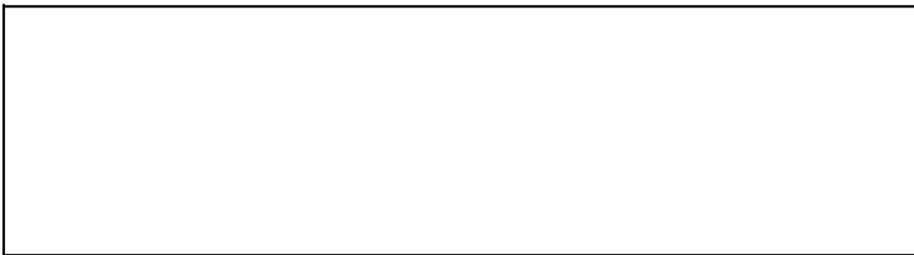
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: [93/34 Maple Street, Pomona, Kempton Park, 1619](#)
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"



From: Allister Cousins [<mailto:allister@upriver.co.za>]

Sent: Wednesday, April 11, 2018 3:41 PM

To: Gavin Aboud <gavinaboud@vodamail.co.za>; 'Michelle Warmback' <michelle.warmback@saiw.co.za>; Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>

Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Yolandie,

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.

Thank you so much.

Allister

From: Gavin Aboud <gavinaboud@vodamail.co.za>

Sent: Wednesday, 11 April 2018 7:07 AM

To: Allister Cousins; 'Michelle Warmback'; 'Yolandie Coetzee'; 'Jason Peter'

Cc: Abrie Hanekom Vaaloewer; Bob; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin

Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Day Yolandie,

Please see mail below.

Please see contact details above.

Pont Du Vaal is the estate name.

They are basically adjacent to the mine.

Please confirm that they were consulted with?

Kind Regards

Gavin Aboud

Chairman

083 281 5045

Vaalower Ratepayers Association

One Tree many Fruits, in a Secure Environment



From: Allister Cousins [<mailto:allister@upriver.co.za>]

Sent: 10 April 2018 04:12 PM

To: Michelle Warmback; Yolandie Coetzee; Gavin Aboud; 'Jason Peter'

Subject: Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hello,

We are Erina portion 4 and Portion 9/2

Thanks,

Allister

From: Michelle Warmback <michelle.warmback@saiw.co.za>
Sent: Monday, 09 April 2018 8:06 AM
To: Yolandie Coetzee; Gavin Aboud; Allister Cousins; 'Jason Peter'
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Hi Yolandie,

Jason Peter will be handling it from my side.

From: Yolandie Coetzee [<mailto:yolandie.c@greenmined.co.za>]
Sent: 08 April 2018 10:19 PM
To: Gavin Aboud; 'Allister Cousins'; Michelle Warmback; 'Jason Peter'
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Afternoon,

Hope this email reaches you well?

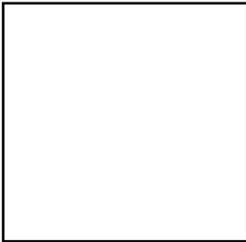
Please note that this is an old mining right that has been granted in 2016.

Please send me the property details (farm name and portion number) of Allister Cousins, Michelle Warmback and Jason Peter.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

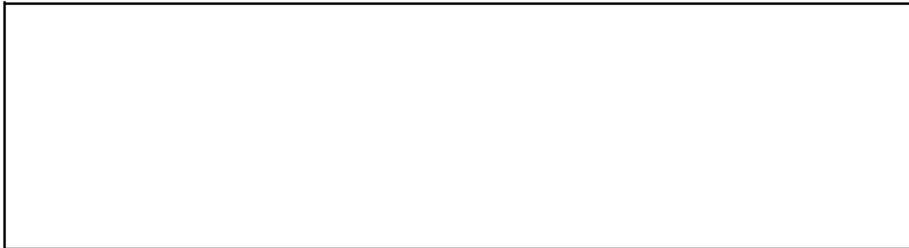
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: [93/94 Maple Street, Pomona, Kempton Park, 1619](#)
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

“the goal isn’t to live forever, it is to protect a planet that will”



From: Gavin Aboud [<mailto:gavinaboud@vodamail.co.za>]
Sent: Sunday, April 8, 2018 11:50 AM
To: 'Allister Cousins' <allister@upriver.co.za>; Michelle Warmback <michelle.warmback@saiw.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>
Cc: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Subject: FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Importance: High

Good Day,

Please see mail below. Please see attached.

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?

Allister please can you give me a call?

Thanks

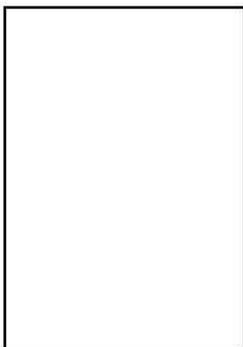
Gavin Aboud

Chairman

083 281 5045

Vaaloewer Ratepayers Association

One Tree many Fruits, in a Secure Environment



From: Yolandie Coetzee [<mailto:yolandie.c@greenmined.co.za>]
Sent: 05 April 2018 02:05 PM
To: gavinaboud@vodamail.co.za
Cc: tertiusw@gmail.com
Subject: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)
Importance: High

Good Afternoon Gavin,

Hope this email receives you well.

I 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.

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 Assosiation to arrange a public meeting with all parties involved to discuss the project.

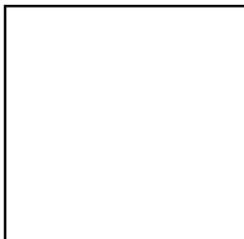
Tertius did mention that most of the committee members on the board all work full time, and if we can arrange the meeting for a Saturday. Would Saturday, 21 April 2018 suite?

Do you have a boardroom where all parties involved can meet, or do you possibly have another suggestion for a meeting place.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant



Tel: 011 966 4390

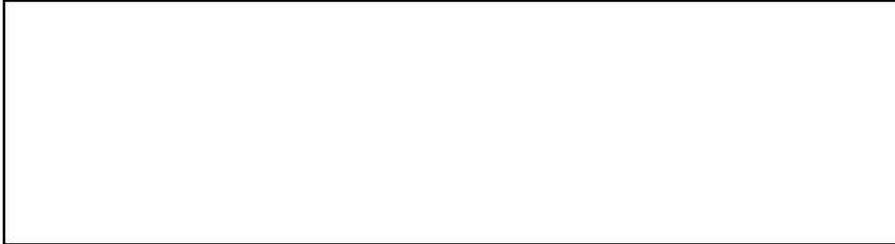
Cell: 082 734 5113

Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619

Postal: Postnet Suite 62, Private Bag X15, Somerset West,
7129

"the goal isn't to live forever, it is to protect a planet that will"



From: Yolandie Coetzee

Sent: Thursday, April 5, 2018 1:33 PM

To: 'tertiusw@gmail.com' <tertiusw@gmail.com>

Cc: Sonette Smit <Sonette.S@greenmined.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; 'stephen@serengeti.co.za' <stephen@serengeti.co.za>

Subject: FW: Request for Mining Permit / Right License of Barrage Bulk Sand (owner SPH Kundalila (PTY) LTD)

Importance: High

Hi Tertius,

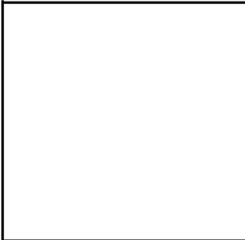
Soos telefonies bespreek sien asb aangeheg die BID wat ons 8 September 2017 vir Vanessa Bosman gestuur het.

Ek reel die vergadering met die Vaal Oewer Association sodra ek Gavin se details van jou af ontvang het.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant



Tel: 011 966 4390

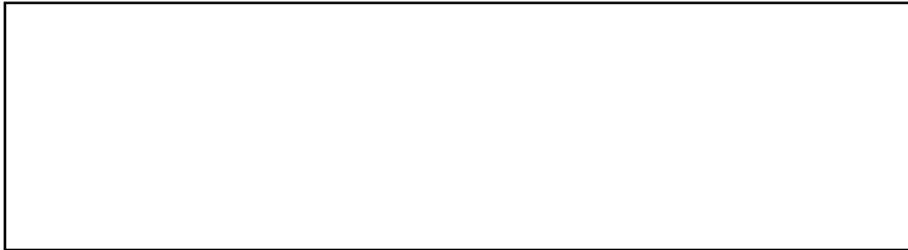
Cell: 082 734 5113

Fax: 086 546 0579

Physical: [93/94 Maple Street, Pomona, Kempton Park, 1619](#)

Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"



From: Yolandie Coetzee

Sent: Wednesday, April 4, 2018 2:05 PM

To: 'tertiusw@gmail.com' <tertiusw@gmail.com>

Subject: Request for Mining Permit / Right License of Barrage Bulk Sand (owner SPH Kundalila (PTY) LTD)

Importance: High

Dear Mr. Wehmeyer.

Hope this email finds you well.

Greenmined Environmental has been appointed by SPH Kundallila, Barrage Bulk Sand Mine to conduct the MPRDA and NEMA processes for the new Section 102 Mining Right Amendment.

With regards to your email sent to the DMR's Regional Manager, Mr Mulaudzi, I hereby respond as follow:

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.

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.

We would gladly send you the requested information as per your email and please confirm whether only the below mentioned documents are required:

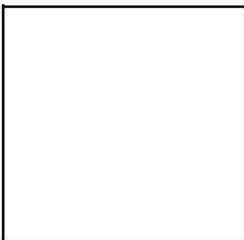
1. Mining Right Number, and copy of the Mining Right
2. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)

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.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant



Tel: 011 966 4390

Cell: 082 734 5113

Fax: 086 546 0579

Physical: [93/94 Maple Street, Emonia, Kempton Park, 1619](#)

Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

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.

Please find attached in order of attached files:

1. A picture of Barrage Bulk Sand notice board
2. A screenshot of Google entry on Barrage Bulk Sand
3. A picture of the MD of SPH Kundalila.

Kind regards

--

Tertius Wehmeye

r

tertiusw@gmail.com

071 288 3742

--

Tertius Wehmeyer
tertiusw@gmail.com
+27 (0) 71 288 3742

COMMENTS INCORPORATED INTO THE FBAR IN RESPONSE TO TERTIUS WEHMEYER

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_intermsofnemaEIAregulations.pdf) and possibly followed the Funnel Approach as outlined in this paper at 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 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.

- 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 Hartsliet 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 Hartsliet 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"	
Are the impacts of the project likely to extend beyond the boundaries of the local municipality?	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.	Minimum requirements for public participation in accordance to EIA	No. District municipality has been contacted.
Are the impacts of the project likely to	Formal Consultation with other affected	Minimum requirements for	No.

extend beyond the boundaries of the province?	provinces should be carried out during the PPP. No need to have a formal consultation with other provinces during PPP.	public participation in accordance to EIA must be met.	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.=
Is the project a greenfields development (a new development in a previously undisturbed area)?	Extensive consultation with RI&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.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	No.
Does the area already suffer from socio-economic problems (e.g. job losses) or environmental problems (e.g. pollution), and is the project likely to exacerbate these?	Extensive consultation with RI&APs within the area should be undertaken, to gather more information on both the socioeconomic and environmental problems.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	No. N/A as no jibs will be 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.	No.
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	No. 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.	No.
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	No. 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 number of jobs)?	Thorough consultation that addresses the perceptions of unrealistic expectations needs to be carried out.	Minimum requirements for public participation in accordance to EIA Regulations must be met.	No. Please refer to SLP. No reference or insinuation is given for work opportunities.
Potentially affected parties:			
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.	No. 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.	No. 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.	Yes. 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.	No. 3.5km from the Vaaloever.
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.	No
Is there a high level of unemployment in the area?	The PPP should ensure 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	Minimum requirements for public participation in accordance to EIA Regulations must be met.	35% unemployment rate. No. 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	Minimum requirements for public participation in accordance to EIA Regulations must be	N/A as no jobs will be created.

	people with special needs.	met. Minimum requirements for PP in accordance to the Act and must be met as well as best practices relating to PP	
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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

1854

Tel: 011 808 3118

Fax: 011 808 2058

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)

Invoice From:

PostNet Somerset Mall

Shop 1B

Middelkot Village

Somerset Mall, Somerset West

7130

Tel: 021-851-5378

Fax: 021-851-5357

Email: somerset-mall@postnet.co.za

POSTNET**TAX INVOICE**

*** Copy of Original ***

Invoice To:**GREENMINED ENVIRONMENTAL**

Postnet Suite 62

private bag X15

Somerset West

7129

Deliver To:**GREENMINED ENVIRONMENTAL**

Tel: 0119791158

Fax: 0865199952

Customer VAT No.: 4420103634

Account No.	VAT Reg No.	Invoice Date	Order Number	Representative	Invoice Number	Page
B8E001	4490218890	08/09/2017	FS 30/5/1/1/1/1/1002	1 Rep 2	INV23712	1 of 1
Item Code	Description	Quantity	Unit Price	Disc %	Vat Amt	Line Total
23	POSTAL SERVICES RC253554402A Trevor van Heerden Vanderb@park	1.00	67.00		8.23	67.00
23	POSTAL SERVICES RC2535543952A 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 Hannekom Vanderb@park	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 Hannekom 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.

**CORRESPONDENCE RECEIVED FROM DINA HEMSTOCK ON THE 16TH OF
APRIL 2018**

From: Dina Henstock [mailto:dina.henstock@gmail.com]

Sent: Monday, April 16, 2018 10:03 AM

To: Gavin Aboud <gavinaboud@vodamail.co.za>

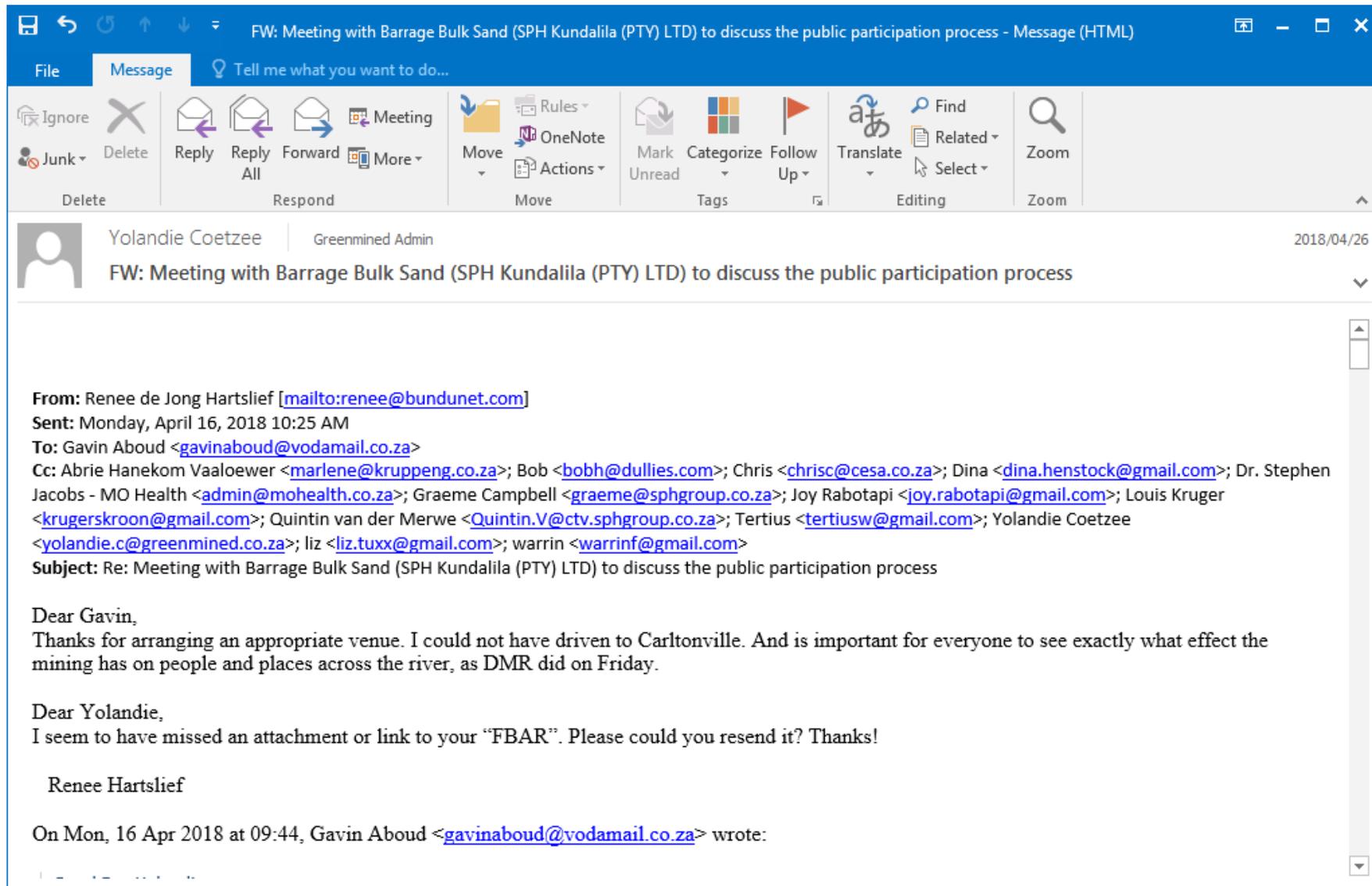
Cc: Yolandie Coetzee <yolandie.c@greenmined.co.za>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Graeme Campbell <graeme@sphgroup.co.za>; Joy Rabotapi <joy.rabotapi@gmail.com>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Dr. Stephen Jacobs - MO Health <admin@mohealth.co.za>

Subject: Re: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process

I agree with Gavin on the venue for the above mentioned meeting.

Dina

CORRESPONDENCE RECEIVED FROM RENEE DE JONG HARTSLIEF ON THE 16TH OF APRIL 2018



The screenshot shows an Outlook window with the title bar "FW: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process - Message (HTML)". The ribbon includes "File" and "Message" tabs. The "Message" ribbon has various action buttons: Ignore, Delete, Reply, Reply All, Forward, Meeting, More, Move, Rules, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom. The email header shows the sender as "Yolandie Coetzee" (Greenmined Admin) on "2018/04/26". The subject is "FW: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process".

From: Renee de Jong Hartsliet [<mailto:renee@bundunet.com>]
Sent: Monday, April 16, 2018 10:25 AM
To: Gavin Aboud <gavinaboud@vodamail.co.za>
Cc: Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; Dr. Stephen Jacobs - MO Health <admin@mohealth.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Joy Rabotapi <joy.rabotapi@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Tertius <tertiusw@gmail.com>; Yolandie Coetzee <yolandie.c@greenmined.co.za>; liz <liz.tuux@gmail.com>; warrin <warrinf@gmail.com>
Subject: Re: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process

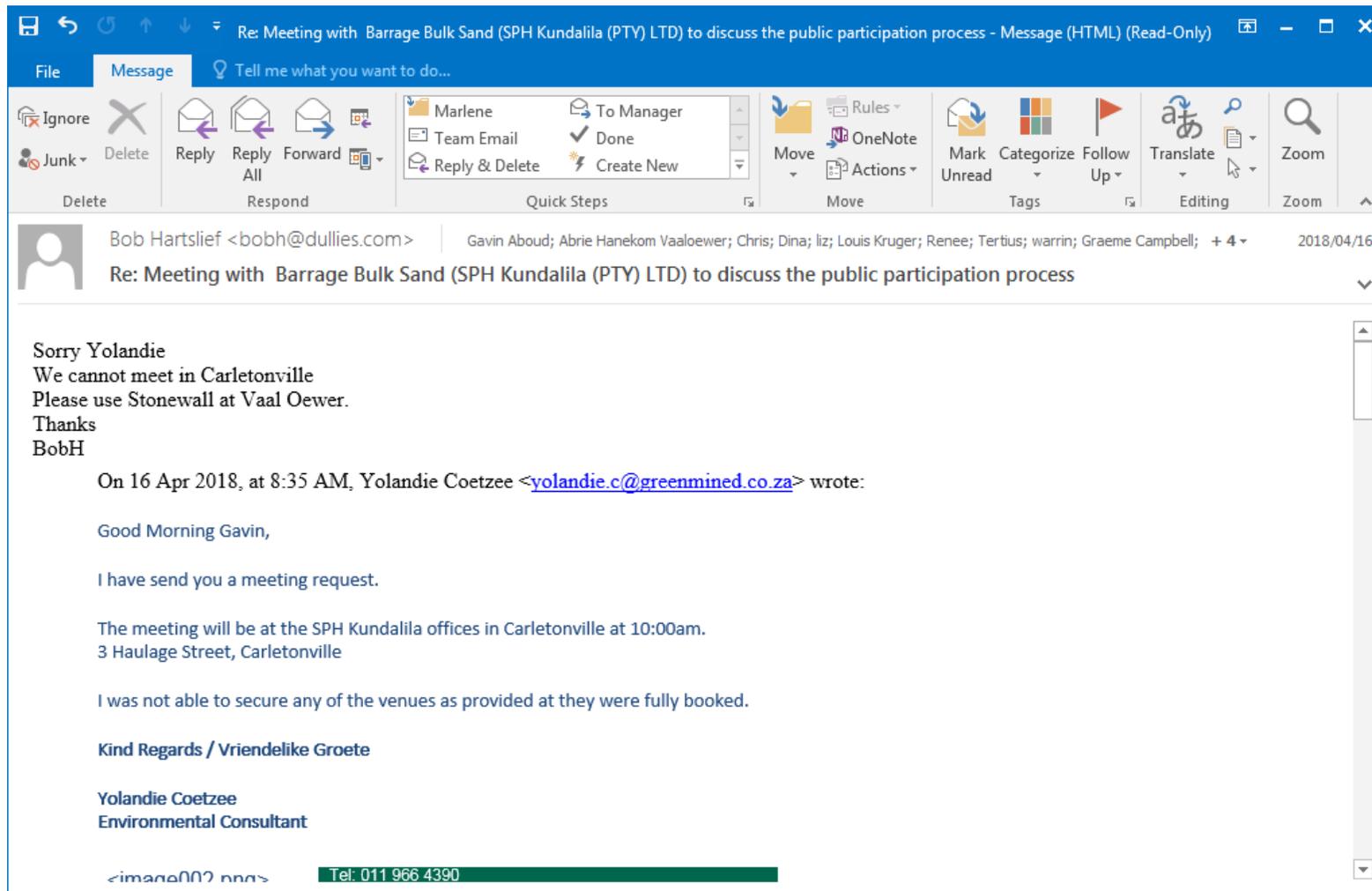
Dear Gavin,
Thanks for arranging an appropriate venue. I could not have driven to Carltonville. And is important for everyone to see exactly what effect the mining has on people and places across the river, as DMR did on Friday.

Dear Yolandie,
I seem to have missed an attachment or link to your "FBAR". Please could you resend it? Thanks!

Renee Hartsliet

On Mon, 16 Apr 2018 at 09:44, Gavin Aboud <gavinaboud@vodamail.co.za> wrote:

CORRESPONDENCE RECEIVED FROM BOB HARTSLIEF ON THE 16TH OF APRIL 2018



The screenshot shows an Outlook window with the following details:

- Subject:** Re: Meeting with Barrage Bulk Sand (SPH Kundalila (PTY) LTD) to discuss the public participation process - Message (HTML) (Read-Only)
- Sender:** Bob Hartsliet <bobh@dullies.com>
- Recipients:** Gavin Aboud; Abrie Hanekom Vaaloewer; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin; Graeme Campbell; + 4
- Date:** 2018/04/16
- Message Body:**

Sorry Yolandie
We cannot meet in Carletonville
Please use Stonewall at Vaal Oewer.
Thanks
BobH

On 16 Apr 2018, at 8:35 AM, Yolandie Coetzee <yolandie.c@greenmined.co.za> wrote:

Good Morning Gavin,

I have send you a meeting request.

The meeting will be at the SPH Kundalila offices in Carletonville at 10:00am.
3 Haulage Street, Carletonville

I was not able to secure any of the venues as provided at they were fully booked.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant

<image002.png> **Tel: 011 966 4390**

CORRESPONDENCE RECEIVED FROM TERTIUS WEHMEYER ON THE 17TH OF APRIL 2018

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)
File Message Tell me what you want to do...

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Tue 2018/04/17 4:21 AM

Tertius Wehmeyer <tertiusw@gmail.com>

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

To Yolandie Coetzee

Cc Gavin Aboud; Azwihangwisi Mulaudzi; Allister Cousins; Michelle Warmback; Jason Peter; Abrie Hanekom Vaalower; Bob; Chris; Dina; Iiz; Louis Kruger; Renee; warrin; Scholtz, Carl (C); Mariette Loefflerink; michael oberholzer; Mike Gaade; Mamikie Semenyay; Mamokete Mpatane; hcschmidt@mweb.co.za

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Dear Yolandie,

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?"

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_intermsofnemaEIAregulations.pdf) and possibly followed the Funnel Approach as outlined in this paper at http://www.thegreenconnection.org.za/dmdocuments/Public_Participation_in_EIAs.pdf 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.

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)

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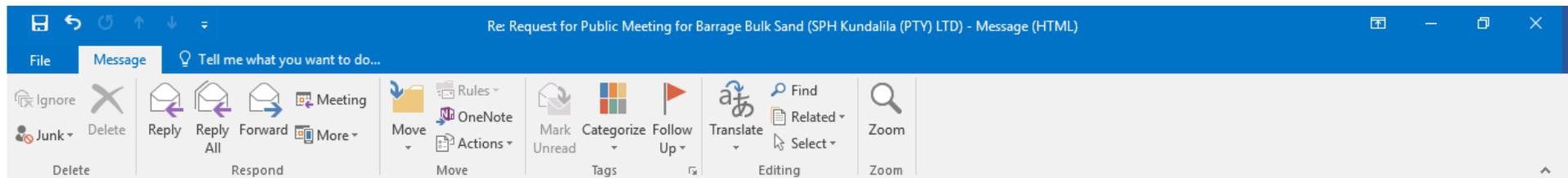
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Tue 2018/04/17 4:21 AM

Tertius Wehmeyer <tertiusw@gmail.com>

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

To Yolande Coetzee

CC Gavin Aboud; Azwihangwisi Mulaudzi; Allister Cousins; Michelle Warmback; Jason Peter; Abrie Hanekom Vaaloewer; Bob; Chris; Dina; Iiz; Louis Kruger; Renee; warrin; Scholtz, Carl (C); Mariette Loefflerink; michael oberholzer; Mike Gaade; Mamkie Semanya; Mamokete Mpatane; hcschmidt@mweb.co.za

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an application or proposed application which is subjected to public participation by ... and which list 7 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)
- 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)
- 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)
- 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)
- 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).

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;**

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)

File Message Tell me what you want to do...

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Tue 2018/04/17 4:21 AM
 Tertius Wehmeyer <tertiusw@gmail.com>
 Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

To Yolande Coetzee

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(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.

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)

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 Tertius Wehmeyer <tertiusw@gmail.com>
 Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

To Yolandie Coetzee

Cc Gavin Aboud; Azwihangwisi Mulaudzi; Allister Cousins; Michelle Warmback; Jason Peter; Abrie Hanekom Vaaloewer; Bob; Chris; Dina; Iiz; Louis Kruger; Renee; warrin; Scholtz, Carl (C); Mariette Liefferink; michael oberholzer; Mike Gaade; Mamikie Semenya; Mamokete Mpatane; hcschmidt@mweb.co.za

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"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."

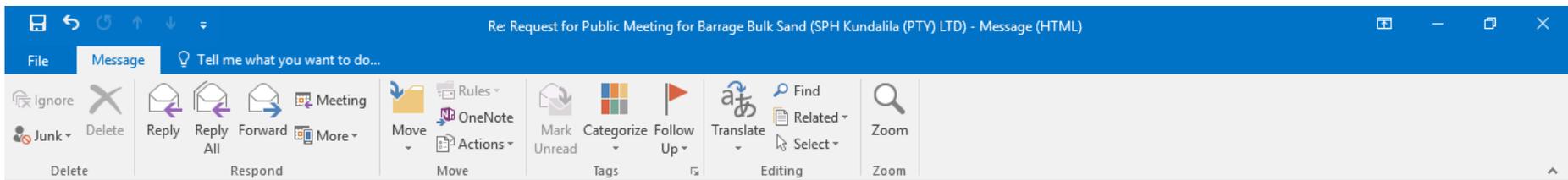
Although your statement is correct in a minimalist approach to the NEMA act and regulations with regards to a **WRITTEN notice** to Pont de Val residents / owners, as Pont de Val on farm Erina is not a neighbouring property, this is only 1 of all the methods of notification listed in Regulation 41! Also, **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.

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



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Tertius Wehmeyer <tertiusw@gmail.com>

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To Yolandie Coetsee

Cc Gavin Aboud; Azwihangwisi Mulaudzi; Allister Cousins; Michelle Warmback; Jason Peter; Abrie Hanekom Vaalower; Bob; Chris; Dina; liz; Louis Kruger; Renee; warrin; Scholtz, Carl (C); Mariette Liefferink; michael oberholzer; Mike Gaade; Mamkie Semanya; Mamokete Mpatane; hcschmidt@mweb.co.za

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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. Noticable 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 resident's of Vaal Eden (those not contacted), Vaalower 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.

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 Assesment 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
 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.
 3. Mining Right Number, and copy of the Mining Right
 4. Copy of the EIA/EMP as well as annexures (to include the PPP and specialist studies)
- 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.

Best regards

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)

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Tertius Wehmeyer

Of

SUMMARY OF PARTICIPATION PROCESS

1. The I&APs and stakeholders were informed of the proposed project through:

- telephonic discussions,
- direct communication with notification letters,
- placement of on-site notices, and
- placement of advert in the Parys Gazette on 7th of September 2017

See attached Appendix A as proof of the correspondence with the I&APs and stakeholders during the public participation process.

NOTIFICATION OF APPLICATION TO STAKEHOLDERS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 7 SEPTEMBER - 9 OCTOBER 2017

Re: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)

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NOTIFICATION OF APPLICATION TO STAKEHOLDERS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 7 SEPTEMBER - 8 OCTOBER 2017

TITLE, NAME AND SURNAME	AFFILIATION KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jonathan van Aswegen	Drybank and Woodlands 407 Surrounding Land Owner	jvanthama@gmail.com	8 September 2017	No Comments Received
Mr Abrie Haneekom	Surrounding Land Owner	016 986 1752	8 September 2017	No Comments Received
Mr Maria Grief	Willow Grange Surrounding Land Owner	mary@hancic.net	8 September 2017	No Comments Received
Mr Trevor van Heerden	Welbedag! Surrounding Land Owner	buztbodyd@telkomax.net	8 September 2017	No Comments Received
Ms Vanessa Rouman	Pure Source Minerals Mining Co (Pty) Ltd	vrs@vslc.co.za	8 September 2017	No Comments Received
Mr SE van Rooijen	Damlaagte Surrounding Land Owner	sampai@monjwario.co.za	7 September 2017	20 September 2017

CORRESPONDENCE RECEIVED FROM GAVIN ABOUT ON THE 17TH OF APRIL 2018

The screenshot shows an Outlook window with the title bar "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)". The ribbon is set to "Message" with the "Tell me what you want to do..." search bar. The ribbon includes groups for "Delete" (Ignore, Junk, Delete), "Respond" (Reply, Reply All, Forward, More), "Move" (Move, Rules, OneNote, Actions), "Tags" (Mark Unread, Categorize, Follow Up), "Editing" (Translate, Find, Related, Select), and "Zoom" (Zoom). The email header shows the sender as "Yolandie Coetzee | Greenmined Admin" with 1 attachment and a date of "2018/04/26". The subject is "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)". A PDF attachment is visible with the name "publicparticipationgui..." and a size of "0 bytes". The email body contains the following text:

To: 'Tertius Wehmeyer' <tertiusw@gmail.com>; Yolandie Coetzee <yolandie.c@greenmined.co.za>
Cc: 'Allister Cousins' <allister@upriver.co.za>; 'Michelle Warmback' <michelle.warmback@saiw.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>; 'Abrie Hanekom Vaaloewer' <marlene@kruppeng.co.za>; 'Bob' <bobh@dullies.com>; 'Chris' <chrisc@cesa.co.za>; 'Dina' <dina.henstock@gmail.com>; 'liz' <liz.tuux@gmail.com>; 'Louis Kruger' <krugerskroon@gmail.com>; 'Renee' <renee@bundunet.com>; 'warrin' <warrinf@gmail.com>; 'Scholtz, Carl (C)' <carl.scholtz@natref.com>; 'michael oberholzer' <michaeloberholzer94@gmail.com>; Graeme Campbell <graeme@sphgroup.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>
Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Day Tertius,

Thanks you for the very comprehensive explanation of what the public participation process entails.

This will serve as an excellent basis for the meeting on Saturday.

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits in a Secure Environment

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 18^H OF APRIL 2018

The screenshot shows an Outlook window with a blue title bar containing the text "gavinaboud@vodamail.co.za downloaded your WeTransfer files - Message (HTML)". The ribbon includes "File" and "Message" tabs. The "Message" ribbon has various action buttons: Ignore, Delete, Reply, Reply All, Forward, Meeting, More, Move, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, Zoom, and another Zoom button. The email content shows a sender profile for "WeTransfer <noreply@wetransfer.com>" and a subject line "gavinaboud@vodamail.co.za downloaded your WeTransfer files". The recipient is "Yolandie Coetzee". A notification states: "Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message." The main body of the email contains the following text:

gavinaboud@vodamail.co.za
downloaded your files

2 files, 52.3 MB in total · Will be deleted on 24 April, 2018

Download link
<https://we.tl/cCaSqK9Wu3>

2 files
Barrage Bulk Sand Mine FBAR.00 With Annexures.pdf
FBAR - Appendix A - Public Participation.pdf

LETTER SEND TO THE BOB HARTSLIEF ON THE 19TH OF APRIL 2018



19 April 2018

In reference with the email received on 18 April 2018 from Bob Hartsliet, your questions have been answered below.

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

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

Name	Organisation
Mr Jonathan van Aswegen	Grysbank and Woodlands 407 Surrounding Land Owner
Mr Abrie Hannekom	Surrounding Land Owner
Mr Manie Greef	Willow Grange Surrounding Land Owner
Mr Trevor van Heerden	Welbedagt Surrounding Land Owner
Me 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

the goal isn't to live forever, it is to protect a planet that will

Greenmined Environmental (Pty) Ltd | Tel: 021 851 2673 | Fax: 086 546 0579
Office No 36, Baker Square Block 1, De Beers Avenue, Paardevelei, Somerset West, 7130
Postnet Suite 62, Private Bag X15, Somerset West, 7129
Directors: S Smit; R L Shedlock; C Weideman | Reg No: 2012/055565/07 | VAT No. 4040263032

I&APS and Stakeholders that were consulted during this PPP process for the Section 102 Amendment is included in the table below. These were the **only** I&AP's that registered for the PPP during the amendment. Please note statement below as included in our BID.

If we did not receive any comments from you within 30 days of receipt of this notice, it will be accepted that you do not have any objections / comments with regard to the project.

A register of interested and affected parties (I&AP's) will be opened and maintained containing the names, contact details and address of all persons who have submitted written comments, attended meetings or have in writing requested to be registered and all organs of state which have jurisdiction in respect of the activity.

Please note that only registered I&AP's and stakeholders will be entitled to comment on reports and plans to be submitted to the Department provided that the party provide its name, contact details and address and discloses any direct business, financial, personal or other interest which he / she may have in the approval or refusal of the applications.

NOTIFICATION OF APPLICATION TO STAKEHOLDERS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 7 SEPTEMBER -9 OCTOBER 2017

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jonathan van Aswegen	Grysbank and Woodlands 407 Surrounding Land Owner	jonathanva@gmail.com	8 September 2017	No Comments Received
Mr Abrie Hannekom	Surrounding Land Owner	016 986 1752	8 September 2017	No Comments Received
Mr Manie Greef	Willow Grange Surrounding Land Owner	navy@lantic.net	8 September 2017	No Comments Received
Mr Trevor van Heerden	Welbedagt Surrounding Land Owner	buzybodyz@telkomsa.net	8 September 2017	No Comments Received
Me Venessa Bosman	Pure Source Minerals Mining Co (Pty) Ltd	info@vldc.co.za	8 September 2017	No Comments Received
Mr SE van Rooyen	Damlaagte Surrounding Land Owner	sampie@monswario.co.za	7 September 2017	20 September 2017
Mr SE van Rooyen registered as an I&AP and requested an electronic copy of the DBAR				

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr. PJ van Rensburg	Woodlands 407 Surrounding Land Owner	vanrensburghannie@yahoo.com	7 September 2017	No Comments Received
Mr. PC Rensburg	Woodlands 407 Surrounding Land Owner	ivanvanrens@gmail.com	7 September 2017	No Comments Received
Mr L Koekemoer	Woodlands 407 Surrounding Land Owner	lerichek9@gmail.com	7 September 2017	No Comments Received
Ms Gasela P/A Mr Thamela	Department of Economic Small Business Development, Tourism and Environmental Affairs (DETEA)	hod_office@detea.fs.gov.za	8 September 2017	No Comments Received
Mr Mwseoke P/A Ms Keketsetso	Department of Public Works and Infrastructure	hodoffice@fsworks.gov.za	8 September 2017	No Comments Received
Mr Mbana Peter Thabethe P/A Ms Mamphona	Department of Agriculture and Rural Development	pa.hodagric@fs.agric.za	8 September 2017	No Comments Received
Mr Nomfundo Douwjack Janine Janse v Rensburg	Department of Labour	nomfundo.douwjack@labour.gov.za	8 September 2017	No Comments Received
Mr S Msibi P/A Timbe	Department of Police, Roads and Transport	msibis@freetrans.gov.za	8 September 2017	No Comments Received
Mr TP Ntli	Department of Water Affairs & Sanitation	ntilit@dws.gov.za	8 September 2017	No Comments Received
Mr Pule Tshakedi (Acting)	Ngwathe Local Municipality	jordaanr@ngwathe.co.za	8 September 2017	No Comments Received
Councillor SM Gobidolo.	Ngwathe Local Municipality Ward 7	cllr.gobidolom@ngwathe.co.za	8 September 2017	No Comments Received
Mr Serame Mzizi	Department of Rural Development and land Reform	serame.mzizi@drdlr.gov.za	8 September 2017	No Comments Received
Mr Vuyane Thomas Tshawane	Department of Rural Development and land Reform (Land claims)	Vuyane.Tshawane@drdlr.gov.za	19 September 2017	21 September 2017
Mr Vuyane Thomas Tshawane confirmed that no claims appear in respect of the property.				
MS LM Molibeli	Fezile Dabi District Municipality	lindim@feziledabi.gov.za	8 September 2017	No Comments Received
Mr N Mokhesi	Human Settlements	hodhs@fshs.gov.za	8 September 2017	No Comments Received
Mr MV Duma	Department of Co-operative Governance and Traditional Affairs	hod@fscogta.gov.za	8 September 2017	No Comments Received

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr RS Malope	Culture, Sport and Recreation	hod@sacr.fs.gov.za	8 September 2017	No Comments Received
Officer Environmental Management Earl Craig Daniels	Eskom	danielec@eskom.co.za	8 September 2017	No Comments Received
Me Nokukhanya Gabela	Transnet	Nokukhanya.gabela@transnet.net	8 September 2017	No Comments Received
Me Judy Marx	SANRAL Regional Offices	Judy Marx (ER) <MarxJ@nra.co.za>	8 September 2017	No Comments Received

LETTER SEND TO THE RENEE HARTSLIEF ON THE 20TH OF APRIL 2018

Re: IAPs Tja Naledi - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More... Meeting Move OneNote Mark Unread Categorize Follow Up Translate Find Related Select Zoom

Fri 2018/04/20 12:23 PM
Renee de Jong Hartsliet <renee@bundunet.com>
Re: IAPs Tja Naledi

To: Yolandie Coetzee
Cc: Gavin Aboud; Quintin van der Merwe

IMG_3163.jpg .jpg File IMG_3162.jpg .jpg File

Dear Yolandie,
Thanks for calling! Please see attached proof of correspondence, as you have just requested...
Dankie!
Renee

On Fri, 20 Apr 2018 at 12:01, Renee de Jong Hartsliet <renee@bundunet.com> wrote:
Dear Yolandie,
You are not answering my calls on either your cell phone or work number.
What "proof of correspondence in the current mining right" are you referring to, please?
I do have proof of correspondence in the 2014 application.
How many times does an IAP have to register?
Thanks!
Renee

On Fri, 20 Apr 2018 at 09:51, Yolandie Coetzee <yolandie.c@greenmined.co.za> wrote:
Hi Renee,

Re: IAPs Tja Naledi - Message (HTML)

File Message Tell me what you want to do...

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Renee de Jong Hartsliet <renee@bundunet.com> Yolandie Coetzee; Gavin Aboud; Quintin van der Merwe
Re: IAPs Tja Naledi

IMG_3163.jpg .jpg File IMG_3162.jpg .jpg File

On Fri, 20 Apr 2018 at 09:51, Yolandie Coetzee <yolandie.c@greenmined.co.za> wrote:
Hi Renee,

I have included your comment into the presentation.

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 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?

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.

Kind Regards / Vriendelike Groete

Re: IAPs Tja Naledi - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting Move OneNote Mark Unread Categorize Follow Up Translate Find Related Select Zoom

Renee de Jong Hartsliet <renee@bundunet.com> Yolandie Coetzee; Gavin Aboud; Quintin van der Merwe 2 2018/04/20

Re: IAPs Tja Naledi

IMG_3163.jpg .jpg File IMG_3162.jpg .jpg File

From: Renee de Jong Hartsliet [mailto:renee@bundunet.com]
Sent: Friday, April 20, 2018 9:35 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Subject: IAPs Tja Naledi

Dear Yolandie,

I have been copied on communications between yourself and Mr Bob Hartsliet.

I would like the same courtesy you extended to him to apply to myself please.

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".

Sincerely,

Renee Hartsliet

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MEETING HELD ON THE 21ST OF APRIL 2018



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Welcome and Introduction

Agenda

- Purpose of the Meeting
- Background
- Project Description
- Enviro-Legal Requirements
- Public Participation Process
- Comments raised during consultation
- Way forward

- 3. The BAR and EMPr has been evaluated and the following matters need to be addressed and the amendments and additional information must be consolidated into a revised BAR and EMPr which include the following:
 - a. You are requested to consult the Vaalower Ratepayers Association in Vaal Eden and include proof of consultation in the revised BAR and EMPr. Please note, the association must be given a minimum of 30 days to comment.
- 4. You should also note that commencement with a listed activity without an environmental authorisation being granted by the competent authority contravenes the provisions of section 24F (1) of NEMA and constitutes an offence in terms of section 48A (1) (a) of said Act.

Yours faithfully

pp. *[Handwritten Signature]*

REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGION

DATE... *[Handwritten Date]*

Please quote this office file number as reference for any correspondence regarding this application.



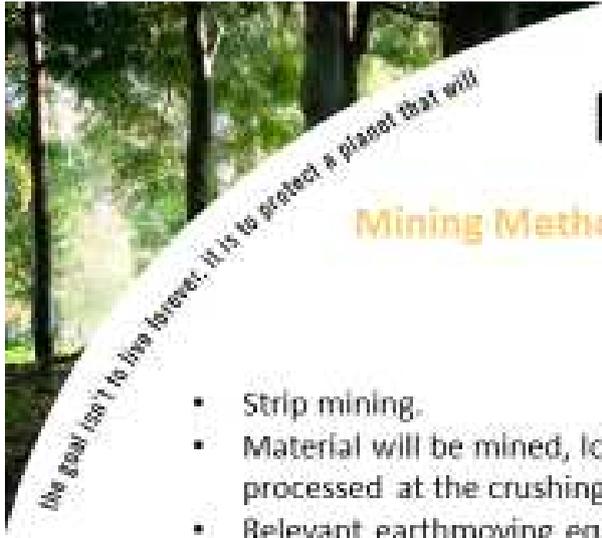


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Background

- Tja Naledi Beafase Investment Holdings (Pty) Ltd, currently holds a Mining Right and approved Environmental Management Programme (EMPR) for portion 4 of the farm Woodlands 407 (437.8330ha), which falls in the Ngwathe Local Municipality in the Fezile Dabi Magisterial District, Free State Province.
- Tja Naledi Barrage Bulk Sand Mine, intends to apply for a Mining Right amendment, to include alluvial diamonds and gravel into the mining right and to amend the EMPR to include processing.
- Current Mining Right (FS30/5/1/2/2/10020MR) allows for the mining of sand with no processing of the product – hence the application for the amendment in terms of Section 102 (MPRDA).





Project Description

Mining Method

- Strip mining.
- Material will be mined, loaded & hauled to a designated area where it will be processed at the crushing and screening plant or stockpiled.
- Relevant earthmoving equipment will be used as deemed necessary by SPH.
- From the plant the material will be loaded directly onto client's trucks.
- The material will be mined in strips (0.5ha each) with two strips being open at any given time.
- The maximum depth of the excavations will be 10 meters in some areas (building sand and gravel) and 5 meters in other areas (plaster sand).
- Aggregate will be crushed and screened before loaded onto client's trucks to remove any debris contained in the aggregate, the aggregate will also be screened to identify any diamonds found in the product.
- All activities to be contained within boundaries of the site.





Environmental Legal Requirements

Activities applied for:

3.26 Amendments to the Environmental Impact Assessment Regulations of 2017
Part 2: Amendments where a change in scope occurs
Amendments to be applied for in terms of Part 2

32. An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the **scope of a valid environmental authorisation** where such change will result in an **increased level or change in the nature of impact** where such level or change in nature of impact was not—
(a) assessed and included in the initial application for environmental authorisation; or
(b) taken into consideration in the initial environmental authorisation; and the change does not, on its own, constitute a listed or specified activity.

Process and consideration of application for amendment

32. (1) The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority—
(i) **Report**, reflecting an assessment of all impacts, advantages and disadvantages associated with the proposed change; and
(ii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
(iv) any changes to the EMPP:
(aa) Subjected to a public participation process, **which has been agreed to by the competent authority**, and which was appropriate to bring the proposed change to the attention of potential and **registered** interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority; and
(bb) reflects the incorporation of comments received
(b) a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) **and that the revised report will be subjected to another public participation process of at least 30 days.**
(2) In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.



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Public Participation Process

Process followed during the Section 102 Amendment

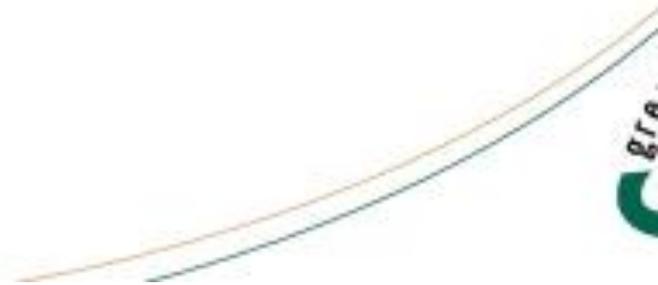
- Section 102 amendment in terms of [MPRDA]
- First Phase PPP (BID Distribution): 7 September - 9 October 2017 (30-day commenting period).
 - During this phase all I&APs (including 2014 registered I&AP's) were contacted or informed of the proposed project through:
 - Telephonic discussions,
 - Direct communication with notification letters,
 - Placement of on-site notices, and
 - Placement of advert in the Parys Gazette
 - Project was advertised
 - on: 7th September 2017 in the Parys Gazette
 - Site Notices where placed
 - on: 7th September 2017
 - at: Site entrance on the Vaal Eden – Barrage road & in Parys at the local public municipality.
 - BID's where send on: 7/8 September 2018
 - BID's where hand delivered on: 7 September 2018
- Second Phase PPP - DBAR submitted for public review: 12 October 2017 - 20 November 2017 (30-day commenting period).
- Comments received on the document was added to the Final Basic Assessment Report (FBAR) for DMR to review.



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Comments Raised

- Previous Rehabilitation;
- Dust and Noise;
- Road Integrity; and
- Barrage Bridge Weight Restrictions.



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Comments Raised

Rehabilitation

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 the 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".

- Previously mined areas does not reflect on the Section 102 amendment.
- The previous mined area was mined before Tja naledi applied for their Mining right.
- The rehabilitation for the current mine has not taken place, as the plan is to still mine the area, therefore the Section 102 application was brought to include the screening plant into the Mining Right area.
- Rehabilitation of the mining area will be conducted once mining is complete.
- The new mining right application (Section 102) is for the same property and same size as the current mining area.

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Comments Raised

Dust and Noise

- Dust monitoring is being conducted on a monthly basis with dust suppression on site to minimize the dust in the area.
- The noise in the area will be kept to a minimum during operational hours.
- Barrage Bulk Sand mine have appointed Skeiron Environmental Solutions as their part time Hygienists as per Section 12 of the Mine Health and Safety act 29 of 1996 and also as per the National Dust Control Regulations of The National Environmental; Air Quality Act 2004.
- Dr Kobus Martin does the dust fallout and Monitoring on the property, and Clint Fernandez does the Gravimetric dust and noise monitoring for personal measurements - The reports state that Tja Naledi don't exceed the non-residential dust fallout rate of 1200mg/m²/day.
- Dust control chemicals are being investigated for Barrage Bulk Sand Mine as well as water sprayer systems for the stockpile areas (especially during windy months like August).
- A dedicated dust suppression water truck is permanently on site. Water sprayer systems can be investigated at a later stage if the dust monitoring indicates that the mine operates over the legal limits.



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Comments Raised

Road Integrity

- The mine has not been in operation prior to 2017, therefore there was no need to pay a due diligence to the road and bridge capacities for the transportation of the sand.
- 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.
- No road repairs will be conducted until the Section 102 has been approved –road repairs will entail the road from the site up until the Bridge.
- SPH Kundalila will occasionally fill the potholes up with gravel.

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Comments Raised

Barrage Bridge

- The Roads Department (Izak Roux) informed SPH Kundalila that the Barrage Bridge was built to hold the capacity of the heaviest legal vehicle on national roads, as the bridge is built over a national road.
- 120 tons maximum payload

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Way Forward

- All comments and concerns of the Vaal Oewer Ratepayers Association will be addressed and incorporated into the final Basic Assessment Report and submitted to the DMR for final review.
- Commenting Period closes on 14 May 2018 (Commenting Period days started on 12 April when Vaal Oewer Ratepayers Association provided with the FBAR)

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ATTENDANCE REGISTER FROM THE MEETING HELD ON THE 21ST OF APRIL 2018

9

TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD
BARRAGE BULK SAND MINE

ATTENDANCE REGISTER:

MEETING: Tja Naledi – Barrage Bulk Sand Mine Section 120 Amendment

DATE: 21 April 2018

NOT A PUBLIC MEETING

Attendance register for the public meeting conducted on the 21 April 2018 for the proposed Section 102 Mining Right Amendment over portion 4 of the farm Woodlands 407 (437.8330ha), which falls in the jurisdiction of the Fezile Dabi Local Municipality in the Fezile Dabi Magisterial district, Free State Province.

NAME:	COMPANY/ASSOCIATION:	CELL NO:	SIGNATURE:	POSTAL/PHYSICAL ADDRESS:	EMAIL ADDRESS:
Gavin Aboud Chairman	Vaaloewer Ratepayers Association / Protect Vaal Eden Committee	083 281 5045	<i>[Signature]</i>	174 HANNOA STREET VAAL EDEN.	gavinaboud@vodamail.co.za
Abrie Hanekom Vaaloewer Bob Hartlief	<i>[Signature]</i> APOLOGUES.		<i>[Signature]</i>	Vaal Eden - NO 44	marlene@kruppeng.co.za bobh@dullies.com
Chris Campbell					chrisc@cesa.co.za
Dina Henstock					dina.henstock@gmail.com
Liz Charles	APOLOGUES.				liz.tuux@gmail.com

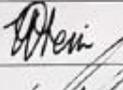
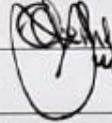
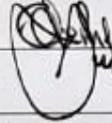
TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD

BARRAGE BULK SAND MINE

NAME:	COMPANY/ASSOCIATION:	CELL NO:	SIGNITURE:	POSTAL/PHYSICAL ADDRESS:
Louis Kruger	ADOLGIZ.			
Renee de Jong Hartsliet		+27 (0)71 448-4332 c +27 (0)86 654-9311 f		www.facebook.com/TheSavannahAfrica Woolridge 65 "Savannah" farm Vaal Eden Road PO Box 12, Parys 9585 Free State, South Africa
Tertius Wehmeyer Warrin Flores	Protect Vaal Eden Committee DOME METEORITE PARK CONSERVANCY PREDECESSOR DOME TOURISM ASS. VAAL EDEN LAND CARE.	011 288 3742	N	See Postnet Suite 23 P/Bag 2017, Weltevreden VREDERIKH DORP WARRIN HERITAGE SITE
Mariette Liefverink			013 231 4893	mariette@pea.org.za
Craig Richardson				
Savannah Africa	Savannah Africa			
Carl	Coach Carl - Life Adventures			

TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD

BARRAGE BULK SAND MINE

NAME:	COMPANY/ASSOCIATION:	CELL NO:	SIGNATURE:	POSTAL/PHYSICAL ADDRESS:	E
Allister Cousins Pont du Vaal Erina portion 4 and Portion 9/2					a
Michelle Warmback Pont du Vaal	ATOKOGES.				m
Jason Peter Pont du Vaal	ATOKOGES.				ja
Carl Scholtz					ca
Winzo Hein	SPH Kundalila	0784606695		16. Silikaatstreet, Deelkraal, Carletonville	
Quinn van der Merwe	SPH Kundalila	0845551587		18A Jakuranda Street, Fochville	
MARBERG Private		0829346008		Wolkom	
J. JACOBS	TJA NALEDI	011608285		Box 11 NIMER FONTAINE	
J. RABOTHA	TJA NALEDI	0825658385		P.O. box 1506 Rivonia 2128	
H. Berman	SPH	0795111437		90 Gans street Fochville	

TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD

BARRAGE BULK SAND MINE

NAME:	COMPANY/ASSOCIATION:	CELL NO:	SIGNATURE:	POSTAL/PHYSICAL ADDRESS:
I.v. Rensburg	Woodlands	0835049640		Pleas Woodlands, Parys.
R. LABUSCHAGNE	SPH / BARRAGE	083 625 4415		25 Aster Drive, Coetonsville
DeKorstick	Lindequesdrif	083 512577		Plot 289-290 Lindequesdrif
RENEE HARTSLIFF	VREDEFORT DOME TOURIST AGEN	071 448 4332		THE SAVANNAH AFRICA PARYS
LEON V	VREDEFORT DOME + COETONSVILLE	08255 77959		BOX 3074 VANDERBIJLPARK
SCHALKWIX Gwen Richardson	Jahuli Estates	083675 3358		Boselmanni Tamm Barrage
J.J. Martins	SKEERON	0826199330		Langenhoven 5, Stilfontein
Y. Coetzee	Greenmined Environmental	082 764 5113		73 Maple Street, Pomona Kompton Park

MEETING MINUTES FROM MEETING HELD ON 21ST OF APRIL 2018

Tja Naledi Beafese Investment Holding		
BARRAGE BULK SAND MINE		
MEETING WITH VAAL-OEWER RATE PAYERS ASSOCIATION (PROTECT THE VAAL COMMITTEE)		
Section 102 Mining Right Amendment over portion 4 of the farm Woodlands 407 (437.8330ha), which falls in the Ngwathe Local Municipality in the Fezile Dabi Magisterial district, Free State Province		
DATE:	21 April 2018	
TIME:	9:00AM – 12:15PM	
VENUE:	Stonewall Café, Vaaloewer Cafe	
ATTENDANCE:		
Yolandie Coetzee	YC	Greenmined Environmental
Quintin van den Merwe	QM	SPH Kundalila
Winzo Hein	WH	SPH Kundalila
Stephen Jacobs	SJ	Tja Naledi
Joy Rabotabi	JR	Tja Naledi
Henk Barnard	HB	SPH Kundalila
Ivan van Rensburg	IVR	Farm Manager Woodlands
Rudi Labuschagne	RL	
Kobus Martins	KB	
ATTENDANCE: (Please refer to attached register)		
Gavin Aboud	GA	Vaaloewer Ratepayers Association / Protect the Vaal
Abrie Hanekom	AH	Vaaloewer Ratepayers Association / Protect the Vaal
Renee de Jong Hartsliet	RH	Vredefort Dome Tourism Association
Tertius Wehmeyer	TW	Protect the Vaal
Warrin Flores	WF	Dome Meteorite Park Conservancy. Vredefort Dome Tourism Association. Vaal Eden Land Care
Mariette Lieferink	ML	PEA and Federation of Sustainable Development
M.A. Oberholzer	MO	Private
Dina Henstock	DH	Lindequesdrift
Leon van Schalkwyk	LVS	Lindequesdrift & Oorbreesfontein
Craigh Richardson	CR	Yahiti Estates

Allister Cousins	AC	Pont du Vaal Estates.
1.	<p>WELCOME / INTRODUCTION:</p> <p>This Meeting was conducted where the Vaaloewer Ratepayers Association (Protect the Vaal Association) were invited to attend the meeting at 9:00am.</p> <p>A presentation was displayed and presented (please see attached presentation).</p> <p>The Final Basic Assessment Report (FBAR) and Section 102 documents, as well as the previous Mining Right of 2016, were displayed at the venue for explaining the project. The association were given the opportunity to discuss this information on a one-on-one basis with the representatives from SPH Kundalila, Tja Naledi Beafase Investment Holdings and Greenmined Environmental.</p> <p>Furthermore, a comment sheet was handed out to each member of the association to put their comments and complaints in writing.</p>	
2.	<p>COMMENT:</p> <p>Gavin Aboud (GA) GA indicated that everyone look out the window to see that Sweet Sensations is mining on a Saturday, this is not per their approved EMP. Hence the reason they distrust the mines. They are based right across Vaal-Eden. On the Woodlands farm, down the river on the left there is a boat club. Tja Naledi is obstructing their view from the boat club. The boat club was dismissed and not included into the PPP that was conducted. Please include Takalani Murathi (outa) in all correspondence to the association and DMR.</p> <p>Kobus Martins (KM) Skeiron Environmental, contracted to do the Dust fallout monitoring for SPH Kundalila.</p> <p>Winzor Heinz (WH) Safety Officer for SPH.</p> <p>Dr. Stephen Jacobs (SJ) Got two legs to stand on here, Owner of the Farm Woodlands 407 (the farm), and also co shareholder of Tja Naledi Beafase Investment Holdings (Mining Right Holder). Appointed SPH as the mining company to mine, and SPH appointed Greenmined Environmental. This will come out in the purpose of the meeting.</p> <p>GA So do I understand it correctly? You are owner of the mine?</p> <p>SJ Correct. I am the owner of the land, I have been involved with the land for the last 20 years, and from 2008 I have been the owner of the farm, which is Woodlands 407.</p> <p>GA And you have appointed SPH to mine on your behalf?</p> <p>SJ Mining right was issued, we can get to the discussions later. That's why we are here today, SJ is not running away to hide behind anybody, I want to discuss everything that is on the table today and I want to communicate in that way. We are all adults and all want answers. We don't want to fight to do anything. We are here to present what we want today. We need to sit around this table and work it out.</p>	

GA	Just like to make one point on what you said, it's a pity that you did not do that before you applied for your mining right.
SJ	Give a brief overview so that everyone understands. The idea was never to not meet anyone, asked YC if he can answer.
Yolandie Coetzee (YC)	Please proceed.
SJ	I was going to tell you all of this later. I'm not a miner, I'll tell you about my position later. From 1976 there was mining activities on my farm, for the last 17 years for any given minute of the day; there was either a Mining Permit (MP), a Prospecting Right or lately Mining Right registered on the farm. The legislation has changed, many of you will know this, I did not know this. Prior to 1994, the farmer owned the MR to the farm, after 1994 the proses of national occurred and the minerals were taken away and belongs to the state. At that stage, if you have Minerals on your farm, anyone can apply to mine that mineral. That's just for the record. So the first process was that there was an old MR registered on Woodlands 407, old order mining right. Was not converted. SJ got involved with the farm, Mr. Steve Prowler, that many of you will know or heard off. Bought the farm from him. Sand is classified as a mineral, and is alluvial, everyone can see it. SJ decided to register a MP just so that you understand it, there are differences between MP and MR. MP at that stage was an area of 1.5ha x1.5ha. The MP was registered. My Farm manager, Ian van Rensburg (many of you know), he and his father have been on the farm (IVR was born on the farm). So people came to visit and were trespassing to say that they were going to mine here. So SJ was farming, not mining, and registered the MP, which get renewed every 3 years. SJ had 3 permits. So then it was decided that DMR once a permit is registered you must mine. So on small scale mining has been taken place just to keep the permits active. SJ didn't go overboard to get all of the sand out. Could have done that years ago, with the process and government process, got to a stage where it cost so much in high courts in Bloemfontein, because of people trespassing wanting to register to mine on the farm for anything. SJ decided to buy time by registering a PR. PR was registered for 4 years on the total farm, to keep everyone off the whole property. Went through the 4 years PR, where 100-200 holes where prospected/ drilled and excavated. The PR was issued. The day the PR expired, application for MR was issued at the DMR. To answer your question Gavin, the legislation has changed subsequently. We only followed the legislation. When we applied for all this processes, there was then this process of public participation. I appointed the then mining consultants that applied for the mining right. Subsequently after the MR was registered the legislation has changed again. Referred to YC about legislation changes. The whole process has changed. If you apply for a MR, there are other processes for SLP and EIA. That is the answer to your question. Do you understand how long back this is ago, talking 12 years ago. There was another law applicable. We followed the law to the T.
GA	In your opinion. Not necessarily in our opinion. So in your opinion your followed the law to the T. we will dispute that and discuss that later.
SJ	Ok. That is just to give you the background. Ok so that is the long explanation of why we are here today.
GA	Thanks appreciated the explanation.

Mariette Liefferink (ML)	May I just ask, my understanding is that NEMA EIA regulation are applicable since 1998, which includes PPP, so I would just like to know if your applications were then prior to 1998?
SJ	I don't know, I can't answer that. I appointed the company that applied for all the permits since we started. I'm not sure the NEMA act, I'm not a lawyer or legal background person. Thus there reason I appoint everybody, and all environmental studies done. So I get what I'm given and I get told I must appoint some people and that is the process followed.
GA	But then maybe your consultant should answer that question.
YC	ML as mentioned previously. Greenmined Environmental was appointed only on the Section 102 amendment to this current MR. Dorean Environmental did the previous MR application, of 2014. All we know is what is stated in the EMP, which we had access to. We cannot answer for what they have done. They did follow all the NEMA EIA Regulations as per 2014. So everything did go according to the PPP process as published in NEMA.
Tertius Wehmeyer (TW)	That can again be disputed, as it was done after PPP regulations have changed.
GA	Let's get our introductions clear and follow your Presentation, when Craig introduces himself I will explain why he has been invited.
Joy Rabotapi (JR)	Introduced himself. Co-director with Dr. Stephen Jacobs of the Mining Right. Have been together with since the PR. I'm a mining engineer for 35 years, and read all the reports that was done by the previous consultants.
Craig Richardson (CR)	Neighbour to the property.
GA	So Craig is a neighbour to your mine across the river that has never been consulted.
CR	I have 2 subdivisions that border your property. We have been on the property since 2003. Never been consulted.
Allister Cousins (AC)	Represent Pont de Vaal and on the Vaal estates.
GA	Also, not consulted.
Leon van Schalkwyk (LVS)	Reside across the river near the Vaal. Is affected by the blasting and dust. Wife thinks we must sell the property. At this time, we can't sell. I want to appeal let's stay human. If we go for MR we are going for mining for profit. We are the subjects that are affected mostly because we are neighbours. If the laws have changed, you have every responsibility to change and let everyone know what you are doing. You have the experience of 35 years. I don't want you to tarnish and affect my lifestyle. Apart from that, we are going for mining, look at all the cases in the world where water rights are

	impeded, movie made about that. Humanity won at the end. Don't let yourself fall into a situation like that.
Dina Henstock (DH)	Stay in Lindequesdrift.
Renee Hartsliel (RH)	I own Free state declared nature reserve down the river. Registered with Dorean in 2014. Was never consulted from the time registered.
GA	Flawed process. Chairperson of Vaaloewer Ratepayers Association and chairman of Protect Vaal Eden committee. Three (3) Apologies – Bob Hartsliel Adv. Hendrik Smith – shadow minister of Metals and Minerals of DA in parliament. Takalani Murathi – investigate from Outa appointed from Outa. In future if we meet again to get 30 days' notice, norm in terms of these meetings to get full committee here, and not in a hurried basis to get people here. I invited Craig as living proof of the default that has taken place up to date as it not here says. I thank you for this opportunity.
Mike Oberholzer (MO)	I'm a consultant assisting the Protect Vaal committee.
GA	I would just like to say he is an ex chief director of the DMR RM.
Abrie Hanekom (AH)	Never been consulted about your mining activity or any of your mining activity, been to court. I'm going to court, various court cases. I'm a Mechanical engineer in the Vaal, and have various companies in the Vaal triangle.
GA	Tell them that you needed to move.
AH	I did move to town dust and roads can't get to his house. Sometimes you can't get to your house because of the roads. I had to get a place in town.
ML	ML is the CEO of the federation of non-governmental organisations. We are invested with the news media, and hope it's not within impeachment or forfeit by the news media, one of the most prominent NGO's in the mining sector in Africa. I sit on dozen or more steering committees and task teams of the DWS, also on the advisory committees of the South African Human Rights Commission. My interest is not self-narrowed interest; it's not a limping principle in my place. I feel that sand mining is not best practicable environmental option for this area; I would like to perhaps argue the need and desirability of this project, the Cumulative impacts, because it is not the only sand mine. ML would also like to offer apologies for Lucien Limacher, dedicated Environmental lawyer appointed by Legal Resource Centre for the use of ML's organisation Federation of Sustainable Development.
Warren Flores	Tourism association, Vredefort conservancy. World heritage site concerns, on all I&APS indicated as a scenic route. This has been looked at for many years as a Geopark in the area. What is concerning is that all I&APs have indicated as a high tourism area and scenic route especially for ecotourism in the Vaal area.
Tertius Wehmeyer	Member of Protect the Vaal committee. Recently purchase property March 2017, Tlokwe side. Our concerns are Property values, Expansion of mining activities, Roads,

	<p>Accumulative effect, Persons interest to environment and have done research in the legal aspects. Can understand SJ's plight in protecting himself in anyone protecting himself to apply for MR. Would like to Invite to become part of the Geopark, in that way to protect yourself, to boost tourism and no need to mine the area. Geopark is the way to go and to protect themselves. Landowner need to feel that they need to protect themselves, therefore applying for mining right. That is the compromise in the end. AH wants to start a tourism business there.</p>
Henk Barnard	From SPH Kundalila
Ian van Rensburg	Stay on Dr. Stephen's farm on Woodlands
Rudi Labuschagne	SPH Kundalila
YC	Thank you everyone for introducing yourselves. Purpose of meeting is that DMR contacted Greenmined Environmental and Tja Naledi to consult with the Vaal Oewer Ratepayers Association. Gavin you said that you are not the Vaal Oewer Ratepayers Association but as in the DMR letter that we received, they stated that we need to consult with the Vaal Oewer Ratepayers Association.
GA	Do you know why they have asked you to consult with us.
YC	After the letter that was send by Tertius to the RM. So after the correspondence they requested us to consult with the association.
GA	I would just like to point out that in the Goosebay application, they registered 800 I&APSs to their application, and those 800 I&PS registered 2000 concerns. We threw that PPP out and the process is on hold. Now if I look at your document, and the I&APS you registered. There is a major disparity between 800 and the number you have registered. You have missed a massive audience within the I&APS. In your documents you dismiss the Vaal Oewer as a "low density housing situation to the north", we are not that, we are a high density area that is a suburb of the Emfuleni Municipality that is directly affected by your application. So that is why the DMR asked you to consult with us because you have missed us, you have missed 800 I&APs that should have been consulted.
TW	I just want to point out that I wrote on behalf of Protect the Vaal Committee so that reason state from the DMR.
AH	I never know about it.
GA	What AH is saying is that the people you have register as I&APS, we do not have evidence from those people that they were consulted with. And even if you take it to neighbouring areas, here are 2 neighbours that are directly adjacent to the mine. So the proposal that we are putting forward is that your PPP was flawed, is flawed and until you amend with a Section 102 to amend with the DMR to reinstate the process to consult with us your process will remained flawed.
YC	Noted
RH	

YC	<p>There are 2 other farmers from the Free state who you did put as being consulted but no comments that was not correct. It was Sampi van Rooyen and Johan van Aswegen, they both responded</p> <p>YC noted that Sampie's comments were received, however they were late. Sampi was informed that his comments were late and that his comments cannot be included as the relative documents had already been submitted to DMR. DMR was aware that Sampie's comments were received late. YC noted that his comments will now be included in this FBAR amendment.</p>
JR	<p>JR requested that the meeting and proceedings follow the agenda.</p>
GA	<p>GA mentioned that the reason for diverting from the agenda was to seek clarity and understand what the purpose of the meeting is. PPP will be addressed later.</p>
YC	<p>YC mentioned that DMR must consult with Vaaloewer Ratepayers Association regarding the environmental impacts and not the PPP process. All comments addressed will be incorporated into the final BAR and sent to all the participants of this meeting.</p>
GA	<p>GA did not understand what YC was saying regarding the reason why DMR requested this meeting, GA mentions that the point of the meeting is to meet with the participants and discuss the way forward.</p>
YC	<p>YC quotes a letter from the DMR and mentions that DMR asks that we consult with you and after consultation we must include your comments in the FBAR in order for the DMR to process the application.</p>
GA	<p>GA notes that I&APs must be given 30 days to comment</p>
YC	<p>YC confirms this. YC continues to read out the letter and mentions that it was received on the 11th of April, YC continues to mention that this letter was received after YC spoke to TW and GA to arrange this meeting. YC noted that a very strict timeline was given to hold this PPP meeting.</p>
GA	<p>GA asks if the 30day period started on the day of this meeting.</p>
YC	<p>YC responded and said that the 30day period started on the day the letter was received from DMR (11th of April)</p>
GA	<p>GA noted this and said that they will dispute that strongly as the I&APS were unaware of the timelines and the initiation of the comments period. GA also mentions that the letter should have been send to him and the I&APs. GA mentions that they will demand that the PPP process be restarted due to the flaws in the PPP process. GA carries on to say that he can refer to the legislation and point out the flaws.</p>
SJ	<p>GA was asked to stay calm.</p> <p>Asks when GA was first notified that the DMR said that the Vaaloewer Ratepayers Association must be consulted. SJ asks how GA was notified.</p>
GA	<p>GA answers and state that he was sent a request by YC to meet regarding this matter.</p>

SJ	QM/SJ replies and state that at this point, this is when the message was conveyed regarding the notification of the letter from the DMR.
GA	GA state that the message was not conveyed then. GA confirms that he was not informed that the DMR had instructed this consultation and that the 30-day comment period had been initiated. GA asks if that would like to be disputed.
CR	A comment was made that the 30day period is merely a minimum.
GA	GA thanked Unknown for that information
ML	ML asked for clarification; ML became aware of the operations when she met the contractor (SPH Kundalila). ML walked into the property, she was in the car with GA and the news media, and AH. They walked in and saw the operations taking place. ML assumed that the environmental permits/rights had already been granted as she was of the opinion that the mine can't operate without these permits or authorisations. ML asked if the environmental permits/ rights had already been granted, then this PPP hence forward would be unnecessary as the authorisation has already been granted. Therefore, the only "remedy" I&APs would have. It must be remembered that the rights that flow from a mining right are very far reaching, and one of the principle mechanisms is the PPP. Now that did not take place and it was the cart before the horse in other words. And therefore ML would suggest that the I&APS write to the appeal authority if the authorisation was legal, the appeal authority being the Department of Environmental Affairs and ask for condonation due to the time constraints of the comments period. Time condonation would be asked from the time that the I&APs become aware, the day that the I&APs entered the property and submit that to the DEA.
GA	GA states that he confused as he understands that there should be three separate PPP's. GA confirms that they were notified about this meeting, however there should be another PPP regarding the water use licence that was "activated" in October 2017, GA asked again where the PPP for that water use licence was. GA asked what the status on that was.
YC	YC answered and said that Greenmined is currently working on the application and the notice of intent has been submitted to water affairs and Greenmined is waiting on feedback in order to go ahead.
GA	GA asked if once water affairs gives Greenmined the "go-ahead", will the public participation process start.
YC	YC confirms this.
GA	GA mentions that the EMP for the mine states that water will be used to suppress dust, however the water use licence has not been granted yet. GA carries on the explain that his third problem with the PPP is that the mine currently sits on land that is zoned for agriculture and mentions that there must be a PPP for the rezoning application. GA carries on to question which PPP is this a part of as there should be 3 concurrently running at this point. GA points out that it is illegal to mine on land that is incorrectly zoned and use water without a water use licence. GA motivates that this meeting

	<p>shouldn't take place due to the illegal nature of the operations which has now included GA and the Vaalower Ratepayers Association.</p>
SJ	<p>GA is asked to calm down. SJ argues that he has not done anything illegal as no sand has been sold. SJ carries on to mention that he is waiting on documents. SJ suggests that all the questions be asked and the floor be opened to discussion.</p>
GA	<p>GA asks if SJ grants him the facility to note in the minutes that SJ is indeed mining land which is incorrectly zoned.</p>
SJ	<p>SJ answers and state that he has consulted the senior counsel and the chambers in Pretoria and done his homework. SJ further mentions that he has consulted with the local authorities and received feedback which state that SJ won't have to rezone.</p> <p>Multiple appeals.</p>
GA	<p>GA asks if anyone is aware of the "Max sands" case. GA refers to the case and mentions that the case went to the constitutional court and the constitutional court stated that anyone who mines on property which is rezoned for another purpose is illegal and a criminal offence. GA continues to mention that last week there were DMR officials on site and when the roads officials asked the DMR officials why this land was not rezoned, they shrugged their shoulders. GA states that the reason why they didn't know was because if rezoning was applied for, the roads department would have been consulted. GA states that the legal carrying capacity of the access road is 10 tonnes and state that trucks will not be allowed to drive on it. GA mentions that road will have to be retarred in order for the road to be legally used by trucks with a capacity of over 10 tonnes. GA asks if SJ understands the implications and why it is necessary to follow steps and mentions that SJ has not followed this process.</p>
SJ	<p>SJ argues that his consultants told him otherwise.</p>
GA	<p>GA lists what is supposedly permitted on SJ's land, he mentions that shops, businesses, dwelling houses, place of worship, residential buildings</p>
SJ	<p>SJ asks if the meeting agenda can be followed and states that all the listed concerns will be documented, he carries on to mention that he is merely following what has been outlined to him by the DMR. SJ states that he is only doing what DMR has told him what to do and has been following what they have said up until this moment in time. SJ states that he received a request from the DMR (this meeting), and he reacts on it and follows their request. SJ mentions that he is not here to fight, he states that he has been neighbours with the current neighbours for over 20 years. SJ state that his biggest concern is the environmental impact.</p>
GA	<p>GA states that in the Goose Bay PPP, valuations of properties surrounding the project were put forward. The value of the properties around the mine in discussion is around 1 billion rand and states that the mine will destroy the value and state that SJ is the only person who will benefit from this.</p>
SJ	<p>SJ explains that the amount of minerals (sand) that is in the area is not in large volumes and describes the deposit as "very small" and not massive. SJ state that he will take</p>

	any person onto the farm, he offers anyone the opportunity to drive through the farm if they first identify themselves to view areas on the farm where he has rehabilitated from the previous mine works and it looks exactly like the other areas of the farm. SJ motivates that he is governed to rehabilitate, he explains that when you mine sand, you are losing some areas of 500m and some of 300m and once it's done, normal vegetation.
GA	GA asked if blasting will occur.
SJ	No blasting to occur.
GA	GA state that blasting is referred to in SJ's "plan" for Diamonds
SJ	SJ denies this and state he has an amended application for his mine and wants to be legal.
GA	GA state that currently, SJ is acting illegally.
SJ	SJ states that in his opinion, he is acting legally and that in GA's opinion, he is acting illegally. SJ state that he wants to explain why he had the application amended, first is because he has many trespassers coming onto his property with SUVs and pointed shoes telling SJ to get off his farm as "they" want to mine here. SJ mentions that this is an area where the fact is that if SJ doesn't mine here, somebody else is. SJ carries on to explain that the process of mining sand is a very easy process. The sand must be lifted and maybe sieved the sand, through that process, SJ state that some diamonds may be found. He then questions what is expected of him if he finds a diamond and he doesn't have a mining right for diamonds.
GA	GA mentions that he has gone through a whole process with Goose bay.
SJ	SJ mentions that another bi product of sand mining is gravel and gravel is used to construct roads. SJ mentions that he has nothing to do with Goose bays application other than being an I&AP. Nor does he have anything to do with 300 or 30 minerals. He only knows about his sand mine that he has been investing in for the past 17 years and wants to find a way that can make it easy for everybody so that he can mine the land and rehabilitate it so that it looks the same as the rest of the land.
GA	GA refers to the Goosebay Development application and state that there were 2000 concerns raised, SJ must get those 2000 concerns from SLR and add them to his application to the DMR, as well as register all the I&APs on a database with SLR because the same applies to their application as yours. GA states that the environmental impact assessment (EIA) is a carbon copy of Goose bays and Sweet sensations EIA. GA state that it looks like someone took a Photostat and just used the same thing. GA state that it is mind boggling how the process works.
SJ	SJ argues that he was the first one to apply for a mining application and what happened after that, he couldn't answer for. SJ state that his documents were done first and that someone else had copied him. SJ states that according to him, everything was done which was supposed to be done. He has appointed and paid. His idea is that because he has been an owner of the property for many years and part of the community and

	that he is not here to ruin the community. However, he is in a situation whereby if he doesn't mine, someone else will and illegally and ethically.
GA	GA state that he understands SJ but SJ does not have a water use licence and in order to mine, you need a water use licence, so SJ cannot continue. GA argues that by mining illegally, SJ is not suppressing the dust and has images to show SJ the effect of SJ's failure to suppress the dust and states that SJ is illegal.
QM	The EMP is legal.
GA	According to Tja Naledi, the EMP is legal, however according to us, it is illegal as "we" (Vaal rate payer's association) were not consulted in the PPP.
QM	QM state that "we" (Tja Naledi) were not part of that process.
GA	GA state that everyone here can take responsibility and apologise, but instead of taking responsibility, GA carries on to say that QM and SJ can't just sit here and say that they weren't part of the process. GA argued that "you" (Tja Naledi) was part of the process
SJ	SJ state that the only ground water that will be used is from an existing farm borehole for the use of domestic water supply and dust control.
GA	GA argues that SJ would still need a water use licence to operate.
ML	ML refers to the National Water Act Section 21, if there is any of those water uses identified in Section 21, you are required to apply for a water use licence which also includes any discharge of polluted water.
SJ	SJ agrees with ML and state that when one builds a road, that person doesn't have to apply for a water use licence, that person would use it as dust suppression. SJ carries on to explain that there is a big difference in his mine works program where he mentions that he is going to erect a wash plant, then SJ mentions that he would need a water use licence as he will create effluent and a substance that can pollute the ground. SJ carries on to say that he is merely suppressing dust.
ML	ML state that they can't make meaningful and intelligent comments without the information, ML requests a copy what water uses SJ employs currently or in the future.
CR	CR refers to when SJ said that he was part of the community and state that SJ doesn't even live on the property or deal with daily operations which cause noise and pollution. CR then questions why, as a neighbour, he was not consulted during the first application in 2014, therefore SJ has given CR no opportunity to protect the value of his property.
SJ	SJ further mentions that he is not someone who knows the process and has no legal background. SJ mentions that according to legislation at that time, it was followed and adverts were placed on the farm and in the newspapers. SJ state that whatever was deemed necessary by DMR was followed.
CR	CR states that as a direct neighbour, it is a legal requirement to notify him. CR carries on discussing that the October 2012 guidelines published clearly stipulates that surrounding neighbours must be notified in the form of a registered post, and then

GA	providing proof that the party was notified. CR states that this was done by YC in the current process, but there was no address on the proof (receipt) proving where it was sent. CR carries on to mention that if the project is seen to affect neighbouring provinces or municipalities, the project needs to be advertised in a national newspaper, which CR state it was not as there is no proof in the documents. CR mentions that these are two simple aspects that were not followed by SJ's consultants (Darean consultants) who did the other three PPP's.
SJ	GA mentions that by SJ putting his faith in the appointed consultant, SJ is then agreeing that the process has been followed, so if the process wasn't followed, GA state that he's sorry but that's the fact of the matter.
LVS	SJ argues that they can debate the matter further but wishes to stick to the presentation and that everything will be documented.
SJ	LVS state that although this is all being documented, he never knew about any of the other public participation meetings, nor were his neighbours; however LVS continues to say that DMR state that he (LVS) agrees with the decision to mine. LVS continues to say that he was never involved and question why his name is on a sheet saying that he agreed with the mine. AH then states that he is making a court case of it and state that that is fraud.
LVS	
GA	SJ mentions that YC will handle that she will contact him to hear his concerns.
YC	LVS continues to say that he is making a court case out of it.
CR	GA asks for the front page of a document
YC	YC urges that she wants to tend to the presentation, YC carries on to explain that it is difficult to get through or even start the presentation and motivates that the point of this meeting is the amendment of the mining right application.
CR	CR states that it is unfair that their concerns are just being skipped and states that back in 2014 he wasn't notified; CR asks YC why he wasn't notified.
YC	YC states that she cannot answer that as that was handled by the previous consultants and that she wasn't involved in the project at that time. But she states that if CR wasn't notified, it was probably because CR wasn't listed in the application.
CR	CR states that he should have been notified and that he wasn't notified in the Goose bay application.
YC	YC asks CR if he might have driven past the property at the time the project was being advertised.
ML	CR state he didn't as he resides across the river and therefor doesn't drive past SJ's property, CR continues to say that it is a legal requirement to notify neighbours and if that hasn't been done and therefor the mine is operating illegally.
LVS	YC states that statement is incorrect.

ML	<p>ML states that a rectification needs to be applied for, ML carries on to say that it is a G24 rectification.</p> <p>LVS states that there are rules specifically laid out describing how this application should be done, LVS argues that the prime concern is to be “human” about the situation. He carries on that he wasn’t notified during the PPP and that this can’t carry on like this. LVS mentions that this begrudged feeling is not necessary. LVS states that the other mining group have changed their application from 1 mineral to 3 minerals and now the application is for 32 minerals. He questions why it was stated that 1 mineral (sand) was being applied for, and now we (I&APs) find out that because the PPP was done incorrectly, the mine can carry on operating. LVS states that that is the first thing, WF then states that your (SJ) legal team who you (SJ) pay a lot of money say that this is the route we should take, however LVS reiterates that in a court case, there are always two parties, so you (SJ) can’t go on the advice that it looks good, states that the court will determine which is the right party. LVS state that from a “human” side “we” are extremely affected, he carries on to say that you people (lawyers) are only doing their job, we (I&APs) have thousands of other activities and we (I&APs) must come and sit here and try spell out the law. LVS states that the laws and legislation is described meticulously for this sort of situation, so LVS urges everyone to listen to GA and TW, they are directly SJ’s neighbours, although LVS states that he is also severely affected as his estate value has been reduced from 20 million to 4 million. WF blames the mining activity but cannot prove it at this stage that the blasting has caused cracks. WF states that he can prove the dust and cracks in a building which is 10 years old and cost him (LVS) 2 million rand to fix because of the blasting. LVS state that he can’t blame SJ directly, but the cracks and dust is due to the blasting. LVS asks if we can start over, so that “we” will not oppose the application but say yes we have agreed, however WF states that he cannot agree at this stage as every time there is a change, there’s a jump. LVS states that the other licence was granted from the 1st of December to the 15th of January, LVS then state that no governmental department can approve that as the departments don’t work during that time and he doubts if the departments work at any other time too. He states that this is the problem they are facing; the affected party should be acknowledged.</p>
YC JR	<p>ML refers to point 4 of the presentation and states that it is important to note that commencement with a listed activity without environmental authorisation granted by the competent authority contravenes the provisions of section 24 F1 of NEMA and constitutes an offence (criminal offence) in terms of section 49 A1 and states that SJ has not been granted environmental authorisation and has already commenced.</p>
GA	<p>YC states that SJ has an approved mining right for the previous mining right of 2014.</p>
ML	<p>JR states that they have an approved EMP.</p>
QM	<p>GA states that the authorisation is for the section 102 amendment.</p>
GA	<p>ML questions that even if it is for an amendment, how can you (SJ) commence mining before the amendment has been approved.</p>
SJ	<p>QM states that they have an approved mining right and EMP</p>

ML SJ	<p>GA states that the operations are over stepping the EMP and states that he has photos to prove it.</p> <p>SJ states that this is the whole point that has come across today, SJ attempts to put it into perspective by stating that he has a valid mining right EMP, SLP and a mining works program that was granted in 2016. SJ states that although he has all these documents, this is not what is being spoken about and why they are there. SJ wanted to clarify that.</p>
ML YC	<p>ML states that she understands.</p> <p>SJ explains that he enjoys reading and that he reads 2 or 3 newspapers a day, he then gets bombarded by friends who have seen articles in the newspapers pertaining to his mine who email SJ and question if this is his illegal mine. SJ states that according to his mining right, that has been issued and legal mining right, EMP, SLP and mining works program, are all legal. Therefor SJ states that he is operating legally. SJ then refers to an amended 102 form because we are asking for something that's new. SJ states that it would be different if he hasn't gone according to his legal mining right, then SJ would understand that he is acting illegally, however he is operating according to his mining right.</p>
ML LVS	<p>ML states to SJ if in 2014 he was granted the environmental authorisation, ML carries on to say that a mining right is valid for 3 years and now we're in 2018.</p> <p>YC corrects ML and states that SJ had mining permits before, then that was converted to a prospecting right which was then converted to a mining right which brings us to 2016, so we have a current mining right which has been approved, YC then explains that a section 102 is being amended to a mining right in 2017. YC therefor states that they have an approved and legal mining right.</p>
AH GA	<p>SJ states that a mining permit is for 3 years and a mining right is for 10 years.</p> <p>LVS states that he has a problem as it was stated in the mining right that he gave permission for the project to go ahead when he in fact didn't. LVS carries on to mention that all his details are there, but he never agreed with anything.</p>
TW	<p>AH states that there was no PPP done for that process.</p> <p>GA urges everyone to stop with questions and arguing as the presentation needs to go ahead.</p> <p>States that he would like to say something as this whole meeting came due to his email. TW carries on to explain that he sent that email because the I&APs were looking at Goose bay's mining activities and saw large heaps of sand with the names of Raubex and SPH on a board. Nothing about Tja Naledi, AH motivates that they had no idea who's mine this is, TW questions why Tja Naledi's name is not on the board along with the other names. TW continues to say that a DMR RM phoned him at night from Pretoria to ask who are these (Tja Naledi) people as they had no record of them. TW mentioned that he did read the documents and found that Tja Naledi has the mining right, so that is how this whole thing started, that's how they found out. TW continues to say that there is equipment on the property as if this 102 has been granted, and shouldn't be</p>

JR	there. TW questions why the equipment is there, he motivates that the permit hadn't been granted and state that JS must wait until it is granted because your mining plan state caravan, a trailer. TW states that he can go through it and look it up as it states specific equipment and therefore cannot bring on other equipment before it's been granted.
TW	
GA	JR asks if TW is referring to the screener
	TW answers that he is referring to the screener and that it shouldn't be there and that it isn't part of his mining program.
	GA asks if he can put things into perspective what TW is saying and mentions that he has had experience with Goose bay, GA mentions that the applicants didn't comply with all the permits, GA states that the applicant mined outside the approved areas and did a whole lot of things wrong. He questions if the guys across the road are mining now and states that they are not supposed to be mining now as they are not supposed to be mining on weekends, as per their mining plan. GA says that SJ's mining plan also states that there will be no work conducted on the weekends. Therefore, GA asks SJ to understand his distrust because of what has happened across the road and understand why they are not happy.
SJ	
GA	
SJ	SJ asks GA if he had ever had a meeting with the owners of the Goose bay mine.
	GA says that the owners don't want to meet with him
TW	
SJ	SJ states that this was the first time that the DMR had instructed to meet and this is why he is not running away. SJ expressed his desire to meet the attendees of this meeting face to face and have a chat.
	TW expresses that SJ is the first mine owner to meet with them
	SJ states that he didn't do anything that was illegal, he states that "we" are all business men as well and that everyone at the meeting works. SJ states that if he makes this application, there is a sieve quite close the area and states that everyone knows how much it costs to upgrade roads. SJ carries on to say that they did request the sieve to be parked at his site, but he won't use it. SJ reassures everyone that he is trying to remain legal throughout every step and states that there hasn't been any sand put through that sieve. SJ state that if the right is not amended, they will not use the sieve. He carries on to say that he only got the sieve on his land as it was in the area.
TW	
GA	
TW	TW states that he has no way of monitoring whether SJ utilises the sieve or not.
SJ	
GA	GA supports TW and state that they can't sit and watch the sieve.
AH	
SJ	TW further says that there are CAT trucks on the property which is used by SJ's customers to collect the sand TW reiterates that it is the customer's trucks. TW also states that this is what is mentioned in the mining works program.
AH	
	SJ states that the CAT trucks working on that piece of land are only.
QM	AH states that it is not part of SJ's public participation.

<p>AH</p> <p>SJ</p>	<p>SJ states that this meeting was held in order to pave a way forward and show faith.</p> <p>AH state that they are not against mining however he felt as though everyone was “stepping” on him.</p> <p>QM explained why the screen plant was there, QM states that as 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. QM carries on to explain why the trucks are there, he quotes the EMP and state that in section 2.3 the main mining activities are listed such as, but not limited to. Therefor there is a clause for having the trucks on the property. QM states that he got DMRs opinion on the matter and they were in two minds. He then apologises if he stepped on any toes.</p> <p>AH enquires about the excavators</p>
<p>AH</p> <p>LVS</p>	<p>SJ states that he is the owner of the property and he has given a background regarding the process. He states that if he has to say exactly what he’s going to do in every detail, he will not comply when he has his first inspection and the listed equipment isn’t there. SJ carries on to say that any additional infrastructure that is required will be applied for through the DMR. SJ states again that he went through this whole process of looking for where the minerals are, so that the process can be as effective and safe as possible. SJ carries on to state that he wishes to rehabilitate the land to existing levels prior to mining. SJ states that with the current sand, he can do nothing. SJ states that he will make sure that he will get someone who is qualified to do the job so that he can sleep at night. SJ states that mining is done by specialists.</p>
<p>GA</p> <p>SJ</p>	<p>AH states that the specialists SJ appointed aren’t specialists. AH further states that SJ is meant to have 100m buffer zone from the road, AH states that he went with DMR and DMR said that the activities are too close to the road.</p> <p>LVS states that he understands however their rights are being impeded. LVS states that there was no public participation and he can’t allow these things to carry on. LVS states that this is why AH has spent money in court cases and that SJ’s application is destroying AH. LVS states that SJ did not honour them as humans and his property value has been disturbed. LVS then asks SJ how they should handle the costs and losses. LVS carries on to say that this is the first public participation he has been invited to and that now it is too late.</p> <p>GA states that Goosebay did start with their public participation and now their (Goosebays) application is on hold. He then states that if the process is followed it works and now they have Goosebay on hold. GA states that as things stand, he will oppose SJ’s application and put it on hold until a situation where everyone is happy is reached.</p>
	<p>SJ states that the mineral is just lying there and is not underground, a mineral that South Africa needs. SJ state that we all need sand for infrastructure and other uses and is</p>

GA	<p>seen as a commodity in South Africa that is needed. He then carries on mentioning that AH stated that he isn't opposing mining. SJ states that he said that he would attend this meeting. SJ then state that if the mining had to go ahead, should he mine exactly as the governments law stipulates, his idea was to show all the consultants that he worked with and if anyone can tell SJ that they have a problem with dust, SJ's mandate would be to put up a dust monitoring program and see if there is any problem so that not ambiguities or uncertainties are found. SJ state that if anyone has a noise problem, he will set up a noise monitoring station and find any problems. SJ states that he is a medical practitioner and works in the mining industry performing medicals on mine workers, therefor he understands first-hand the medical problems associated with mining. SJ wants to have a mine that is the least destructive on the environment and this is what he has with the sand mine. He promises that there will be no blasting on his operation.</p>
YC	<p>GA states that in SJ's EMP, the mine is scheduled to conduct blasting twice a week. GA states that SJ is prepared to listen if your house has dust, he will do something about it. However, if SJ wants to help, he should have held a legal PPP. GA carries onto explain that Goose bay received 2000 concerns from "us" that the applicants need to address in their application. GA then states that SJ has not done that, GA uses an example and state that SJ hasn't come to the I&APs and asked them what's wrong. GA then states that Goose bay and Sweet Sensations have a wonderful EMP but because they never asked the I&APs, the trucks drive out of the mines on a not topped and therefore there is silica lying all over the road. GA state that SJ can do whatever he wants on the mine, the dust is flying all over the place from the road because the vehicles leave there not topped. GA states that SJ has shown no consideration and states that if he didn't bring this up, the trucks would never be topped.</p>
GA	
YC	
GA	<p>YC states that the purpose of today is to hear the I&APs comments and concerns.</p>
SJ	<p>GA states that this is not public participation meeting.</p>
AH	<p>YC states that this isn't a public participation meeting and actually a general meeting requested by the DMR in order to obtain the input from the I&APs on the project regarding the roads and trucks and any other problems they might have.</p>
GA	<p>GA states that YC is wrong. GA carries on to state that their input is to institute public participation process for his members.</p>
AH	<p>SJ states that when the first application was made, there was a different PPP process. He asks not to fight about things.</p>
SJ	<p>AH states that he will fight about it as his constitutional right has been violated as it is stipulated that as the neighbour, he is legally meant to be informed. AH states that he has 3.5km of river and 500 hectares of land, he then asks SJ to put a value on that land.</p>
GA	<p>GA state that there are resorts along the river.</p>
SJ	<p>AH states that he is (SJ) making money off his property by destroying the value of his (AH) own property.</p>
GA	

JR	<p>SJ states that the purpose of this meeting is to gather all the concerns, and then there is a period allowed for raising concerns.</p> <p>GA interrupts states that they don't accept that and they want a proper PPP as this one is flawed.</p> <p>SJ states he isn't a lawyer.</p> <p>GA tells him to consult one</p>
GA	<p>JR states that there are regulations in terms of conducting a PPP. JR states that the project must be publicised in the public newspaper and that the I&AP's must be notified in writing where they must register, he then questions how one may know the addresses, he carries on to explain that this can be obtained at the deeds office. JR states that 95% of the written notifications are done. JR then states that many people change box numbers and don't change it at the deeds office. Therefore, a lot of letters bounce back. JR states that he is not saying that this is what happened, however, JR carries on that although members are saying that they weren't notified about the project, they still need to be consulted and he respects that. JR then states that in terms of the process and legalities, they were conducting themselves legally.</p> <p>Can we give our ex-DMR official time to ask questions?</p> <p>Wants to receive clarity on a few issues. SJ has referred to the old order mining rights and if there was any conversion of the old order rights to new order rights.</p> <p>No conversion was made.</p> <p>MO carries on to state that the existing mining right cannot in MO's opinion the issues of historical Public Participation. All PPP was in term op the MPRDA. These are new PPP, new processes. With regards to the DMR letter, the instruction was referring to a minimum of 30 days. Not specifically 30 days. Minimum of 30 days.</p> <p>Asked if the association can please send a letter stating that they a limited time for their responses.</p> <p>MO's understanding is that TW wrote on behalf of Protect the Vaal Eden Committee and not on Behalf of the Vaal-Oewer Rate Payers Association. That is a big difference. We need clarity on that.</p> <p>This was also brought up with Gavin. When YC contacted the DMR, the email that TW send to DMR was forwarded to us. YC spoke to TW to ask who the chairperson was, who then referred YC to GA. GA confirmed that he represents both the Committee and Association. Therefore, we are dealing with both.</p> <p>Going forward, the committee must be referred to as the Protect the Vaal-Eden Committee.</p> <p>Requested the DMR letter.</p> <p>Yes, that will be send on the 23rd of April 2018.</p>
MO	
SJ	
MO	
YC	
MO	
YC	
GA	
TW	
YC	
ML	

WF	<p>It is understood that the restoration is nearly impossible. She has visited with GA and AH all the surrounding mines (Sweet Sensations and Pure Source Minerals) and it is evident that restoration is irreversible and profound impacts on the land, therefore it is not possible to restore the land to its pre-mining condition. If the intention is to rehabilitate the area, ML would like to receive a copy of the financial provision. In terms of Department of Environmental Affairs, the 2015 regulations for the provision for mining exploration and prospecting there has to be provision for latent and residual impacts that are unforeseen, as well as the pumping and of extraneous water. Sand is plentiful. Needs and desirability needs to be established. Why mine in an area with a unique sense of place with tourism opportunities. ML refers to Save the Vaal case, where the case was won. Anglo wanted to open a coal mine in the Vaal. Court case was won due to the sense of place. Sense of place has an economic value. And has to be taken into consideration into your consideration. Visual or sense of place especially as it is sensitive tourist that will experience this.</p>
RH GA	<p>Just to fill in with ML's comment. Please, with SJ's concern was with the farms concerns and recognizing ML's concern on sense of place, we are on the border of the Vredefort dome heritage site. WF is busy writing a report for UNESCO and the feature of a potential Geofarm. Is SJ's interest in protecting the area, and would you rather not join to the area. The next door farm was recently listed as an eco-estate, to get the loop protected and form part of the tourism route. It would be preferable for the community, rather than mining in the area, that has short term benefits for present and future generations.</p>
TW	<p>In die IDP under review, the area listed as a scenic route. There is a paragraph in the IDP stating where sand mining should be taken place is, which is on the R59 not in this area. It is stated in the IDP that that is where sand and gravel mining should take place.</p> <p>SLP refers to the job creation you are creating. That is nothing in comparison with destroying jobs by destroying ecotourism. Numerous resorts are along the river, and the jobs that Tja Naledi is creating, is nothing in comparison with the jobs that will be lost to eco-tourism.</p>
YC TW GA	<p>Even with the 2014 application, the PPP was flawed, if you refer to the PPP guidelines and the NEMA act. Adjacent properties should be notified by letter and the guideline states that proof should be supplied. This proof should have been send by registered post and receipt should contain the addresses. YC's postnet slips do not supply the addresses. Act says you must follow all guidelines. Because this is a tripoint area where 3 municipalities meet, Tja Naledi will affect other provinces. PPP needs to go beyond other provinces. All municipalities need to be consulted. Only Free state has been consulted and local and district municipality. But not Emfuleni municipality. So even with the NEMA Act, the 2014 Mining Right has been flawed. Dorean Environmental EAP was at fault as well as DMR to not have done proper investigation to what should have taken place. DMR should have not granted the 2014 Mining Right.</p>
SJ	<p>We did have a DMR pre-consultation meeting, where border issues were discussed. 100% of the mining right area falls within 100% of the Free state province. And Tja Naledi is located 700m from the border of the river. DMR also felt the same as Tja Naledi falls 100% within the Free state province.</p>

CR	Where do the trucks go? That is a flaw in itself.
TW	The valid point needs to be taken up with the DMR. We follow exactly what the legislation say and that is why we don't have any further comment on that. Can't comment on anything that we should not do according to the legislation.
SJ	
WF	You said within 700m from a neighbouring province. There is no way that the distance that you are mining within the boundary of the province is less that 700m from the province.
SJ	The DMR is wrong, because the property values are affected as the dust and noise travels, therefore the DMR is wrong. That can be discussed with the DMR. Please respond to my comment to protect the area.
AH	
SJ	There are a lot of issues at stake. There is a mineral that is laying there. If SJ is the owner of the farm and holds the mining rights, no one can mine the farm. This remains a threat for the area. That sand will be mined as long as it is mineable. We followed what the DMR said. The way forward is to mine the sand and to rehabilitate. The area on the right before entering the farm has been rehabilitated. Normal vegetation is established. You can see that it has been mined. But rehabilitation has been ongoing. And normal vegetation is establishing.
AH	
GA	
SJ	Does not agree. If you drive on the tar road. Pieter Koekoemoer mined in that area. Pieter Koekoemoer has never mined on my property.
WF	I was under the impression that is your property. But that is not rehabilitated and it looks really bad.
SJ	WF is saying that there is no economic value in joining the eco –estate. There is more economic value in mining the sand.
CR	Disagrees. As SJ can't make a decision at the moment and needs to think about the project.
SJ	Would you investigate to save the area, and be prepared to put your name down to save the area? To safeguard the area.
CR	If you provide me with the information, as this is all new. Can't give an opinion as SJ does not have the goals, visions and missions of the project. This will be documented and investigated. All our details are here, and we will respond to all concerns.
GA	On the point, that nothing happens within 700m from the river. 836m from the middle of the river to the barrage road.
SJ	

QVM/YC	The closest to the river is 800m, which is an area that has already been historically mined.
YC	There are trucks working there now. It starts at 7am. There is no way that that is within 700m from the provincial boundary.
GA	Can we please proceed with the meeting?
GA	All points are noted and documented. And some points have been brought up numerous times.
YC	We would like to show you on google earth the distances.
GA	Continues with the presentation, and describes the project description and activities taking place.
SJ	You said that relevant earth moving equipment will be used as deemed necessary. That can't be correct. You need to stipulate exactly. Your statement in the presentation says that we can use exactly what we want and when we want to. This is incorrect.
YC	The association received the FBAR, and you are aware what it says in the FBAR. This is a summary for the presentation.
GA	This is not correct. You need to say there that relevant earth moving equipment as per the EMP will be used. Then I'll agree.
YC	Noted.
GA	Continues with presentation.
SJ	Your statement "Aggregate will be crushed and screened before loaded onto client's trucks to remove any debris contained in the aggregate, the aggregate will also be screened to identify any diamonds found in the product". States that you imply that an EIA needs to be done, because in original plan you said that the noise that will be generated will be nothing more than the normal agricultural equipment. Therefore, your statement is null and void, and you need to address that in an EIA.
YC	Noted.
GA	And we want to see it.
TW	You will.
SJ	Continues with presentation regarding NEMA Regulations triggered.
CR	We want to see those documents.
SJ/YC	That is part of the FBAR, that was sent to you that forms part of the Section 102 amendment.
SJ	So everything is contained in there. We don't have time to look through everything.

AH	Everything is in the document.
YC	You were never screening sand beforehand on the property.
GA	No never.
RH	The neighbours did, but we never did.
YC	The neighbours screening plant has been stopped.
AH	Continues with the presentation describing the 2014 PPP conducted.
SJ	That is established now that that is not correct.
AH	Can we note that I was registered?
SJ	Yes, RH has been acknowledged but not included in the previous EMP. There was no reference to RH's registration.
TW	How can the employees of the farm sign for rights?
AH	Employees are registered as I&AP's.
ML	How can brother sign for sister if he is also in the mining right? Talking about the local mines.
SJ	At the time of the PPP for the 2014 application, those mines where not active.
JR	They can because it is an accumulated affect.
JR	Where is the other I&APS? There is only 5?
ML	The applicant can. If there is a flaw in the PPP or in any environmental impacts in terms of NEMA, the directors of a company or co-directors can be held personally liable and collectively liable is a criminal offence. There is no excuse to say I'm not a legal person.
JR	Proof was shown of correspondence with Dorean Environmental to Tja Naledi.
ML	I acknowledge that I had the impression that all I&APs where consulted. I acknowledge this.
SJ	But then this process is flawed.
LVR	We will consult with Dorean to state that we met with the Vaal-Oewer Association to discuss this further.
CR	Can we have a response to that. Can we make it within a certain time period?
SJ	We all need said we need 30 days commenting period. The way forward will be discussed later.

CR	Nobody in Lindequesdrift was consulted. So the DMR needs to hear that no one in Vaaloewer or Lindequesdrift were consulted.
YC	An I&AP does not need to be an immediate neighbour.
CR	Confirms, and this has been noted. This is mentioned now that DMR said now in 2018 that neighbouring municipalities needs to be consulted.
YC	DMR said for a mining activity within 700m radius from the mining activities. No need to notify the boundary activity. YC said that you don't need to consult within if there is a mining activity within 700m.
CR	Disagreed. Neighbouring properties meaning adjacent to this site is the Vaal River, meaning DWS. This is Greenmined's interpretation.
TW	You said that you didn't have to consult if the activity is outside of the 700m boundary, your activity is within 700m from the border, therefore Emfuleni Municipality needs to be notified.
CR	No I did not say anything about 700m, and that you must not consult with anyone outside of the 700m.
YC	
TW	But what did you mean. You are an adjacent property, so you needed to be consulted.
YC	The DMR said that you don't have to consult with people that fall without the 700m radius.
CR	No, I did not say that.
YC	Corrects the point stating that he mentioned that the other provinces need to be consulted, then YC replied the provincial boundary is 700m away. But CR is a neighbouring property so for him this does not apply. He and his province is within 700m from the site.
ML	
JR	Acknowledged this that CR should have been consulted.
CR	Stated that the municipalities should also have been consulted. Noted.
YC	Then this is an acknowledgement. You said you will first investigate but now you acknowledge this.
GA	Stated that he is not concluding this. He will still investigate further with Dorean Environmental about this point. JR acknowledged that people was left out.
YC	
GA	

YC	700m radius from mining activity and not needing to notify cross border municipalities etc. where the mining activity is within the 700m, they should have been notified. That is what the DMR said.
JR	Noted.
YC	So the process is flawed.
TW	Noted.
YC	So ML's point is that if the process is flawed, it must be redone.
TW	Noted.
GA	Where is the regulation of 700m?
JR	It not a regulation, it's an opinion. Noted and will be investigated.
AH	Confirmed it's an opinion.
GA	Continues with the Presentation regarding the previous public participation process.
SJ	Checking on SAHRA website.
TW	We have agreed the process is flawed.
YC	It was advertised in the Parys gazette.
TW	We don't stay in Parys.
YC	Flowing from what we have established from the 700m, the fact that you published the project in the Parys Gazette is not only the requirement. Need to be in the national newspaper.
TW	We are going in circles. We do not need to advertise in other newspapers.
GA	That not the law. It's not in the document. There are no other newspapers where it was advertised.
YC	Continues with the presentation about the Section 102 application PPP.
GA	So they were hand delivered?
YC	Yes
GA	AH was not hand delivered.
TW	Let's go past this as this is irrelevant.
	Continues with presentation. Sampie's comments where late, therefore they have not been incorporated. RH was not included because she has not been registered.

YC	Flawed process.
	Noted. Flawed previous process.
GA	So the process if flawed. And this PPP is also flawed due to the previous PPP being flawed.
YC	Just an admission on your slide show and in your FBAR PPP you do mention that AH name and that a letter was sent to him. It is in die documents but it does not reflect on your slide show that consultation was made.
GA	
QVM	Not all comments that were made via email were included into the slide show. But all comments where addresses later in the slide show. YC explains the PPP process followed during the Section 102. And the purpose of the meeting.
GA	You have to agree that the process was flawed.
QVM	Noted.
SJ	Continues with the slide show, although most of the comments have been addressed already during the meeting.
ML	How are you dealing with dust suppression at the moment?
SJ	A 10 000l water cart is on site to be used for dust suppression and a water canon is suppressing the stockpiles.
AH	Where are you getting your water from?
	From the boreholes that is within the Section 102 EMP.
SJ	This has already been addressed previously.
ML	Refers to Silicosis case, and the effects of silicosis on mine workers. And to include that a health assessment be included into the amendment of the FBAR.
QVM	Personal dust and noise monitoring is being conducted, which forms part of the Mine Health and Safety Act
AH	2 laws need to be complied with: MHSA and dust regulation and OHS Act. Suggest that the whole community be send for health screening. Sky sands send people for medicals every 3 months.
SJ	According to the OHS Act, a medical need to be conducted once a year. Explains silicosis from a Medical Practitioners perspective.
AH	The dust monitoring is not sufficient. Every mine must have a dust monitoring and management plan and to meet the new dust regulations. And to include the health assessment.

SJ	A dust fallout monitoring system is in place. SPH was not active on the site. 2 reports conducted when SPH was active on site falls within the legal limits. SPH have appointed an occupation hygienist as per the OHS to conduct the gravimetric noise testing done.
QVM	
SJ	Will the mine carry the cost for these tests on health and safety?
YC	
AC	Only direct neighbours affected by the dust will need to undergo a medical.
QVM	
QVM	Dr. Gilliland goes to site from Sky Sands, and goes to affected parties. Sky Sands pay him to conduct the test.
	Only affected parties.
	A survey will be done of the exposed parties.
GA	Wind roses are being conducted with the dust monitoring
	Mentions that AC had an issue with the truck noise.
JR	Major noise issue. Noise starts at 7am and ends at 5pm.
	These forms part of the safety processes. Could be addressed, sounds are muffled. Codes of practise needs to be followed hence the control measures and risk assessment of the people on the mine. Health and safety control measures to warn people.
QVM	Will look at the noise impacts.
GA	This should have been looked at from the beginning. In the EMP Greenmined states that the noise that we are making is nothing more than agricultural noises. This is not normal agricultural noises.
QVM	
ML	Refuse hooters on trucks on mines is a legal requirement.
CR	The EMP states that the noise will not be more than normal agricultural noise, which is not the case thus the rezoning issues. Farmers in the area would not need to live with that noise under normal agricultural use.
	Farmers are not regulated by the DMR.
SJ	In your EMP you said that the only noise that will come from the mining activity is normal agricultural noise, which is incorrect.
QVM	Noted.
CR	In terms of the constitution, every person has the right to a clean environment and wellbeing. Wellbeing is affected here.
TW	
GA	Sense of place is affected. You are doing mining activity on mining property. AC doesn't have issues with the noise decibels, have issues with the peace in own home and noise nuisance (sense of place).
JR	

SJ	Will visit the AC farm.
CR	Reason for this meeting is to address these concerns. You lie to the public and say its agricultural noise.
SJ	Refers to Page 18 of the FBAR - noise levels.
GA	It was said that the noise levels will not exceed normal agricultural levels. AC is saying this is not the case. We say noise levels will not access the normal legal requirement.
CR	The DMR does not have minimum or maximum legal requirement for decibels. Measure the noise and it will be below the decibels required. The noise is a nuisance.
SJ	Have a constitutional right to peace in my own home, which I am being deprived off due to the impact of mining next to my property.
CR	Will visit the property. And this is the purpose of the meeting.
ML	No, the purpose of this meeting is what happened in the past was not in the normal ambit of what was required and should have been given the right to raise concerns years ago.
LVS	Should have been given the right to comment 4 years ago. Issues should have been raised by AC. These issues should have been addressed in 2014.
GA	Acknowledged, and will discuss with DMR
YC	The process is already completed. There is trickery and the value of the property will decrease. Only recourse is to take this case to court.
GA	Since 2014 process was flawed, ask for consideration to appeal the process / ML will ask for a legal opinion, need to appeal the process. All authorisations will stop during the appeal process.
CR	Legal opinion will also give the right to be consulted.
SJ	Please proceed
GA	Road integrity has been discussed. There was no need for SPH to pay due diligence to the road used.
TW	Not correct
SJ	The mine has been active since 2013. Trucks have been using the road.
AH, GA	Not correct.
YC	Irrespective of that. The road cannot carry the load of the trucks.
TW	

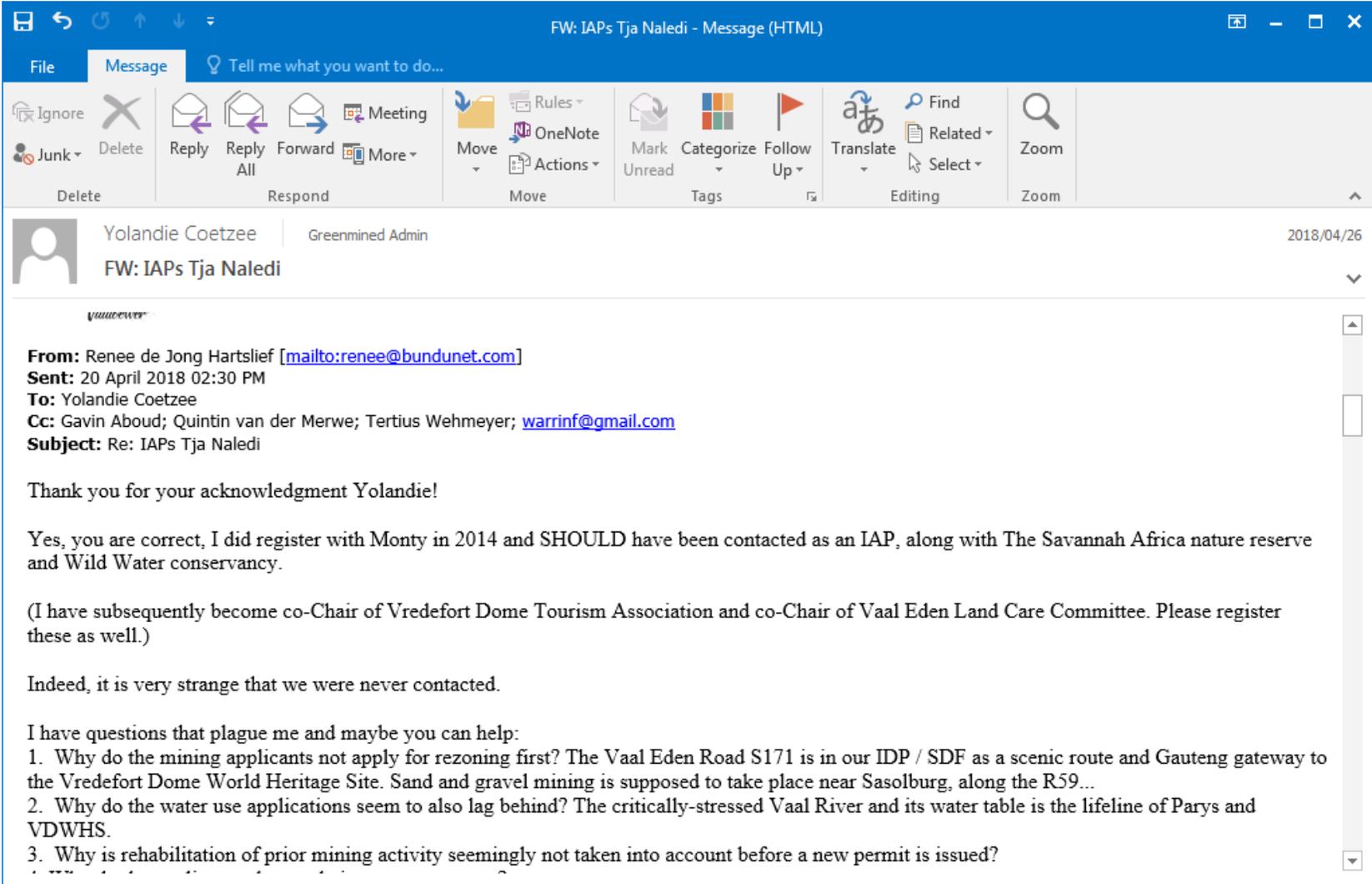
YC	What does it imply that due diligence does not need to be paid if the mine is not active? The EMP is to forecast roads and trucks. And road capacities must be calculated. Department of roads has to have an input into this.
TW	Not client's responsibility to circulate the EMP to Department of Roads.
YC	All roads have been upgraded around Exxaro mine.
TW	Please refer back the slide show. Going forward a strategy will be developed to assist in the road repairs.
LVS	The EMP needs to include this issue.
AH	Please refer back to the slides where it is stated that the roads department is busy conducting an analysis on the road.
SJ	Yes, we are aware.
GA	And this forms part of our process as well. This has not been included in your previous process of 2014. DMR must be informed of the road problem and this is affected our lives on the road.
AC	Your PPP is a copy of Sweet Sensations EMP. In that EMP it stated that the road will be upgraded.
SJ	Please note that this was done by Dorean Environmental conducted the same time as Tja Naledi. SPH has also in the past been fixing the potholes in the area. This is illegal to repair the roads if you are not contracted by the department to fix the roads.
AH	
IVR	In terms of road, we want the hard facts, needs to get it from SANRAL. What they know about the road. Association has the documents from the Department stating the road capacity and bridge capacity, and there is limitation. Don't want a strategy; want to know what is the plan before authorisation.
AH	
TW	Authorisation has been given. There is currently mining taking place on site, where sand is bought and leaves the property. So the road is being used.
JR	Sand is bought from the neighbours in the last 4 years
GA	There is photo evidence that there are trucks loading sand.
GA	Trucks with sand bags is for sandy sand mine to load the sand to get dried, and the sand that they will not use is used to rehabilitate the property.
YC	
GA	Trucks on the road.
AH	All these impacts must be included in the EMP.
QVM	

YC	GA said that regulations must be obtained from SANRAL. We will do that. Can this chapter be closed?
	Agreed. Proceed.
TW	Continues with presentation discussing the road.
	Disputing the fact about the capacities of the bridges.
GA	2 bridges, the Vaal-Eden bridge and barrage bridge. The Vaal-Eden bridge capacities does not correlate with your info.
	We will investigate the Vaal-Eden Bridge.
	Way Forward. All minutes will be circulated. With comments and concerns. Commenting period closes on 14 th May which was agreed by the association to be disputed. Our dates were confirmed by the DMR. A letter needs to be written by the association to the DMR stating the timeframe.
SJ	30 days from new PPP that will have to be redone. Whole committee needs to be included. He will not send everyone the emails. Its Tja Naledi's responsibility to consult everyone.
AH	All 800 people need to be present for new PPP. You will need to get them. Association have not noted all their concerns. All 2000 concerns from the goose bay development project needs to be incorporated into our PPP that will be applicable to you. You cannot say that all concerns have been addressed. As this is incorrect. 803 people have been registered for the goose bay development project. DMR is telling Tja Naledi to redo the PPP and to get all 800 people that was registered in the Goosebay Development to register. Want to know how Tja Naledi will be dealing with this?
SJ	This is a legal issues and YC was appointed to do the Section 102, and this is discussion between the DMR and Greenmined. Cannot determine what will happen further. DMR will instruct on the way forward. We will address issues further as received from the DMR. We need to abide to the legal issues. We are fully legal. Feel free to contact Tja Naledi or SJ.
ML	
YC	Thank you SJ for being here today. We are not trying to aggravate anyone. Do you blame us for responding the way we do after you see mine's illegally mining? With the same hours as you are, with the same infrastructure that you do? This does not happen on your site yes, but this is happening in our community.
ML	Most of us work in the week, and we want to have a nice peaceful Saturday. I do understand your anger towards mines. Let's see what happens with the DMR. We know each other now, and don't want to read about it in the papers. There are 3 mines in the area, and they are all completely different. If there are problems, I want the neighbours and communities to contact me regarding their issues.
	Did not read through the FBAR and previous Mining right. Did Greenmined Environmental compile a biodiversity impact assessment?

GATW	Was not done for the previous EMP.
SJ	<p>For the consideration of the Section 102 amendment, a biodiversity assessment needs to be considered. The site does not fall in the biodiversity guidelines, within any highest and high biodiversity area like ne national freshwater ecosystem priority area. Or within a critical biodiversity area. But is in very close proximity to the Vaal River, which supplies 60% water to the economy and 45% to the population. YC is a EAP and not a legal expert. In the next meeting the legal advisor with the consultancy firm needs to attend the meetings. The association is eager to prevent mines in the area of the Systematic non enforcement of DMR of non-compliances to EMP PAR's. To simply allow in good faith that the EMP's will comply is naïve.</p> <p>Give 30 days' notice of each meeting to be held with the association.</p> <p>We have reiterated most of these concerns various times through the meeting. GA has contact with all of these I&APS. Stated that GA needs to represent the association and the people of the community when Tja Naledi meet's again with the association.</p> <p>Can only represent the people in terms of processes and procedures. All I&APS needs to be presented to, therefore all I&APs needs to have the opportunity to raise their comments.</p> <p>DMR will read the comments and responses and they will only read these responses. Same with an appeal process. Everyone needs to appeal or object.</p> <p>SJ is trying to shift the onus on the association to consult with the 800 people. Cannot be done. We will assist where possible.</p> <p>Don't want to shift the responsibility. DMR needs to advice on what is the way forward.</p> <p>Requested that the minutes of this meeting to be circulated.</p> <p>ML referred to compliance and monitoring faith in DMR. SJ mentioned that the association knows Tja Naledi now. We have made commitments that we need to oblige to. You are free to take steps to DMR that is required. But please note that our doors are open and any concerns and comments will be addresses.</p> <p>Should have been consulted during the 2014 Mining Right, is spirit of good neighbours. Property value is destroyed. Mitigation measures should have been discussed. 4 years down the line, Tja Naledi has not done what they were supposed to.</p> <p>Needs and desirability of the project, and not best practise option as part NEMA principles. Least practicable option at a cost acceptable to society. ML requested the needs and desirability to see the alternatives, the cost.</p> <p>Loss of employment, loss of value. Figures can be provided. All these needs to be addressed. Members of the committee have been threatened in the past.</p> <p>Glad to conduct the meeting.</p>
GA	
ML	
TW	
SJ	
TW	
JR	
CR	
ML	
GA	
SJ	
LVS	
SJ	
GA	
SJ/JR	
ML	
LVS	

GA	<p>We understand the request to stay out of the media. Cumulative effect is looked at. And the only way this is achieved is via the media.</p> <p>It's fine if you go to media, but please don't generalise.</p> <p>Mining is illegal because of zoning application not made.</p> <p>Not going to debate that further.</p> <p>Section 31 of NEMA states that a person has the right to disclose to media what a danger to the environment is. Listed all the Departments this can be disclosed to.</p> <p>Freedom of speech to protect our area. And applaud everyone for attending the meeting to discuss the way forward and to protect our area.</p> <p>Discusses the dust again.</p>
	<p>CLOSURE: YC and QVM thanked everyone for attending.</p> <p>Meeting closed at 12:15Pm</p>

CORRESPONDENCE RECEIVED FROM RENEE DE JONG HARTSLIEF ON THE 20TH OF APRIL 2018



The screenshot shows an Outlook window titled "FW: IAPs Tja Naledi - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a "Tell me what you want to do..." search bar. The ribbon contains various action buttons such as Ignore, Delete, Reply, Reply All, Forward, Meeting, More, Move, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom. The email header shows the sender as "Yolandie Coetzee" (Greenmined Admin) and the date as "2018/04/26". The subject is "FW: IAPs Tja Naledi". The email body contains the following text:

From: Renee de Jong Hartslief [<mailto:renee@bundunet.com>]
Sent: 20 April 2018 02:30 PM
To: Yolandie Coetzee
Cc: Gavin Aboud; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com
Subject: Re: IAPs Tja Naledi

Thank you for your acknowledgment Yolandie!

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.

(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.)

Indeed, it is very strange that we were never contacted.

I have questions that plague me and maybe you can help:

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...
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.
3. Why is rehabilitation of prior mining activity seemingly not taken into account before a new permit is issued?

PROOF OF EMAIL SEND TO INTERESTED AND AFFECTED PARTIES ON THE 23RD OF APRIL 2018

FW: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association - Message (HTML)

File Message Tell me what you want to do...

Ignore X Delete Reply Reply Forward Forward All Reply & Delete To Manager Done Create New Quick Steps Move Move Actions Mark Unread Categorize Follow Up Translate Zoom

Yolandie Coetzee Greenmined Admin 3 8:13 AM

FW: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

SENSE OF PLACE FINA... 50 KB Maccsand Counsels O... 196 KB Maccsand 46 Opinion o... 30 KB

Sent: 23 April 2018 08:08 AM
To: Gavin Aboud <gavinaboud@vodamail.co.za>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Renee de Jong Hartsliet <renee@bundunet.com>; Tertius Wehmeyer <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; warrin flores <friendsofvredefordome@gmail.com>; Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; michael.oberholzer@telkomsa.net; Dina <dina.henstock@gmail.com>; Leon van Schal <ginde@telkomsa.net> <ginde@telkomsa.net>
Cc: Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Dr. Stephen Jacobs - MO Health <admin@mohealth.co.za>; Joy Rabotapi <joy.rabotapi@gmail.com>; Graeme Campbell <graeme@sphgroup.co.za>; Henk Barnard <henk@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>
Subject: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

Good Morning All,

Thank you again for attending the meeting on Saturday.

Please find attached the DMR letter as requested.
I will send the meeting minutes through ASAP.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 23RD OF APRIL 2018

From: Gavin Aboud [mailto:gavinaboud@vodamail.co.za]
Sent: Monday, April 23, 2018 7:47 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>
Cc: Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; Abrie Hanekom Vaalower <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuux@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>
Subject: Protect Vaal Eden

Good Day,

I refer attached document.

Page 4 Heading Noise refers.

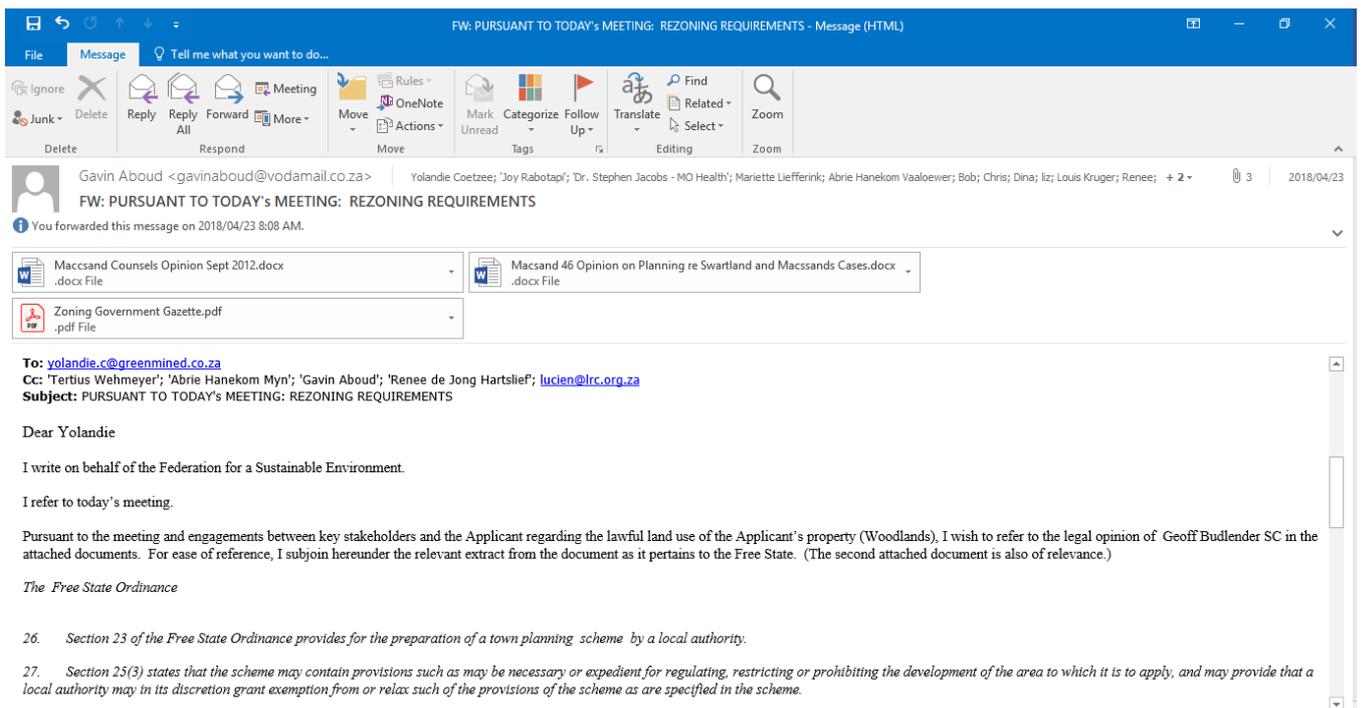
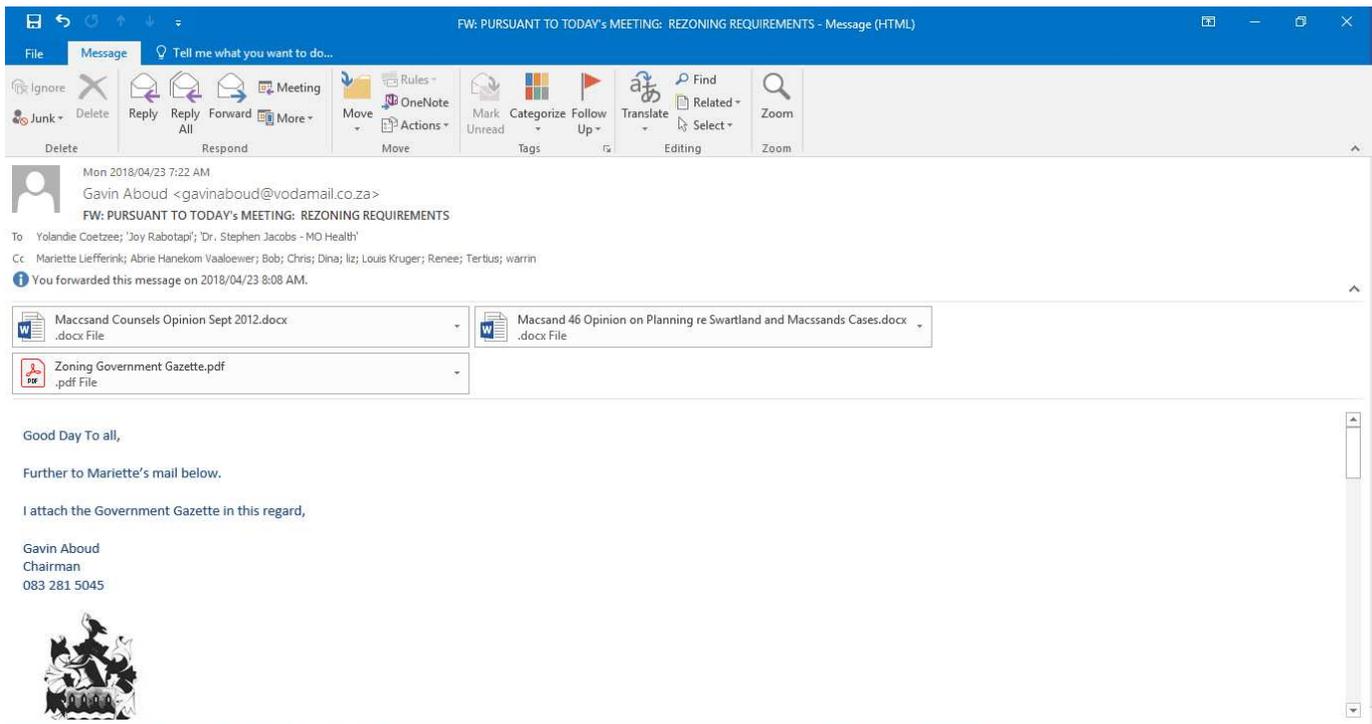
Here you cover the issue regarding blasting, yet in the meeting you said there would be nothing.

Please explain?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaalower Ratepayers Association
One Tree many Fruits, in a Secure Environment





FW: PURSUANT TO TODAY'S MEETING: REZONING REQUIREMENTS - Message (HTML)

File Message Tell me what you want to do...

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Yolande Coetzee; 'Joy Rabotapi'; Dr. Stephen Jacobs - MO Health; Mariette Liefferink; Abrie Hanekom Vaaloewer; Bob; Chris; Dina; Iz; Louis Kruger; Renee; + 2 3 2018/04/23

Gavin Aboud <gavinaboud@vodamail.co.za>
FW: PURSUANT TO TODAY'S MEETING: REZONING REQUIREMENTS
 You forwarded this message on 2018/04/23 8:08 AM.

Maccsand Counsels Opinion Sept 2012.docx .docx File
 Maccsand 46 Opinion on Planning re Swartland and Maccsands Cases.docx .docx File
 Zoning Government Gazette.pdf .pdf File

his own expense to cause such use to comply with the provisions of the scheme. The directive shall state the period within which it shall be carried out. Where any person fails to comply with such a directive, the municipality may cause the work to comply with the provisions of its town-planning scheme at the expense of such person.

29. Section 31(3) provides that a "local authority shall take the necessary steps to ensure that the provisions of an approved scheme are implemented and the Administrator may, if a local authority fails so to take steps, at the expense of such local authority, take any steps which a local authority may take in terms

of subsections (1) and (2) to enforce the provisions of such scheme".

30. Section 41 provides that any person who contravenes or fails to comply with any provision of an approved scheme, or with a directive in terms of section 31(1), is guilty of an offence.

31. Section 8(2) forms part of Chapter II, which regulates the establishment of townships. It provides that if the land on which a township is to be established is subject to a lease of mineral rights or a prospecting contract or if the mineral rights have been severed from the ownership of the land, the applicant (the owner of the land) has to lodge with the application the written consent of the lessee of the mineral rights, the holder of the prospecting contract or the owner of the mineral rights to the establishment of the township. Section 8(3) adds that if the land is subject to any encumbrance registered in the Mining Title Office, the applicant must specify in a statement the nature of such encumbrance. It does not appear from Chapter II, however, that the existence of such an encumbrance is a bar to the granting of the application for the establishment of the township.

32. Chapter III of the Ordinance (sections 23 to 37), which deals with the preparation of town-planning schemes, does not preclude their establishment in respect of land which is the subject of leases of mineral rights, prospecting contracts etc. Its key provisions are widely stated, without any relevant qualification or limitation in relation to mining.

33. The permissibility of mining activities on any particular piece of land in the areas governed by the Free State Ordinance will depend on the particular town planning scheme applicable to the area.

FW: PURSUANT TO TODAY'S MEETING: REZONING REQUIREMENTS - Message (HTML)

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Yolande Coetzee; 'Joy Rabotapi'; Dr. Stephen Jacobs - MO Health; Mariette Liefferink; Abrie Hanekom Vaaloewer; Bob; Chris; Dina; Iz; Louis Kruger; Renee; + 2 3 2018/04/23

Gavin Aboud <gavinaboud@vodamail.co.za>
FW: PURSUANT TO TODAY'S MEETING: REZONING REQUIREMENTS
 You forwarded this message on 2018/04/23 8:08 AM.

Maccsand Counsels Opinion Sept 2012.docx .docx File
 Maccsand 46 Opinion on Planning re Swartland and Maccsands Cases.docx .docx File
 Zoning Government Gazette.pdf .pdf File

34. Mining activities may thus only be conducted on land which is zoned for the purpose in terms of a town planning scheme for the area, formulated in terms of the Ordinance. If mining activities are conducted on land not appropriately zoned, this is a criminal offence (section 41).

35. In order to obtain permission for mining on land not zoned for that purpose, application may be made for an exemption or relaxation of the town planning scheme (if the relevant town planning scheme has such a provision, permitted by section 25(3) of the Ordinance). It appears that in practice, applications for rezoning take the form of an application in terms of the Removal of Restrictions Act 84 of 1967, which provides for notice and comment procedures.

It is our considered opinion that the Applicant failed to apply for the rezoning of his property. Please advise.

Best Regards
 Mariette Liefferink
 CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT
 TEL: (+27) 11 465 6910
 (+27) 73 231 4893
 Fax: 086 464 1509
 Postnet Suite 87
 Private Bag X033
 RIVONTA

RE: IAPs Tja Naledi - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/20

RE: IAPs Tja Naledi

Good Day,

Whilst we discussed this matter briefly, no explanation was offered?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment



From: Renee de Jong Hartsief [<mailto:renee@bundunet.com>]
Sent: 20 April 2018 05:15 PM
To: Yolandie Coetzee
Cc: Gavin Aboud; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com

RE: IAPs Tja Naledi - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/20

RE: IAPs Tja Naledi

From: Renee de Jong Hartsief [<mailto:renee@bundunet.com>]
Sent: 20 April 2018 05:15 PM
To: Yolandie Coetzee
Cc: Gavin Aboud; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com
Subject: Re: IAPs Tja Naledi

Great, thank you.

On Fri, 20 Apr 2018 at 15:58, Yolandie Coetzee <yolandie.c@greenmined.co.za> wrote:

Hi Renee,

We can discuss all your questions in the meeting tomorrow.

Kind Regards
Yolandie Coetzee
Greenmined Environmental
Tel: 082 734 5113

----- Original message -----

From: Renee de Jong Hartsief <renee@bundunet.com>
Date: 2018/04/20 14:30 (GMT+02:00)
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Cc: Gavin Aboud <gavinaboud@vodamail.co.za>, Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>, Tertius Wehmeyer <tertiusw@gmail.com>, warrinf@gmail.com
Subject: Re: IAPs Tja Naledi

RE: IAPs Tja Naledi - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsliëf; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/20

RE: IAPs Tja Naledi

----- Original message -----

From: Renee de Jong Hartsliëf <renee@bundunet.com>
 Date: 2018/04/20 14:30 (GMT+02:00)
 To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
 Cc: Gavin Aboud <gavinaboud@vodamail.co.za>, Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>, Tertius Wehmeyer <tertiusw@gmail.com>, warrinf@gmail.com
 Subject: Re: IAPs Tja Naledi

Thank you for your acknowledgment Yolandie!

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.

(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.)

Indeed, it is very strange that we were never contacted.

I have questions that plague me and maybe you can help:

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...
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.
3. Why is rehabilitation of prior mining activity seemingly not taken into account before a new permit is issued?
4. Why do the applicants change their company names?

Maybe you can help put my mind at rest...

Sincerely,

RE: IAPs Tja Naledi - Message (HTML)

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 Junk Delete Reply Reply Forward More Move Actions Mark Unread Categorize Follow Up Translate Select Zoom

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsliëf; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com

RE: IAPs Tja Naledi

Renee

On Fri, 20 Apr 2018 at 13:15, Yolandie Coetzee <yolandie.c@greenmined.co.za> wrote:

Hi Renee,

Thank you for your proof of correspondence with Monty from Dorean.

You should have been registered then as an I&AP during the 2014 Mining Right Process, it is very strange that there is no proof in the current approved EMP.

I will add your registration to the Section 102 amendment to the Mining Right.

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.

Kind Regards / Vriendelike Groete

RE: IAPs Tja Naledi - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/20

RE: IAPs Tja Naledi

From: Renee de Jong Hartsief [mailto:renee@bundunet.com]
Sent: Friday, April 20, 2018 12:49 PM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Cc: Gavin Aboud <gavinaboud@vodamail.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>
Subject: Re: IAPs Tja Naledi

Dear Yolandie,

Please amend your presentation. I have supplied the proof of correspondence you asked for.

Please confirm receipt.

Thanks,

Renee

On Fri, 20 Apr 2018 at 12:22, Renee de Jong Hartsief <renee@bundunet.com> wrote:

Dear Yolandie,

Thanks for calling! Please see attached proof of correspondence, as you have just requested...

RE: IAPs Tja Naledi - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018

RE: IAPs Tja Naledi

On Fri, 20 Apr 2018 at 12:22, Renee de Jong Hartsief <renee@bundunet.com> wrote:

Dear Yolandie,

Thanks for calling! Please see attached proof of correspondence, as you have just requested...

Dankie!

Renee

On Fri, 20 Apr 2018 at 12:01, Renee de Jong Hartsief <renee@bundunet.com> wrote:

Dear Yolandie,

You are not answering my calls on either your cell phone or work number.

What "proof of correspondence in the current mining right" are you referring to, please?

I do have proof of correspondence in the 2014 application.

How many times does an IAP have to register?

Thanks!

RE: IAPs Tja Naledi - Message (HTML)

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Delete Respond Move Actions Tags Editing Zoom

Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/23

RE: IAPs Tja Naledi

Hi Renee,

I have included your comment into the presentation.

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 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?

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.

Kind Regards / Vriendelike Groete

Yolandie Coetzee

RE: IAPs Tja Naledi - Message (HTML)

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Delete Respond Move Actions Tags Editing Zoom

Gavin Aboud <gavinaboud@vodamail.co.za> Renee de Jong Hartsief; Yolandie Coetzee; Quintin van der Merwe; Tertius Wehmeyer; warrinf@gmail.com 2018/04/23

RE: IAPs Tja Naledi

From: Renee de Jong Hartsief [mailto:renee@bundunet.com]
Sent: Friday, April 20, 2018 9:35 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>
Subject: IAPs Tja Naledi

Dear Yolandie,

I have been copied on communications between yourself and Mr Bob Hartsief.

I would like the same courtesy you extended to him to apply to myself please.

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".

Sincerely,

Renee Hartsief

--

Sent from Gmail Mobile Renee de Jong Hartsief +27 71 448-4332

CORRESPONDENCE RECEIVED FROM MARIETTE LIEFFERINK ON THE 23RD OF APRIL 2018

Greenmined Admin

From: Yolandie Coetzee
Sent: 15 May 2018 08:13 AM
To: Greenmined Admin
Subject: FW: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association
Attachments: SENSE OF PLACE FINAL.doc; Maccsand Counsels Opinion Sept 2012.docx; Macsand 46 Opinion on Planning re Swartland and Macssands Cases.docx

Mariete Email

From: Mariette Liefferink [mailto:mariette@pea.org.za]
Sent: 23 April 2018 11:08 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Gavin Aboud' <gavinaboud@vodamail.co.za>; 'Abrie Hanekom Vaaloewer' <marlene@kruppeng.co.za>; 'Renee de Jong Hartsliet' <renee@bundunet.com>; 'Tertius Wehmeyer' <tertiusw@gmail.com>; 'warrin' <warrinf@gmail.com>; 'warrin flores' <friendsofvredefortdome@gmail.com>; craigrichardson100@gmail.com; michael.oberholzer@telkomsa.net; 'Dina' <dina.henstock@gmail.com>; 'Leon van Schal' <ginde@telkomsa.net>
Cc: Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; Graeme Campbell <graeme@sphgroup.co.za>; Henk Barnard <henk@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>; 'Lucien Limacher' <lucien@lrc.org.za>
Subject: RE: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

Dear Yolandi

I thank you for the information.

Allow me to subjoin hereunder preliminary comments prior to the proposed public participation process pursuant to our meeting on Saturday.

Land Use

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.

Sense of Place

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.

Biodiversity Priority Area

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 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 & associated sub-quaternary catchment.

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.

This mining application under consideration therefore resolves around the issue of mining in a sensitive area. This must be dealt in accordance with the Mining Biodiversity Guidelines and must be utilised in the evaluation of the Best Practicable Environmental Option (BPEO).

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 *inter alia* the Mining Biodiversity Guideline and the taking into consideration of the opportunity costs.

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.

The Guideline states that the EIA *“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”*.

When considering mining within these biodiversity priority areas, the Guideline prescribes a set of filters that should be sequentially applied and *“mining should only be considered if:*

- a. 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.*
- b. There are no alternative deposits or reserves that could be exploited in areas that are not biodiversity priority areas or less environmentally sensitive areas.*
- c. 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.*
- d. 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.*
- e. 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.*
- f. 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.”*

The Guideline states further that *“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.*

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.

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.

This includes an assessment of the opportunity costs, e.g.:

- o Understanding the value of the foregone opportunity;
- o The achievement of the desired aim/goal for the specific area;
- o Optimising of positive impacts;
- o Minimising of negative impacts;
- o Equitable distribution of impacts; and
- o The maintenance of ecological integrity and environmental quality.

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).

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.

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.

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.

The reasons for the decision maker’s decision will have to address these issues in detail in order to justify the decision.

In order to ripen our judgement, may I kindly request an electronic copy of the 2014 EIA/EMP and the environmental authorisation?

Water Use Licence

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?

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL: (+27) 11 465 6910

(+27) 73 231 4893

Fax: 086 464 1509

Postnet Suite 87

Private Bag X033

RIVONIA

2128

E-MAIL: mariette@pea.org.za

(Please note: mariettel@iburst.co.za is no longer functional)

From: Yolandie Coetzee [<mailto:yolandie.c@greenmined.co.za>]

Sent: 23 April 2018 08:08 AM

To: Gavin Aboud <gavinaboud@vodamail.co.za>; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Renee de Jong Hartsliet <renee@bundunet.com>; Tertius Wehmeyer <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; warrin flores <friendsofvredefordome@gmail.com>; Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; michael.oberholzer@telkomsa.net; Dina <dina.henstock@gmail.com>; Leon van Schal (ginde@telkomsa.net) <ginde@telkomsa.net>

Cc: Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Dr. Stephen Jacobs - MO Health <admin@mohealth.co.za>; Joy Rabotapi <joy.rabotapi@gmail.com>; Graeme Campbell <graeme@sphgroup.co.za>; Henk Barnard <henk@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>

Subject: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

Good Morning All,

Thank you again for attending the meeting on Saturday.

Please find attached the DMR letter as requested.
I will send the meeting minutes through ASAP.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

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CORRESPONDENCE RECEIVED FROM GAVIN ABOUT ON THE 26TH OF APRIL 2018

The screenshot shows an Outlook window with the title bar "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD) - Message (HTML)". The ribbon is set to "Message" and includes various action buttons like Ignore, Delete, Reply, Forward, Meeting, Move, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom. The email header shows the sender as "Yolandie Coetzee | Greenmined Admin" with a date of "2018/04/26". The subject line is "FW: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)".

To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Allister Cousins' <allister@upriver.co.za>; 'Michelle Warmback' <michelle.warmback@saiw.co.za>; 'Jason Peter' <jasoncpeter@gmail.com>

Cc: Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuux@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; "Scholtz, Carl (C)" <carl.scholtz@natref.com>; Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com

Subject: RE: Request for Public Meeting for Barrage Bulk Sand (SPH Kundalila (PTY) LTD)

Good Day Yolandie,

I hope you are well?

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.

We will discuss this matter further at said meeting, but I regard your statement below as inaccurate and I place on record that I do not agree.

Kind Regards

Gavin About
Chairman
022 221 5045

PROOF OF EMAIL SEND TO INTERESTED AND AFFECTED PARTIES ON THE 5TH OF MAY 2018

Greenmined Admin

From: Yolandie Coetzee
Sent: 15 May 2018 04:09 PM
To: Greenmined Admin
Subject: FW: Tja Naledi Meeting Minutes 21 April 2018
Attachments: Tja Naledi Meeting Minutes 21 April 2018.00.pdf; Comments and Response Report - Vaaloewer Association.00.pdf

From: Yolandie Coetzee
Sent: 05 May 2018 01:18 AM
To: 'Gavin Aboud' <gavinaboud@vodamail.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>
Cc: Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuux@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Azwihangwisi.Nemulodi@dmr.gov.za; 'Reshoketswe Mphaphuli' <Reshoketswe.Mphaphuli@dmr.gov.za>; 'Reshoketswe Ramaboea' <Reshoketswe.Ramaboea@dmr.gov.za>; Greenmined Admin <admin@greenmined.co.za>
Subject: Tja Naledi Meeting Minutes 21 April 2018

Good Evening All,

Please find attached the meeting minutes for the meeting held on 21 April 2018, as well as the comments and response report for the Protect the Vaal Committee.

Please let me know if any amendments need to be made to these minutes or comments and response report.

Will you please send me the letter that was sent to DMR requesting more time to review the documents. Or can we work the timeframe out from 30 days from when the meeting was held?
DMR, Reshoketswe, Please advise.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

PROOF OF EMAIL SEND TO ALL INTERESTED AND AFFECTED PARTIES ON THE 5TH OF MAY 2018

From: Yolandie Coetzee
Sent: 05 May 2018 07:00 AM
To: 'Gavin Aboud' <gavinaboud@vodamail.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>
Cc: 'Mariette Liefferink' <mariette@pea.org.za>; 'craigrichardson100@gmail.com' <craigrichardson100@gmail.com>; 'Abrie Hanekom Vaaloewer' <marlene@kruppeng.co.za>; 'Bob' <bobh@dullies.com>; 'Chris' <chrisc@cesa.co.za>; 'Dina' <dina.henstock@gmail.com>; 'liz' <liz.tuxx@gmail.com>; 'Louis Kruger' <krugerskroon@gmail.com>; 'Renee' <renee@bundunet.com>; 'Tertius' <tertiusw@gmail.com>; 'warrin' <warrinf@gmail.com>; 'Azwihangwisi.Nemulodi@dmr.gov.za' <Azwihangwisi.Nemulodi@dmr.gov.za>; 'Reshoketswe Mphaphuli' <Reshoketswe.Mphaphuli@dmr.gov.za>; 'Reshoketswe Ramaboea' <Reshoketswe.Ramaboea@dmr.gov.za>; Greenmined Admin <admin@greenmined.co.za>
Subject: RE: Tja Naledi Meeting Minutes 21 April 2018

Good Morning All,

Please find attached the attendance register for the meeting held on 21 April 2018.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

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**Catch us at IQSA Annual Conference
The Elangeni Hotel
19 & 20 April 2018.**

From: Yolandie Coetzee
Sent: Saturday, May 5, 2018 1:18 AM
To: 'Gavin Aboud' <gavinaboud@vodamail.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>
Cc: Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; Abrie Hanekom Vaaloeuw <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Azwihangwisi.Nemulodi@dmr.gov.za; 'Reshoketswe Mphaphuli' <Reshoketswe.Mphaphuli@dmr.gov.za>; 'Reshoketswe Ramaboea' <Reshoketswe.Ramaboea@dmr.gov.za>; Greenmined Admin <admin@greenmined.co.za>
Subject: Tja Naledi Meeting Minutes 21 April 2018

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DMR, Reshoketswe, Please advise.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

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Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"



**Catch us at IQSA Annual Conference
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19 & 20 April 2018.**

From: Gavin Aboud [<mailto:gavinaboud@vodamail.co.za>]
Sent: Thursday, May 3, 2018 7:13 AM
To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>
Cc: Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; Abrie Hanekom Vaaloeuw



**Catch us at IQSA Annual Conference
The Elangeni Hotel
19 & 20 April 2018.**

From: Gavin About [<mailto:gavinabout@vodamail.co.za>]

Sent: Thursday, May 3, 2018 7:13 AM

To: Yolandie Coetzee <yolandie.c@greenmined.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>

Cc: Mariette Liefferink <mariette@pea.org.za>; craigrichardson100@gmail.com; Abrie Hanekom Vaaloewer <marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuxx@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Azwihangwisi.Nemulodi@dmr.gov.za; MabadaH@dws.gov.za; 'Mutshaine Lutendo Desmond' <MutshaineL@dws.gov.za>; nceis@environment.gov.za; ssibanyoni@environment.gov.za; 'Tebogo Makunyane' <TMakunyane@environment.gov.za>; 'Khorommbi Konanani (GAU)' <KhorommbiK@dws.gov.za>; 'Govender Bashan (DHQ)' <GovenderB@dws.gov.za>

Subject: FW: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

Good Day Yolandie,

I refer my mails below.

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,

Kind Regards

Gavin About
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment



From: Gavin About [<mailto:gavinabout@vodamail.co.za>]

Sent: 25 April 2018 07:03 AM

To: yolandie.c@greenmined.co.za; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'

<marlene@kruppeng.co.za>; Bob <bobh@dullies.com>; Chris <chrisc@cesa.co.za>; Dina <dina.henstock@gmail.com>; liz <liz.tuux@gmail.com>; Louis Kruger <krugerskroon@gmail.com>; Renee <renee@bundunet.com>; Tertius <tertiusw@gmail.com>; warrin <warrinf@gmail.com>; Azwihangwisi.Nemulodi@dmr.gov.za; MabadaH@dws.gov.za; 'Mutshaine Lutendo Desmond' <MutshaineL@dws.gov.za>; nceis@environment.gov.za; ssibanyoni@environment.gov.za; 'Tebogo Makunyane' <TMakunyane@environment.gov.za>; 'Khorombi Konanani (GAU)' <KhorombiK@dws.gov.za>; 'Govender Bashan (DHQ)' <GovenderB@dws.gov.za>

Subject: FW: Tja Naledi - DMR Request letter to contact Vaaloewer Rate Payers Association

Good Day Yolandie,

I refer my mails below.

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,

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment



From: Gavin Aboud [<mailto:gavinaboud@vodamail.co.za>]

Sent: 25 April 2018 07:03 AM

To: yolandie.c@greenmined.co.za; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'

Cc: Mariette Liefferink (mariette@pea.org.za); craigrichardson100@gmail.com; Abrie Hanekom Vaaloewer (marlene@kruppeng.co.za); Bob; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin

Subject: RE: Protect Vaal Eden

Good Day,

I refer my mail below.

Please can I have a reply?

Kind Regards

Gavin Aboud
Chairman
083 281 5045



From: Gavin Aboud [<mailto:gavinaboud@vodamail.co.za>]

Sent: 23 April 2018 07:47 AM

To: yolandie.c@greenmined.co.za; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'

Cc: Mariette Liefferink (mariette@pea.org.za); craigrichardson100@gmail.com; Abrie Hanekom Vaalower (marlene@kruppeng.co.za); Bob; Chris; Dina; liz; Louis Kruger; Renee; Tertius; warrin

Subject: Protect Vaal Eden

Good Day,

I refer attached document.

Page 4 Heading Noise refers.

Here you cover the issue regarding blasting, yet in the meeting you said there would be nothing.

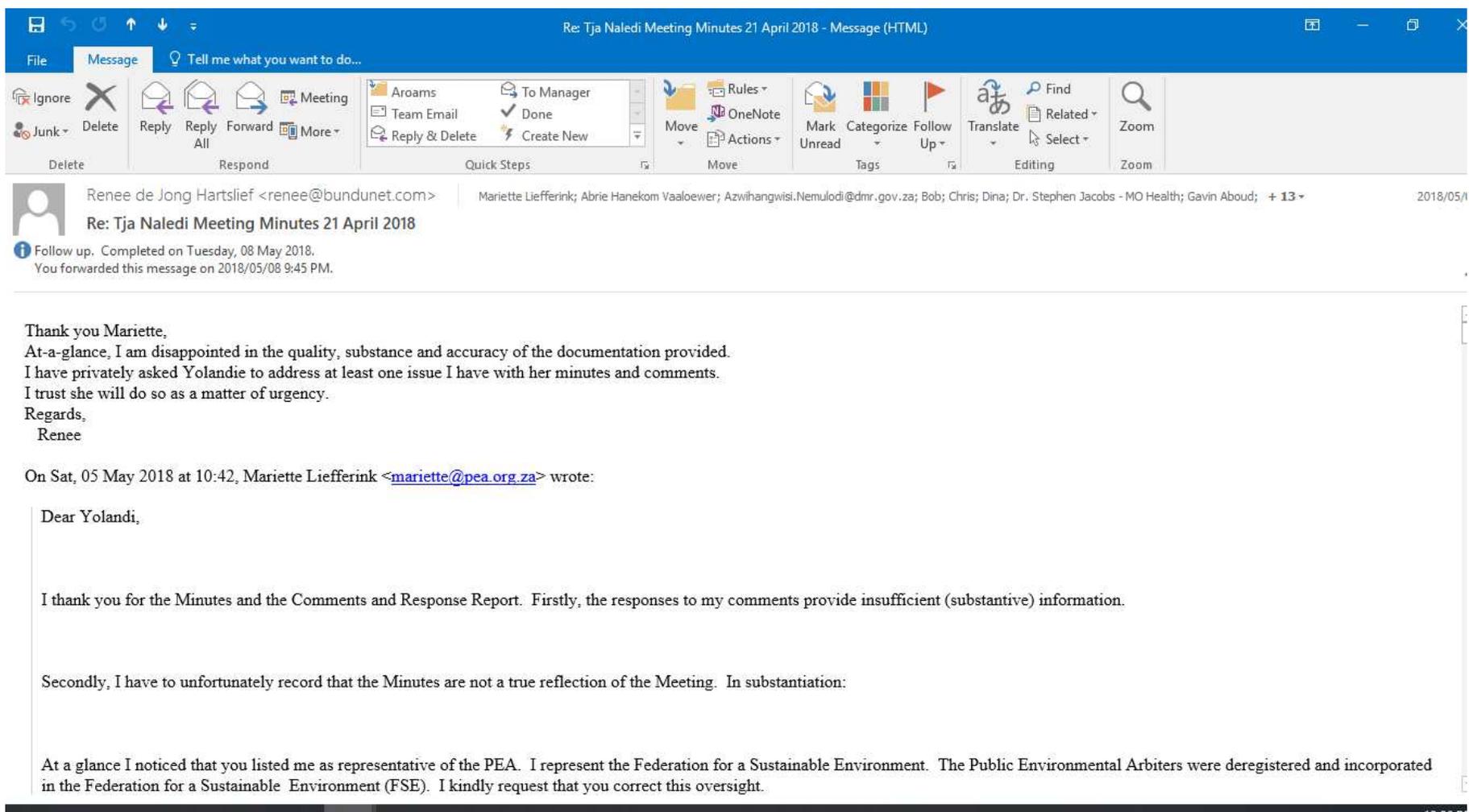
Please explain?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaalower Ratepayers Association
One Tree many Fruits, in a Secure Environment



CORRESPONDENCE RECEIVED FROM MARIETTE LIEFERINK, RENEE HARTSLIEF, ON THE 5TH OF MAY 2018



The screenshot shows an Outlook window titled "Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a search bar. The ribbon contains various icons for actions like Ignore, Delete, Reply, Forward, Meeting, Aroams, To Manager, Done, Create New, Move, OneNote, Actions, Mark Unread, Categorize, Follow Up, Translate, Find, Related, Select, and Zoom. The email header shows the sender as "Renee de Jong Hartsliet <renee@bundunet.com>" and the subject as "Re: Tja Naledi Meeting Minutes 21 April 2018". A follow-up note indicates the message was completed on Tuesday, 08 May 2018, and forwarded on 2018/05/08 9:45 PM. The main body of the email contains the following text:

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.
Regards,
Renee

On Sat, 05 May 2018 at 10:42, Mariette Liefferink <mariette@pea.org.za> wrote:

Dear Yolandi,

I thank you for the Minutes and the Comments and Response Report. Firstly, the responses to my comments provide insufficient (substantive) information.

Secondly, I have to unfortunately record that the Minutes are not a true reflection of the Meeting. In substantiation:

At a glance I noticed that you listed me as representative of the PEA. I represent the Federation for a Sustainable Environment. The Public Environmental Arbiters were deregistered and incorporated in the Federation for a Sustainable Environment (FSE). I kindly request that you correct this oversight.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward Meeting
 Junk Delete Respond

Aroams To Manager
 Team Email Done
 Reply & Delete Create New

Move Move
 Actions

Mark Unread Categorize Follow Up
 Tags

Translate Find
 Related Select
 Editing

Zoom Zoom

Renee de Jong Hartsliel <renee@bundunet.com> | Mariette Loefflerink; Abrie Hanekom Vaaloeuer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13 2018/05

Re: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 08 May 2018.
 You forwarded this message on 2018/05/08 9:45 PM.

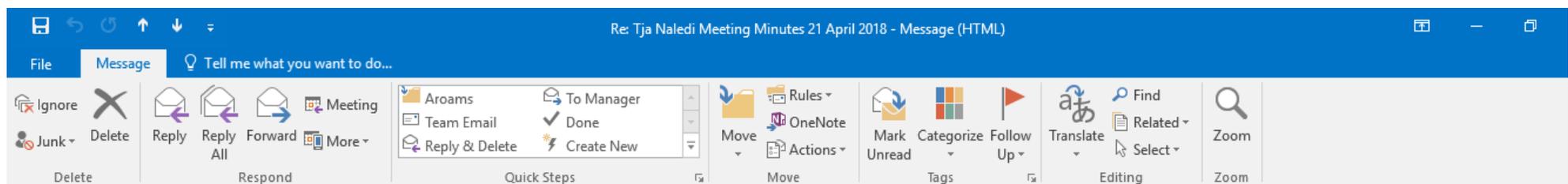
Furthermore, the following comments are unfortunately inaccurately recorded:

1.

“CEO and NGO news media, one of the most prominent NGO’s in south Africa.I said on a board, steering committee on DWS. My interested is not self-narrowed interest, it’s not a principle in place. Sand mining is not best environmental option for this area, I would like you to look at this need and desirability of this project, Cumulative impacts. Apologies for Environmental lawyer appointed by legal federal forces.”

It should read:

“I am the CEO of the Federation for a Sustainable Environment. The FSE is widely recognized as the most prominent of the environmental activist stakeholders in the mining industry - http://www.miningmx.com/pls/cms/mmx_rain_profile_detail?p_nid=372.) I am a member or boards, steering committees, task teams etc. of organs of state including the Department of Water and Sanitation. (In substantiation, please see pages 56 and 57 of the attached CV.) My interest is not based on narrow self interest but on the protection of the environment and the Vaal River. Sand mining is not the best practicable environmental option (BPEO)for this area and I would like you to assesses the need and desirability of this project and the cumulative impacts.



Renee de Jong Hartsliel <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

2018/

Re: Tja Naledi Meeting Minutes 21 April 2018

i Follow up. Completed on Tuesday, 08 May 2018.
You forwarded this message on 2018/05/08 9:45 PM.

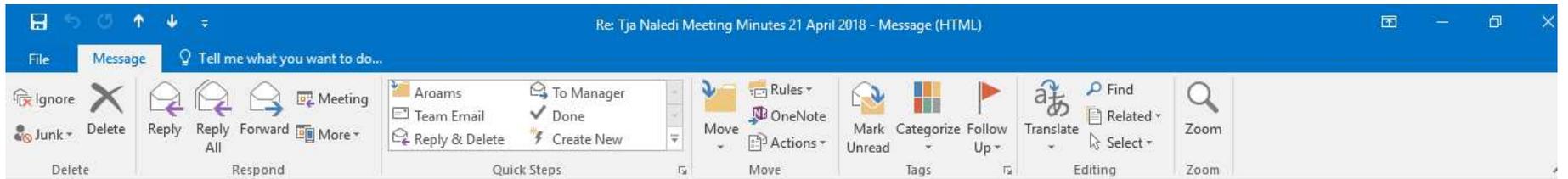
Lucien Limacher, who as appointed by the Legal Resource Centre, to assist the FSE as a dedicated environmental lawyer, tenders his apology.”

2.

And, “ML asked for clarification; ML became aware of the operations when she met the land owner, ML noted that she witnessed that the mine was operating, ML assumed that the environmental permits/rights had already been granted as she was of the opinion that the mine can’t operate without these permits. ML continued to as if the environmental permits/ rights had already been granted, then this PPP would be unnecessary as the authorisation has already been granted. Therefore, the only “remedy” they would have been to write the to appeal for condemnation due to the time constraints of the comments period.”

“Landowner” must read “the operators”. “ML continued to as” to be deleted. “Therefore the only remedy they would have been to write the to appeal for condemnation due to the time constraints of the comments period” should read: “Therefore the only remedy IAPs would have is to write to the Appeal Authority, that is the Department of Environmental Affairs, for condonation since the time period for an appeal would have prescribed.”

3.



Renee de Jong Hartslielief <renee@bundunet.com> | Mariette Liefferink; Abrie Hanekom Vaaloeower; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13 | 2018/05/0

Re: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 08 May 2018.
You forwarded this message on 2018/05/08 9:45 PM.

3.

And: "ML refers to the National Water Act and state that if any of those water uses listed in Section 21 are needed, you must apply for a water use licence. This includes any discharge of polluted water." Please supplant "are needed" with "are triggered" and "state" with "states".

4.

"ML states that a rectification needs to be applied for, ML carries on to say that it is a G24 rectification document" should read: "ML state that application for Rectification in Terms of Section. 24G of the National Environmental Management. Act (Act No. 107 of 1998) must be applied for."

5.

The following recordal of my comments is enigmatical. "ML refers to point 4 of the presentation and states that it is important to note that commencement with a listed activity without environmental authorisation granted by the competent authority contravenes the provisions of section 24 F1 of NEMA and constitutes an offence (criminal offence) in terms of section 49 A1 and states that SJ has not

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Renee de Jong Hartsliel <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaalower; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

2018/05/08

Re: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 08 May 2018.
You forwarded this message on 2018/05/08 9:45 PM.

5.

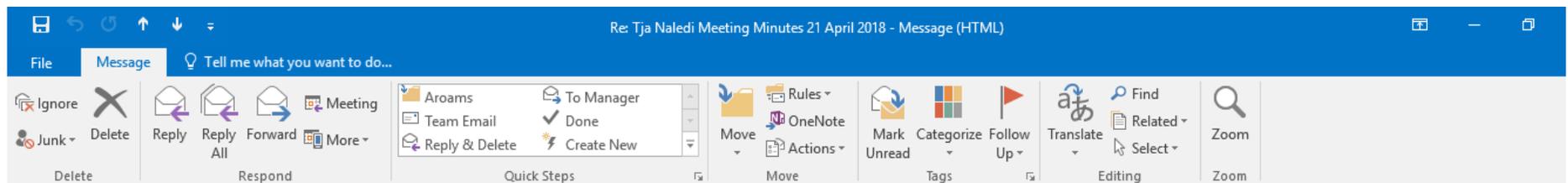
The following recordal of my comments is enigmatical. *"ML refers to point 4 of the presentation and states that it is important to note that commencement with a listed activity without environmental authorisation granted by the competent authority contravenes the provisions of section 24 F1 of NEMA and constitutes an offence (criminal offence) in terms of section 49 A1 and states that SJ has not been granted environmental authorisation and has already commenced."*

I do not recall that I have referred to the above sections of NEMA since section 24 F1 and section 49 A1 do not exist.

6.

And: *"ML states SJ if in 2014 he was granted he was granted the environmental authorisation, ML carries on to say that a mining right is valid for 3 years and now we're in 2018.04.26"* *"Was granted"* is needlessly repeated.

7.



Renee de Jong Hartslielief <renee@bundunet.com>

Mariette Loeffierink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

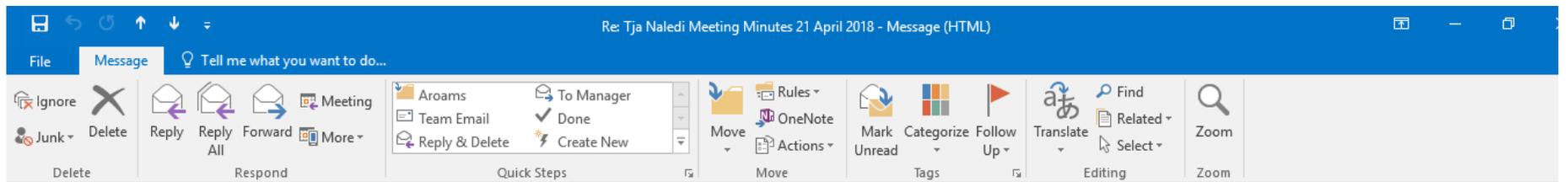
2018/

Re: Tja Naledi Meeting Minutes 21 April 2018

i Follow up. Completed on Tuesday, 08 May 2018.
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And: "It is understood that the restoration is nearly impossible. Hey have visited all the surrounding mines and it is evident that restoration is irreversible and profound impacts on the land, therefore it is not possible to restore to previous land us. If the intention is to rehabilitate the area, ML would like to receive a copy of the financial provision. In terms of NEMA, 2015 regulations, provision needs to be made for latent and residual impacts that are unforeseen, as well as the pumping of extreme use of water. Sand is everywhere. Needs and desirability needs to be established. Why mine in an area with a unique sense of place with tourism opportunities. Safe the Vaal case, where the case was won. Court case was won due to the sense of place. Sense of place has an economic value. And has to be taken into consideration into your consideration. Visual or sense of place especially as tourist will experience this."

- "Hey" to read "She"
- "have" to read "has"
- "that restoration is irreversible and profound impacts on the land" should read "the impact of mining on eco-systems ae profound and often irreversible."
- "to previous land us" to read "to a pre-mining state".
- "In terms of the NEMA, 2015 regulations" to read "in terms of the "NEMA: Regulations for the Financial Provision for Prospecting, Exploration and Mining" of 2015."
- "...as well as the pumping of extreme use of water" to read "as well as the pumping of extraneous or polluted water".
- "Sand is everywhere" to read: "sand is plentiful".



Renee de Jong Hartslielief <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

2018/05

Re: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 08 May 2018.
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- *“Safe the Vaal case, where the case was won. Court case was won due to the sense of place”* to read: **“A legal precedent was established in Save the Vaal Case, in which the case was won on the grounds of sense of place.”**
- *“Visual or sense of place especially as tourist will experience this”* to read: **“The visual impacts or sense of place is especially important to tourists since they are sensitive to the sense of place.”**

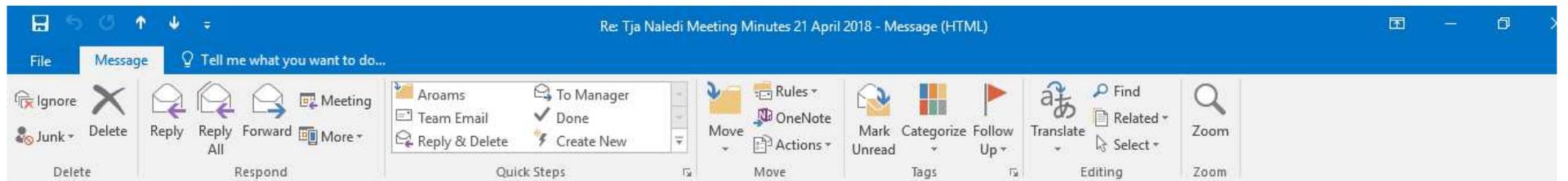
8.

“The applicant can. If there is a flaw in the PPP or in any environmental impacts in terms of NEMA, the directors of a company or co-directors can be held personally liable and is a criminal offence. There is no excuse to say I’m not a legal person.” To be supplanted by: **“The applicant can be held personally liable in terms of Section 28 of NEMA if there is non-compliances with the NEMA and failure in duty of care. Non-compliances with the NEMA constitutes a criminal offence. There is no excuse for the Applicant to state that he is not a legal person.”**

9.

“In terms of the constitution. Every person has the right to a clean environment and wellbeing. Wellbeing is affected here”. To read: **In terms of Section 24 of the Constitution of the Republic of South Africa, every person has the right to an environment that is not harmful to health and wellbeing. Your wellbeing is affected in this matter.”**

10.



Renee de Jong Hartslielief <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

2018/05/08 9:45 PM

Re: Tja Naledi Meeting Minutes 21 April 2018

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10.

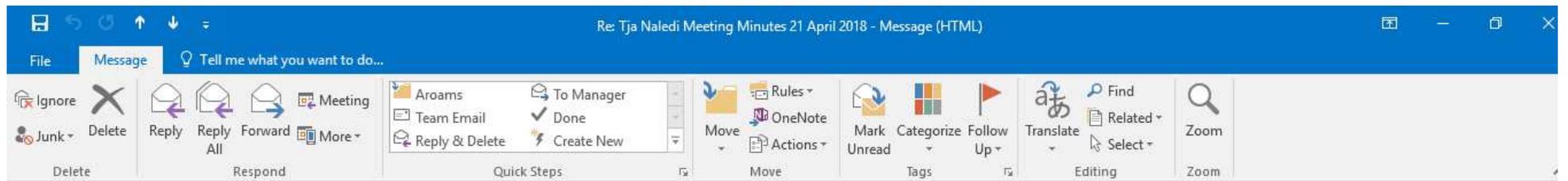
"2014 process was flawed, ask for consideration to appeal the process / ML will ask for a legal opinion. need to appeal the process. All authorisation will stop during the appeal process. To read: "If the 2014 process was flawed, IAPs can ask for extension of time to appeal the authorisation. ML will ask for a legal opinion. During the appeal process not activity can proceed."

11.

"Did not read through the FBAR and previous Mining right. Did we compile a biodiversity impact assessment?" "We" to be supplanted with "you".

12.

"For the consideration of the Section 102 amendment, this needs to be considered. The site does not fall in the biodiversity guidelines. Or within the biodiversity priority areas. But is in very close proximity to the Vaal River, which supplies 60% water to the economy and 45% to the population. YC is not a legal expert. In the next meeting the legal advisor needs to attend the meetings. The association is eager to prevent mines." To read:



Renee de Jong Hartsliet <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloeuer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13

2018/05/0

Re: Tja Naledi Meeting Minutes 21 April 2018

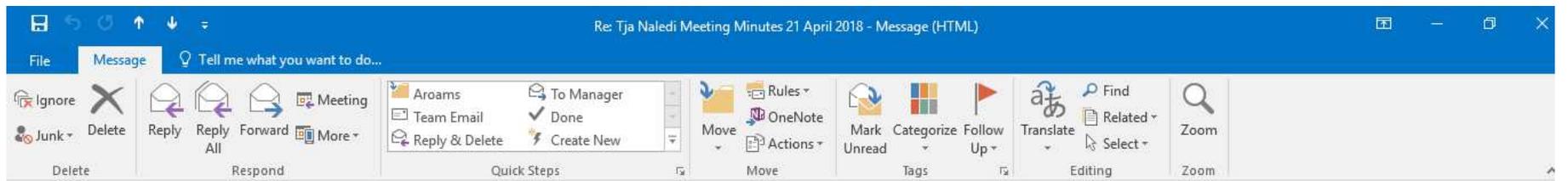
Follow up. Completed on Tuesday, 08 May 2018.
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"For the consideration of the Section 102 amendment, a biodiversity impact assessment ought to be conducted in terms of the Mining and Biodiversity guidelines. Since the project is in close proximity to the Vaal River, which supplies 60% to the economy and 45% of the population, it is assumed that the project falls within a National Freshwater Ecosystem Priority Area, which is according to the Mining and Biodiversity Guidelines an area of highest biodiversity importance and poses the highest risk for mining. YC is not a legal expert. In the next meeting a legal advisor should attend the meeting."

Delete: *"The association is eager to prevent mines."*

13.

The Minutes contain a many typographical errors and grammatical, e.g. reference is made to the Applicant's "to legs". I think it ought to read "two legs." And, "we can get to thediscusses later". Perhaps "discusses" should be supplanted with "discussion." "Want answers" is also needlessly repeated.



Renee de Jong Hartsliet <renee@bundunet.com> | Mariette Liefferink; Abrie Hanekom Vaalbewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 13 | 2018/05/08

Re: Tja Naledi Meeting Minutes 21 April 2018

i Follow up. Completed on Tuesday, 08 May 2018.
You forwarded this message on 2018/05/08 9:45 PM.

I furthermore infer from your correspondence that the Applicant considers the Meeting on the 21 April 2018 to form part of the public participation process. It is my understanding that the IAPs who participated in the Meeting indicated that this Meeting should merely considered as a preliminary meeting and not as part of the formal public participation process, as instructed by the Department of Mineral Resources.

I hereby request that you revise the Minutes and include the above corrections. Please forward me the final Minutes prior to submitting it to the DMR since the current Minutes are incorrect.

I reserve the right to submit additional comments pending my perusal of the Comments and Response Report and the Minutes.

Best Regards

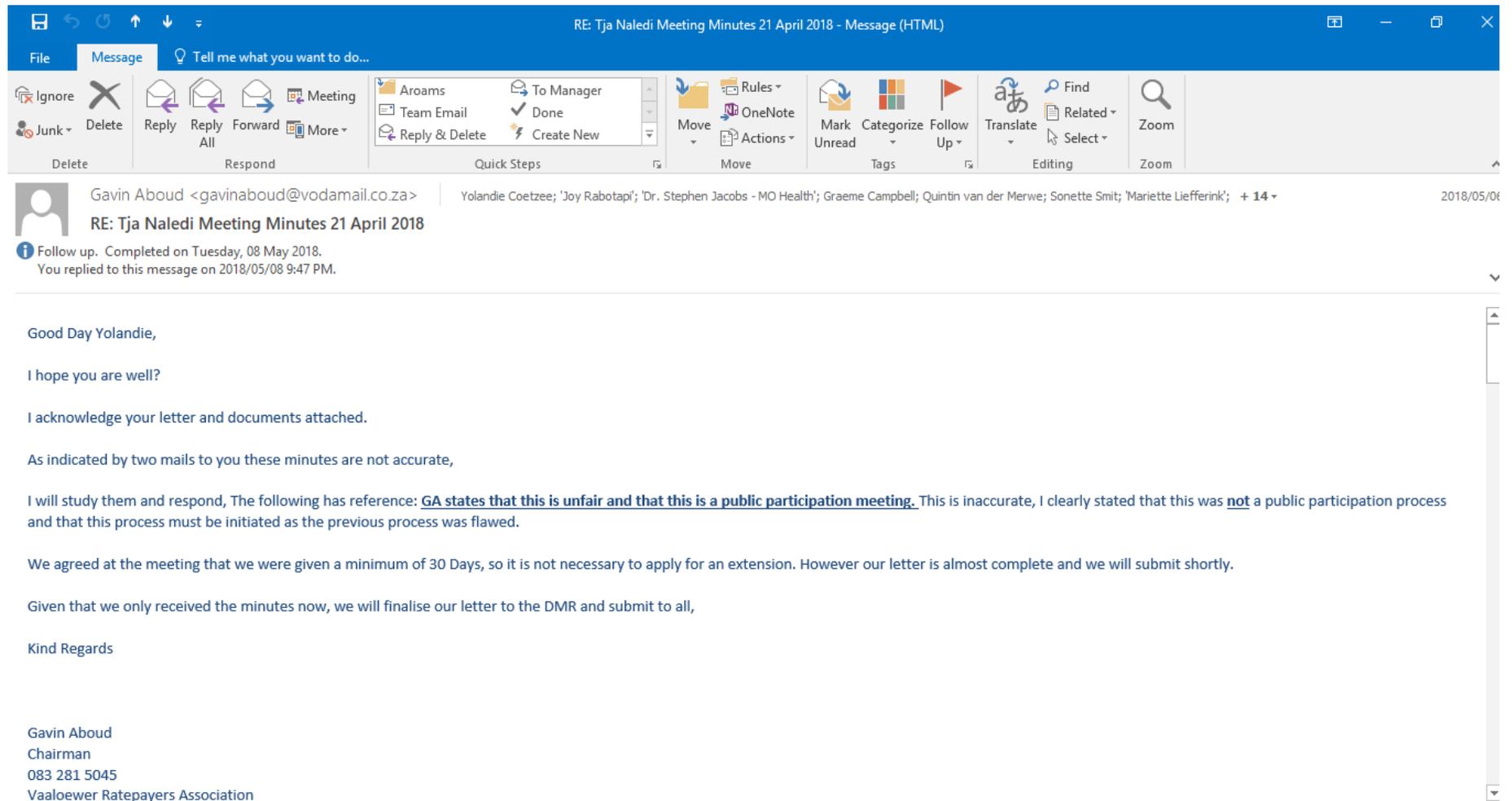
Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL: (+27) 11 465 6910

(+27) 73 231 4893

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD, RENEE HARTSLIEF ON THE 6TH OF MAY 2018



The screenshot shows an Outlook window titled "RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a search bar. The ribbon contains various action buttons such as "Ignore", "Delete", "Reply", "Reply All", "Forward", "Meeting", "More", "Quick Steps", "Move", "Actions", "Mark Unread", "Categorize", "Follow Up", "Translate", "Find", "Related", "Select", and "Zoom".

The email header shows the sender as "Gavin Aboud <gavinaboud@vodamail.co.za>" and the subject as "RE: Tja Naledi Meeting Minutes 21 April 2018". The recipient list includes "Yolandie Coetzee; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'; Graeme Campbell; Quintin van der Merwe; Sonette Smit; 'Mariette Liefferink'; + 14". The date is "2018/05/08".

The email body contains the following text:

Good Day Yolandie,

I hope you are well?

I acknowledge your letter and documents attached.

As indicated by two mails to you these minutes are not accurate,

I will study them and respond, The following has reference: GA states that this is unfair and that this is a public participation meeting. This is inaccurate, I clearly stated that this was not a public participation process and that this process must be initiated as the previous process was flawed.

We agreed at the meeting that we were given a minimum of 30 Days, so it is not necessary to apply for an extension. However our letter is almost complete and we will submit shortly.

Given that we only received the minutes now, we will finalise our letter to the DMR and submit to all,

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association

RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Yolandie Coetzee; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'; Graeme Campbell; Quintin van der Merwe; Sonette Smit; 'Mariette Liefkerink'; + 14 >

2018/05/1

RE: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 15 May 2018.
You replied to this message on 2018/05/08 9:51 PM.

Good Day,

Herewith my comments on the minutes of the meeting:

Para 2:

Sweet Sensations is mining on a Saturday, this is not per their approved EMP. They are based right across **Vaaloewer**. **GA indicated that everyone look out the window and see the mining activity. This is why there is distrust of the mines.**

Got to legs to stand on here, **do not understand what this means?**

GA state that the message was not conveyed then. GA confirms that he was not informed that the DMR had instructed this consultation and that the 30-day comment period had been initiated. GA asks if that would like to be disputed.
A comment was made that the 30day period is merely a minimum. **This was noted and stated hence that no timeline was relevant**

GA states that this is unfair and that this is a public participation meeting. **Incorrect I said it is not a PPP meeting**

In general the grammar and punctuation needs to be cleaned up,

Gavin Aboud
Chairman

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Team Email

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Renee de Jong Hartslielief <renee@bundunet.com> Gavin About; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Chris; Dina; Dr. Stephen Jacobs - MO Health; Graeme Campbell; + 13 2018/

Re: Tja Naledi Meeting Minutes 21 April 2018

Follow up. Completed on Tuesday, 15 May 2018.

Thanks Gavin,

Dear Yolandie, are you intending to correct your documentation per my private notification to you? Or should I comment here publicly?

Sincerely,

Renee

On Mon, 07 May 2018 at 14:31, Gavin About <gavinabout@vodamail.co.za> wrote:

Good Day,

Herewith my comments on the minutes of the meeting:

Para 2:

Sweet Sensations is mining on a Saturday, this is not per their approved EMP. They are based right across Vaaloewer. GA indicated that everyone look out the window and see the mining activity. This is why there is distrust of the mines.

CORRESPONDENCE RECEIVED FROM RENEE DE JONG HARTSLIEF ON THE 8TH OF MAY 2018

Attachment Tools Fwd: Proposed Vaal Eden mine Nov 2014 - Message (HTML)

File Message Attachments Tell me what you want to do...

Open Quick Print Send To Save As Save All Attachments Remove Attachment Select All Copy Show Message

Actions Selection Message

Renee de Jong Hartslief <renee@bundunet.com> Yolandie Coetzee 6 2018/05/08

Fwd: Proposed Vaal Eden mine Nov 2014

FollowUp. Completed on Monday, 21 May 2018.
You forwarded this message on 2018/05/08 10:02 PM.

IMG_2551.JPG 83 KB
Consultation 2.pdf 15 KB
TNB Project summary.pdf 38 KB
TNB Scoping Template.pdf 151 KB
TNB Bursary.pdf 31 KB
Regional map.doc 2 MB

+27 83 410 3383

Dear Monty,
We look forward to receiving the documents from you regarding the attached. Thanks, Renee Hartslief for The Savannah Africa and the Wild Water Conservancy

--
Sent from Gmail Mobile
Renee de Jong Hartslief
[+27 71 448-4332](tel:+27714484332)

From: **Monty van Eeden** <dorean@54.co.za>
Date: 29 November 2014 at 14:09
To: Renee de Jong Hartslief <renee@bundunet.com>

Hi Renee

It was such a pleasure talking to you this morning. Please find attached the background document and scoping report for the project for your perusal and consideration.

Attachment Tools Fwd: Proposed Vaal Eden mine Nov 2014 - Message (HTML)

File Message Attachments Tell me what you want to do...

Open Quick Print Send To Save As Save All Remove Attachments Select All Copy Show Message

Actions Selection Message

Renee de Jong Hartsliet <renee@bundunet.com> Yolandie Coetzee 6 2018

Fwd: Proposed Vaal Eden mine Nov 2014

FollowUp. Completed on Monday, 21 May 2018.
 You forwarded this message on 2018/05/08 10:02 PM.

IMG_2551.JPG 83 KB	Consultation 2.pdf 15 KB	TNB Project summary.pdf 38 KB	TNB Scoping Template.pdf 151 KB	TNB Bursary.pdf 31 KB	Regional map.doc 2 MB
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Hi Renee

It was such a pleasure talking to you this morning. Please find attached the background document and scoping report for the project for your perusal and consideration.

Regards

Monty van Eeden

From: Renee de Jong Hartsliet [mailto:renee@bundunet.com]
Sent: 29 November 2014 11:39 AM
To: Dorean@54.co.za
Subject: Proposed Vaal Eden mine

 From: **Renee de Jong Hartsliet** <renee@bundunet.com>

Attachment Tools Fwd: Proposed Vaal Eden mine Nov 2014 - Message (HTML)

File Message Attachments Tell me what you want to do...

Open Quick Print Send To Save Save All Remove Attachments Select Copy Show Message

Actions Selection Message

Renee de Jong Hartsliet <renee@bundunet.com> Yolandie Coetzee 6 2018/05/08

Fwd: Proposed Vaal Eden mine Nov 2014

FollowUp. Completed on Monday, 21 May 2018.
You forwarded this message on 2018/05/08 10:02 PM.

- IMG_2551.JPG 83 KB
- Consultation 2.pdf 15 KB
- TNB Project summary.pdf 38 KB
- TNB Scoping Template.pdf 151 KB
- TNB Bursary.pdf 31 KB
- Regional map.doc 2 MB

From: Renee de Jong Hartsliet [mailto:renee@bundunet.com]
Sent: 29 November 2014 11:39 AM
To: Dorean@54.co.za
Subject: Proposed Vaal Eden mine

From: Renee de Jong Hartsliet <renee@bundunet.com>
Date: 30 November 2014 at 08:20
To: "dorean@54.co.za" <dorean@54.co.za>

Thank you so much Monty!

--
 Sent from Gmail Mobile Renee de Jong Hartsliet +27 71 448-4332

CORRESPONDENCE RECEIVED FROM MARIETTE LIEFFERINK ON THE 9TH MAY 2018

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Re: Tja Naledi Meeting Minutes 21 April 2018

Thank you Mariette. I concur about the need for the recording of the minutes to made available to all.
Sincerely,
Renee

On Wed, 09 May 2018 at 20:05, Mariette Liefferink <mariette@pea.org.za> wrote:

Dear Yolandie

Kindly supply us with the voice recording of the Minutes.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL: (+27) 11 465 6910

(+27) 73 231 4893

Fax: 086 464 1509

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Renee de Jong Hartslielief <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05

Re: Tja Naledi Meeting Minutes 21 April 2018

From: Yolandie Coetzee [mailto:yolandie.c@greenmined.co.za]
Sent: 09 May 2018 04:28 PM
To: 'Mariette Liefferink' <mariette@pea.org.za>
Cc: 'Gavin Aboud' <gavinaboud@vodamail.co.za>; 'Joy Rabotapi' <joy.rabotapi@gmail.com>; 'Dr. Stephen Jacobs - MO Health' <admin@mohealth.co.za>; Graeme Campbell <graeme@sphgroup.co.za>; Quintin van der Merwe <Quintin.V@ctv.sphgroup.co.za>; Sonette Smit <Sonette.S@greenmined.co.za>; Cc: <craigrichardson100@gmail.com>; 'Abrie Hanekom Vaaloewer' <marlene@kruppeng.co.za>; 'Bob' <bobh@dullies.com>; 'Chris' <chrisc@cesa.co.za>; 'Dina' <dina.henstock@gmail.com>; 'liz' <liz.tuxx@gmail.com>; 'Louis Kruger' <krugerskroon@gmail.com>; 'Renee' <renee@bundunet.com>; 'Tertius' <tertiusw@gmail.com>; 'warrin' <warrinf@gmail.com>; Azwihangwisi.Nemulodi@dmr.gov.za; 'Reshoketswe Mphaphuli' <Reshoketswe.Mphaphuli@dmr.gov.za>; 'Reshoketswe Ramaboea' <Reshoketswe.Ramaboea@dmr.gov.za>; Greenmined Admin <admin@greenmined.co.za>
Subject: Re: Tja Naledi Meeting Minutes 21 April 2018

Good Afternoon Mariette,

Thank you for your valued comments regarding the meeting minutes.

The meeting minutes are recorded as the meeting was conducted, word for word as it happened during the meeting. This was done in order to be a true reflection of the meeting.

The voice recording will also be send to the DMR.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Renee de Jong Hartsliel <renee@bundunet.com>

Mariette Lieferrink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12

2018/05/1

Re: Tja Naledi Meeting Minutes 21 April 2018

I do apologize as I have not included all of your representative committees and associations. I have included them in the amended meeting minutes that will be send out once all comments have been received by all the attendees of the meeting.

Following your numbering below, I have listened to the recording again to verify that it was a true reflection, as you have stated. I have included some words to make the sentences more complete.

1.

And, “ML asked for clarification; ML became aware of the operations when she met the land owner, ML noted that she witnessed that the mine was operating. ML assumed that the environmental permits/rights had already been granted as she was of the opinion that the mine can’t operate without these permits. ML continued to as if the environmental permits/ rights had already been granted, then this PPP would be unnecessary as the authorisation has already been granted. Therefore, the only “remedy” they would have been to write the to appeal for condemnation due to the time constraints of the comments period.”

“Landowner” must read “the operators”. “ML continued to as” to be deleted. “Therefore the only remedy they would have been to write the to appeal for condemnation due to the time constraints of the comments period” should read: “Therefore the only remedy IAPs would have is to write to the Appeal Authority, that is the Department of Environmental Affairs, for condonation since the time period for an appeal would have prescribed.”

Now reads: ML asked for clarification. ML became aware of the operations when she met the contractor (SPH Kundalila). ML walked into the property, she was in the car with GA and the news media,

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

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Renee de Jong Hartsliel <renee@bundunet.com> | Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc.; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/

Re: Tja Naledi Meeting Minutes 21 April 2018

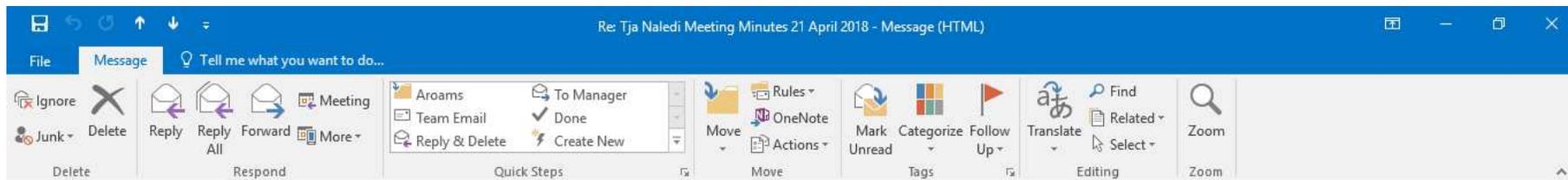
Now reads: ML asked for clarification. ML became aware of the operations when she met the contractor (SPH Kundalila). ML walked into the property, she was in the car with GA and the news media, and AH. They walked in and saw the operations taking place. ML assumed that the environmental permits/rights had already been granted as she was of the opinion that the mine can't operate without these permits or authorisations. ML asked if the environmental permits/ rights had already been granted, then this PPP hence forward would be unnecessary as the authorisation has already been granted. Therefore, the only "remedy" I&APs would have. It must be remembered that the rights that flow from a mining right are very far reaching, and one of the principle mechanisms is the PPP. Now that did not take place and it was the cart before the horse in other words. And therefore ML would suggest that the I&APS write the to appeal authority if the authorisation was legal, the appeal authority being the Department of Environmental Affairs and ask for condemnation due to the time constraints of the comments period. time condemnation would be asked from the time that the I&APs become aware, the day that the I&APs entered the property and submit that to the DEA.

2.

And: "ML refers to the National Water Act and state that if any of those water uses listed in Section 21 are needed, you must apply for a water use licence. This includes any discharge of polluted water." Please supplant "are needed" with "are triggered" and "state" with "states".

Agreed, however if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

4.



Renee de Jong Hartsliet <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12

2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

4.

"ML states that a rectification needs to be applied for, ML carries on to say that it is a G24 rectification document" should read: **"ML state that application for Rectification in Terms of Section. 24G of the National Environmental Management. Act (Act No. 107 of 1998) must be applied for."**

Agreed, however if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

5.

The following recordal of my comments is enigmatical. *"ML refers to point 4 of the presentation and states that it is important to note that commencement with a listed activity without environmental authorisation granted by the competent authority contravenes the provisions of section 24 F1 of NEMA and constitutes an offence (criminal offence) in terms of section 49 A1 and states that SJ has not been granted environmental authorisation and has already commenced."*

I do not recall that I have referred to the above sections of NEMA since section 24 F1 and section 49 A1 do not exist.

This is as per voice recording, if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward Meeting More

Junk Delete Reply Reply All Forward Meeting More

Delete Respond Quick Steps Move Tags Editing Zoom

Aroams To Manager Done Create New

Rules OneNote Actions

Mark Unread Categorize Follow Up

Translate Find Related Select

Zoom

Renee de Jong Hartsliet <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaalower; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

6.

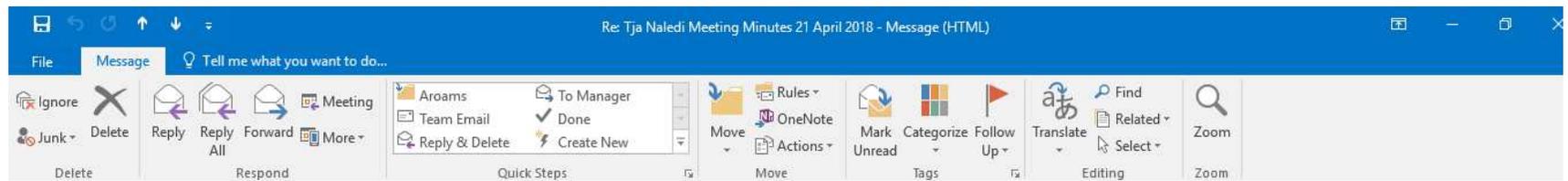
And: *“ML states SJ if in 2014 he was granted he was granted the environmental authorisation, ML carries on to say that a mining right is valid for 3 years and now we’re in 2018.04.26” “Was granted” is needlessly repeated.*

Corrected.

7.

And: *“It is understood that the restoration is nearly impossible. Hey have visited all the surrounding mines and it is evident that restoration is irreversible and profound impacts on the land, therefore it is not possible to restore to previous land us. If the intention is to rehabilitate the area, ML would like to receive a copy of the financial provision. In terms of NEMA, 2015 regulations, provision needs to be made for latent and residual impacts that are unforeseen, as well as the pumping of extreme use of water. Sand is everywhere. Needs and desirability needs to be established. Why mine in an area with a unique sense of place with tourism opportunities. Safe the Vaal case, where the case was won. Court case was won due to the sense of place. Sense of place has an economic value. And has to be taken into consideration into your consideration. Visual or sense of place especially as tourist will experience this.”*

- *“Hey” to read “She”*



Renee de Jong Hartsliel <renee@bundunet.com>

Mariette Liefferink; Abrie Hanekom Vaaloeuer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12

2018/05/01

Re: Tja Naledi Meeting Minutes 21 April 2018

- "*Hey*" to read "*She*"
- "*have*" to read "*has*"
- "*that restoration is irreversible and profound impacts on the land*" should read "*the impact of mining on eco-systems ae profound and often irreversible.*"
- "*to previous land us*" to read "*to a pre-mining state*".
- "*In terms of the NEMA, 2015 regulations*" to read "*in terms of the "NEMA: Regulations for the Financial Provision for Prospecting, Exploration and Mining" of 2015.*"
- "*..as well as the pumping of extreme use of water*" to read "*as well as the pumping of extraneous or polluted water*".
- "*Sand is everywhere*" to read: "*sand is plentiful*".
- "*Safe the Vaal case, where the case was won. Court case was won due to the sense of place*" to read: "*A legal precedent was established in Save the Vaal Case, in which the case was won on the grounds of sense of place.*"
- "*Visual or sense of place especially as tourist will experience this*" to read: "*The visual impacts or sense of place is especially important to tourists since they are sensitive to the sense of place.*"

Corrected where possible. However if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More

Junk Delete

Aroams To Manager Done Create New

Team Email

Reply & Delete

Quick Steps

Move OneNote Actions

Mark Unread Categorize Follow Up

Tags

Translate Find Related Select

Editing

Zoom

Renee de Jong Hartsliet <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

8.

"The applicant can. If there is a flaw in the PPP or in any environmental impacts in terms of NEMA, the directors of a company or co-directors can be held personally liable and is a criminal offence. There is no excuse to say I'm not a legal person." To be supplanted by: **"The applicant can be held personally liable in terms of Section 28 of NEMA if there is non-compliance with the NEMA and failure in duty of care. Non-compliance with the NEMA constitutes a criminal offence. There is no excuse for the Applicant to state that he is not a legal person."**

This is as per voice recording, if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

9.

"In terms of the constitution. Every person has the right to a clean environment and wellbeing. Wellbeing is affected here". To read: **In terms of Section 24 of the Constitution of the Republic of South Africa, every person has the right to an environment that is not harmful to health and wellbeing. Your wellbeing is affected in this matter."**

This is as per voice recording, if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

10.

"2014 process was flawed, ask for consideration to appeal the process / ML will ask for a legal opinion. need to appeal the process. All authorisation will stop during the appeal process." To read: **"If**

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aroams To Manager Done Create New

Team Email

Reply & Delete

Rules OneNote

Move Actions

Mark Unread

Categorize Tags

Follow Up

Translate

Find Related Select

Zoom

Zoom

Renee de Jong Hartsliet <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc.; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05

Re: Tja Naledi Meeting Minutes 21 April 2018

10.

*“ 2014 process was flawed, ask for consideration to appeal the process / ML will ask for a legal opinion. need to appeal the process. All authorisation will stop during the appeal process. To read: **“If the 2014 process was flawed, IAPs can ask for extension of time to appeal the authorisation. ML will ask for a legal opinion. During the appeal process not activity can proceed.”***

This is as per voice recording, if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

11.

*“Did not read through the FBAR and previous Mining right. Did we compile a biodiversity impact assessment?” **“We” to be supplanted with “you”**.*

12.

“For the consideration of the Section 102 amendment, this needs to be considered. The site does not fall in the biodiversity guidelines. Or within the biodiversity priority areas. But is in very close proximity to the Vaal River, which supplies 60% water to the economy and 45% to the population. YC is not a legal expert. In the next meeting the legal advisor needs to attend the meetings. The association is eager to prevent mines ” To read:

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting Aroams To Manager Done Create New Team Email Reply & Delete Move OneNote Actions Mark Unread Categorize Follow Up Translate Find Related Select Zoom Zoom

Renee de Jong Hartslief <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

“For the consideration of the Section 102 amendment, a biodiversity impact assessment ought to be conducted in terms of the Mining and Biodiversity guidelines. Since the project is in close proximity to the Vaal River, which supplies 60% to the economy and 45% of the population, it is assumed that the project falls within a National Freshwater Ecosystem Priority Area, which is according to the Mining and Biodiversity Guidelines an area of highest biodiversity importance and poses the highest risk for mining. YC is not a legal expert. In the next meeting a legal advisor should attend the meeting.”

Delete: “The association is eager to prevent mines.”

This is as per voice recording, if changes are made, and they do not correspond with the voice recording, this would not be a true reflection of the voice recording that was taken during the meeting.

13.

The Minutes contain a many typographical errors and grammatical, e.g. reference is made to the Applicant’s “to legs”. I think it ought to read “two legs.” And, “we can get to thediscusses later”. Perhaps “discusses” should be supplanted with “discussion.” “Want answers” is also needlessly repeated.

Corrected.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aeroams To Manager Done Create New

Team Email

Reply & Delete

Move OneNote Actions

Mark Unread Categorize Follow Up

Translate Find Related Select Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Renee de Jong Hartsief <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaaloewer; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

I furthermore infer from your correspondence that the Applicant considers the Meeting on the 21 April 2018 to form part of the public participation process. It is my understanding that the IAPs who participated in the Meeting indicated that this Meeting should merely considered as a preliminary meeting and not as part of the formal public participation process, as instructed by the Department of Mineral Resources.

The DMR instructed Tja Naledi, please also refer to the attached letter, to consult with the Vaaloewer Ratepayers Association in Vaal Eden. Further instructions was to include the proof of consultation (Meeting minutes and comments and response report) in the revised BAR and EMPr, as also stated below.

- a. You are requested to consult the Vaaloewer Ratepayers Association in Vaal Eden and include proof of consultation in the revised BAR and EMPr. Please note, the association must be given a minimum of 30 days to comment.

The meeting minutes will be resend to all parties, once all comments has been received.

I do hope you find this in order.

Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aeroams To Manager Done Create New

Team Email Reply & Delete

Rules OneNote Actions

Move Mark Unread Categorize Follow Up

Tags Translate Find Related Select Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Renee de Jong Hartsief <renee@bundunet.com> Mariette Liefferink; Abrie Hanekom Vaalower; Azwihangwisi.Nemulodi@dmr.gov.za; Bob; Cc.; Chris; Dina; Dr. Stephen Jacobs - MO Health; Gavin Aboud; + 12 2018/05/09

Re: Tja Naledi Meeting Minutes 21 April 2018

...must be given a minimum of 30 days to comment.

The meeting minutes will be resend to all parties, once all comments has been received.

I do hope you find this in order.

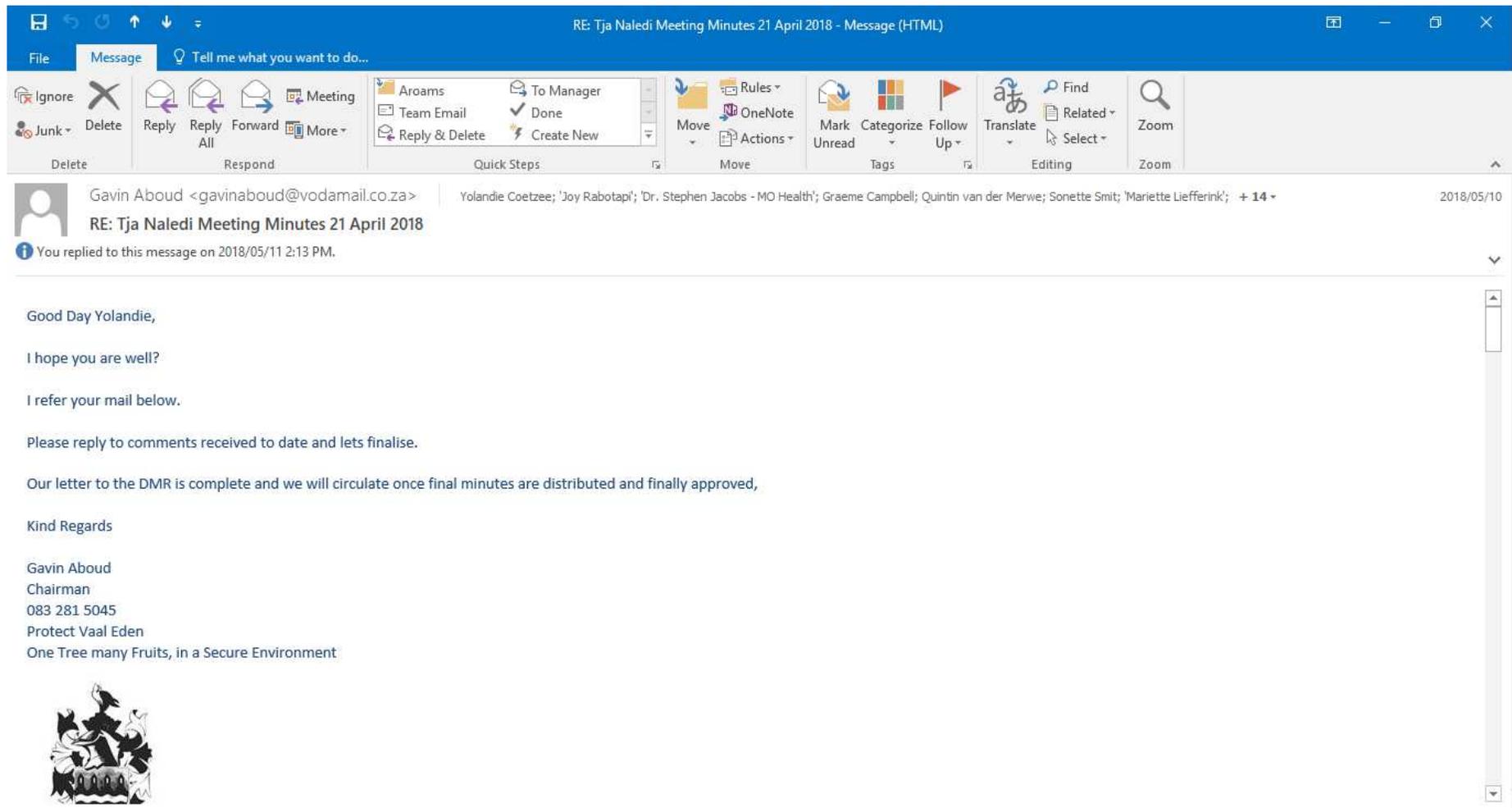
Kind Regards / Vriendelike Groete

Yolandie Coetzee

Environmental Consultant

 Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 10TH OF MAY 2018



The screenshot shows an Outlook window titled "RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a "Tell me what you want to do..." search bar. The ribbon contains various action buttons such as Ignore, Delete, Reply, Reply All, Forward, Meeting, More, and Quick Steps. The email header shows the sender as "Gavin Aboud <gavinaboud@vodamail.co.za>" and the subject as "RE: Tja Naledi Meeting Minutes 21 April 2018". The email body contains the following text:

Good Day Yolandie,

I hope you are well?

I refer your mail below.

Please reply to comments received to date and lets finalise.

Our letter to the DMR is complete and we will circulate once final minutes are distributed and finally approved,

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Protect Vaal Eden
One Tree many Fruits, in a Secure Environment



RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aroams To Manager Rules OneNote

Team Email Done Move Actions

Reply & Delete Create New

Mark Unread Categorize Follow Up

Translate Find Related Select Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Gavin Aboud <gavinaboud@vodamail.co.za> Yolandie Coetzee; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'; Graeme Campbell; Quintin van der Merwe; Sonette Smit; 'Mariette Liefferink'; + 14 2018/05/10

RE: Tja Naledi Meeting Minutes 21 April 2018

You replied to this message on 2018/05/11 2:13 PM.

kesnoketswe kamaboea; Greenmined Admin
Subject: RE: Tja Naledi Meeting Minutes 21 April 2018

Good Afternoon Gavin,

Noted and will be corrected.

I will send an update on the meeting minutes once all comments have been received.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
 Environmental Consultant



Tel: 011 966 4390
 Cell: 082 734 5113
 Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
 Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

LETTER TO RENEE HARTSLIEF DATED 11 MAY 2018

CORRESPONDENCE RECEIVED FROM RENEE HARTSLIEF ON THE 11 MAY 2018

The screenshot shows the Outlook interface for an email. The title bar reads "Re: TJA NALEDI BEAFASE HOLDING (PTY) LTD - SECTION 102 AMENDMENT APPLICATION - Message (HTML)". The ribbon includes "File" and "Message" tabs. The "Message" ribbon contains various actions like Ignore, Delete, Reply, Forward, Meeting, and more. Below the ribbon, the sender is identified as "Renee de Jong Hartsliet <renee@bundunet.com>". The subject is "Re: TJA NALEDI BEAFASE HOLDING (PTY) LTD - SECTION 102 AMENDMENT APPLICATION". An attachment is listed as "IAPs-Wild-Water-Conservancy.jpg" with a size of 333 KB.

Dear Elsaine,

Your letter has been received this afternoon and refers. Here is my main objection: In 2014, I registered myself, my FS-declared Private Nature Reserve and the FS-declared Wild Water Conservancy as IAPs for the Tja Naledi mining application. This has been confirmed by your Yolandie Coetzee, in writing and in the joint meeting of 21 April. However, in Yolandie's Comments document, following the meeting, she made some erroneous statements: that I had not responded to the Dorean BID because my farm on the Vaal Eden Road would not be affected by mining traffic. I have asked her to correct this. I live on a side-road, off the Vaal Eden Road, and my concern about the mining was on behalf of Wild Water Conservancy members who DO live on the Vaal Eden Road. Please see attached from Greenmined BAR page 219 of an IAP which still has the Wild Water Conservancy sign on their front gate. Apologies for the rushed response, but I would like it to be lodged today. Regards, Renee

On Fri, 11 May 2018 at 15:11, Elsaine Costerus Mohr <Elsaine.CM@greenmined.co.za> wrote:

Dear Mrs Hartsliet,

Attached hereto correspondence for your attention.

Kind Regards/Vriendelike Groete

Re: TJA NALEDI BEAFASE IAPs Hartslief, The Savannah Africa and Wild Water Conservancy - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aeroams To Manager Done Create New

Team Email Reply & Delete

Move OneNote Actions

Mark Unread Categorize Follow Up

Translate Find Related Select Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Renee de Jong Hartslief <renee@bundunet.com> | Elsaine Costerus Mohr; Yolandie Coetzee; Gavin Aboud | 2018/05/14

Re: TJA NALEDI BEAFASE IAPs Hartslief, The Savannah Africa and Wild Water Conservancy

Dear Elsaine,
Attached please find WhatsApp communication between myself and Yolandie. I will be submitting my further objections for your FBAR shortly. Please let me know how your company intends to correct the "Comments" document.
Sincerely,
Renee

Renee de Jong Hartslief
www.facebook.com/TheSavannahAfrica
+27 (0)71 448-4332 c
Woolridge 65 "Savannah" farm
PO Box 12, Parys 9585
Free State, South Africa
renee@bundunet.com

On 11 May 2018 at 16:40, Renee de Jong Hartslief <renee@bundunet.com> wrote:
Dear Elsaine,
Your letter has been received this afternoon and refers. Here is my main objection: In 2014, I registered myself, my FS-declared Private Nature Reserve and the FS-declared Wild Water Conservancy as IAPs for the Tja Naledi mining application. This has been confirmed by your Yolandie Coetzee, in writing and in the joint meeting of 21 April. However, in Yolandie's Comments document, following the meeting, she made some erroneous statements: that I had not responded to the Dorean BID because my farm on the Vaal Eden Road would not be affected by mining traffic. I have asked her to correct this. I live on a side-road, off the Vaal Eden Road, and my concern about the mining was on behalf of Wild Water Conservancy members who DO live on the Vaal Eden Road. Please see attached from Greenmined BAR page 219 of an IAP which still has the Wild Water Conservancy sign on their front gate. Apologies for the rushed response, but I would like it to be lodged today. Regards, Renee

[2018/05/04, 20:04:37] Renee De Jong Hartslief: Good evening Yolandie,
I hope you're well.
We were so hoping that you would actually deliver on your commitment to us to email minutes, attendance register and answers to ancillary questions "by the end of this week". This week is over. ☹

Our high expectations of you and your congenial clients have been shattered.
It is our entire community's environmental and social health, wealth and welfare that is at stake - which you are completely ignoring.

Enjoy your evening,

Renee Hartslief

[2018/05/05, 06:50:31] Yolandie Coetzee: Good Morning Renee.

I did delever on my comitment by stating you will have it by the end of the week. I send it through last night as promised.

Kind Regards

Yolandie



[2018/05/05, 06:52:00] Renee De Jong Hartslief: Thank you Yolandie

[2018/05/05, 06:52:55] Yolandie Coetzee: Its a pleasure. Have a lovely weekend 😊

[2018/05/05, 15:42:31] Renee De Jong Hartslief: Dear Yolandie,
Before I respond to you in public, may I suggest that you revisit prior correspondence between us?

You have absolute proof that I DID register with Dorean as an IAP for Tja Naledi and that I did so on behalf of myself, the FS declared nature reserve "Savannah" AND the FS declared "Wild Water Conservancy". Your email to me on 20 April confirms that. Your comments in our joint meeting confirm that.

However, your subsequent "Comments and Response Report" received in the early hours of this morning state that "there was no proof" and my only concern was whether trucks would drive past my property?? That is nonsense!

My nature reserve is on a side road, not on the Vaal Eden Road - I was acting as a concerned member of the Wild Water Conservancy and we were given the assurance that none of us would be impacted.

Herewith, from your own documentation, is proof that those assurances are false.

Please correct this immediately.

Thank you, Renee

[2018/05/08, 10:51:51] Yolandie Coetzee: Hi Renee. I will correct you comment in the Comment in the comments and response report. The information that i received was from Dorean

after we had the meeting, where Monty said that you registered for Sweet Sensation. I have received the proof from you, whereafter i confirmed with Dorean where they said it was for Sweet Sensations.

[2018/05/08, 15:05:47] Renee De Jong Hartslief: Dear Yolandie, please let me know exactly how you intend to undo your damning statements in your comments about me (my only interest was in traffic past MY farm and I failed to respond to Dorean) and how you will explain your FALSE statements about which mine I signed up for. I expect to hear from you by close of business today. Thanks.

[2018/05/08, 16:02:25] Yolandie Coetzee: Hi Renee. As i have mentioned previously, that was the information received from Dorean. I can unfortunately not change what happened and what was recorded in 2014. This feedback was provided to me.

[2018/05/08, 16:06:31] Renee De Jong Hartslief: Dear Yolandie, you received the proof you asked from me before our meeting! It was clearly for Tja Naledi and NEVER based on my private concerns about "traffic past my farm".

[2018/05/08, 16:16:31] Yolandie Coetzee: Hi Renee. I did receive the "proof" yes. But in the email screenshots that you send me there was no reference to Tja Naledi. There was no subject line etc. Stating that it was for Tja Naledi. I revert back to my previous message stating that this was what i received from Dorean, And i cannot change what happened in the past. As i have also mentioned. You have now been registered as an I&AP as part of the Section 102. And you WILL receive all further correspondence. Can you please provide me with your comments regarding the section 102 amendment, so that i can incorporate that into the Final Basic Assessment.



Renee de Jong Hartsliet



to Yolandie
[Hide details](#)

From Renee de Jong Hartsliet
renee@bundunet.com

To Yolandie Coetzee
yolandie.c@greenmined.co.za

Date 08 May 2018, 16:28

[+27 83 410 3383](tel:+27834103383)

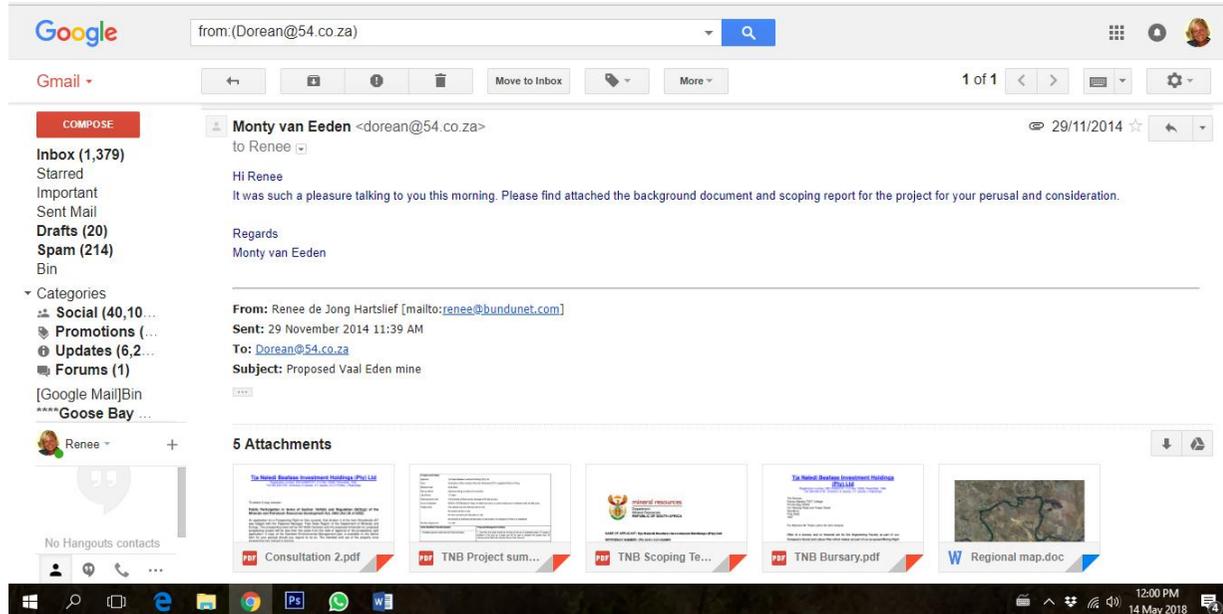


Dear Monty,
We look forward to receiving the documents from you regarding the attached. Thanks, Renee Hartsliet for The Savannah Africa and the Wild Water Conservancy

--

Sent from Gmail Mobile
Renee de Jong Hartsliet
[+27 71 448-4332](tel:+27714484332)

[2018/05/08, 16:21:28] Renee De Jong Hartslief: Not good enough, Yolandie! If you were in doubt, you could have asked. Instead, you fabricated a story about my concern about traffic along my road. Shame on you! And you could have responded to me sooner. Please let me know how you intend to 'correct the comments'. I have sent you the email



Please note that the 5 attachments from Monty in this email were clearly for TNB, not Sweet Sensations. (I have never received any notifications as an IAP for Sweet Sensations either.)

[2018/05/08, 16:37:48] Yolandie Coetzee: Thank you Renee for your comments. We will revert back to you shortly. Kind Regards Yolandie

Please note that I have not heard back from Yolandie since the comment above “We will revert back to you shortly.” Instead, I have received a legal letter from Elsaine.

CORRESPONDENCE RECEIVED FROM CRAIG RICHARDSON ON THE 11TH OF MAY 2018

Attachment Tools Re: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Attachments Tell me what you want to do...

Open Quick Print Send To Save As Save All Attachments Remove Attachment Select All Copy Show Message Selection Message

Craig Richardson <craigrichardson100@gmail.com> Yolandie Coetzee; Gavin Aboud; Joy Robotapi; Dr. Stephen Jacobs - MO Health; Graeme Campbell; Quintin van der Merwe; Mariette Liefferink; + 13 2018/05/11

Re: Tja Naledi Meeting Minutes 21 April 2018

image003.png 53 KB	image004.jpg 6 KB	image009.png 16 KB	image007.png 16 KB	image005.png 16 KB
image006.jpg 6 KB	image008.jpg 6 KB	Screenshot_2018-05-11-19-29-04.png 1 MB		

Hi Yolandie

Please note my farm is called Tahiti Estates not Yahiti.

Top of page 12 reads "CR states that this was done by YC in current process". This should read "YC states that this was done by YC in current process".

I was never notified in this or the previous process despite being a direct neighbour.

In your notes you imply your replied to my email which you didn't, despite me asking you to explain what you mean in your email asking for my farm details.

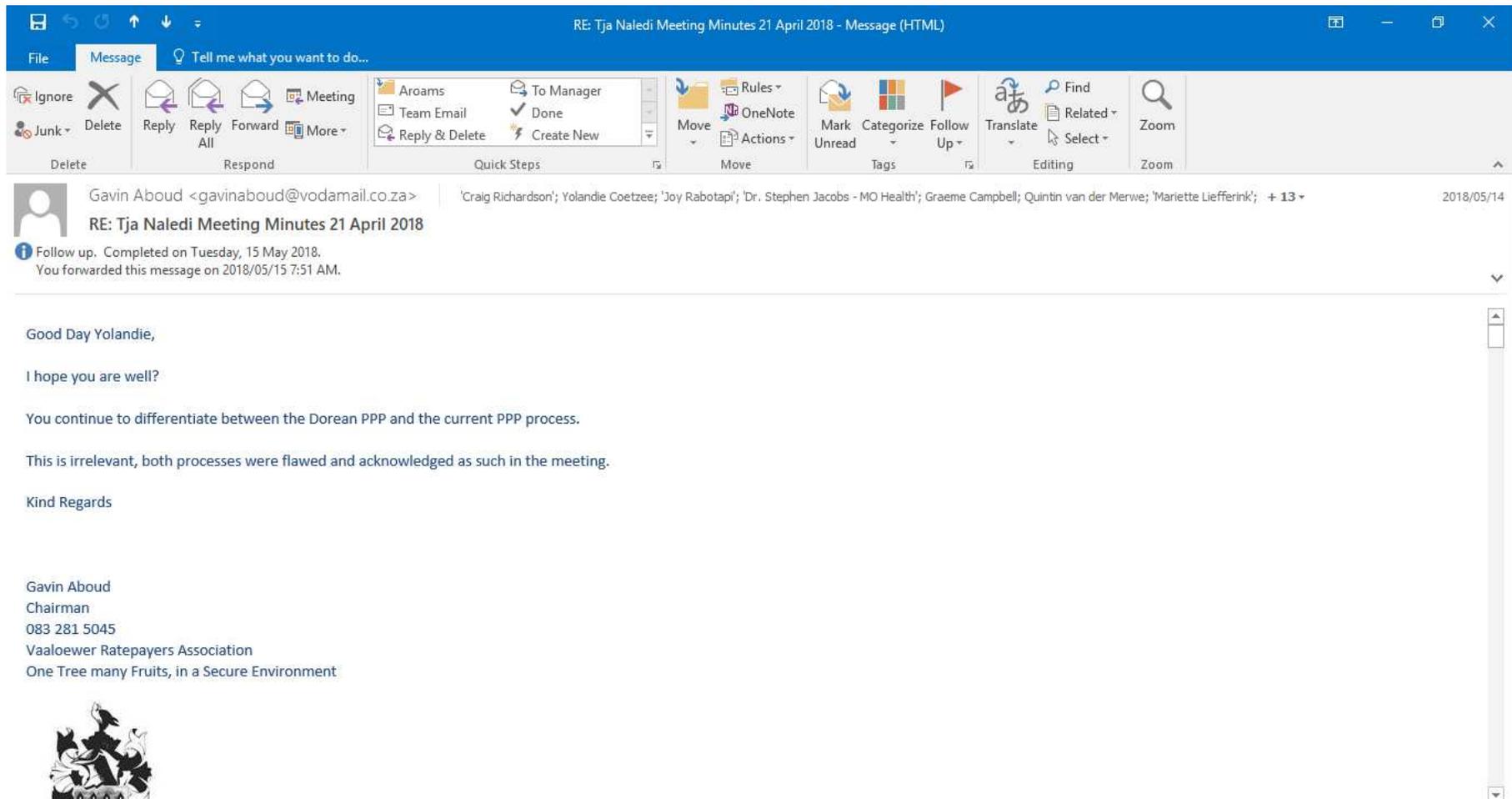
Regards

Craig Richardson.

On Fri, 11 May 2018, 14:26 Yolandie Coetzee, <yolandie.c@greenmined.co.za> wrote:

Good Afternoon All,

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 15TH OF MAY 2018



The screenshot shows an Outlook window titled "RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a "Tell me what you want to do..." search bar. The ribbon contains various action buttons such as "Ignore", "Delete", "Reply", "Reply All", "Forward", "Meeting", "More", "Quick Steps", "Move", "Actions", "Mark Unread", "Categorize", "Follow Up", "Translate", "Find", "Related", "Select", and "Zoom".

The email header shows the sender as "Gavin Aboud <gavinaboud@vodamail.co.za>" and the subject as "RE: Tja Naledi Meeting Minutes 21 April 2018". The recipient list includes "Craig Richardson", "Yolandie Coetzee", "Joy Rabotapi", "Dr. Stephen Jacobs - MO Health", "Graeme Campbell", "Quintin van der Merwe", and "Mariette Liefferink". The date is "2018/05/14".

The email body contains the following text:

Follow up. Completed on Tuesday, 15 May 2018.
You forwarded this message on 2018/05/15 7:51 AM.

Good Day Yolandie,

I hope you are well?

You continue to differentiate between the Dorean PPP and the current PPP process.

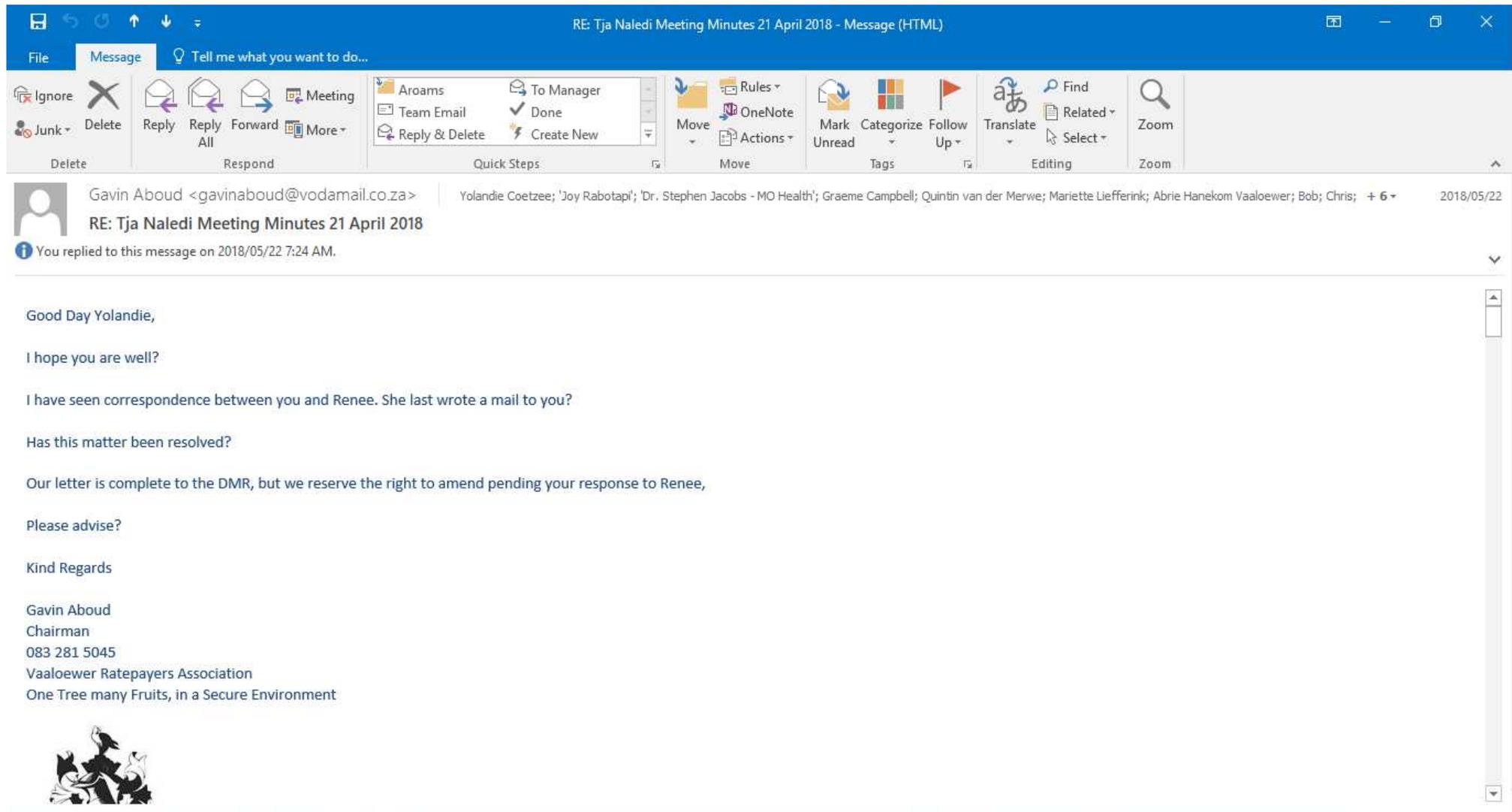
This is irrelevant, both processes were flawed and acknowledged as such in the meeting.

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaalower Ratepayers Association
One Tree many Fruits, in a Secure Environment



CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 22ND OF MAY 2018



The screenshot shows an Outlook window titled "RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The interface includes a ribbon with "File" and "Message" tabs, and a search bar. The ribbon contains various action buttons such as "Ignore", "Delete", "Reply", "Reply All", "Forward", "Meeting", "More", "Quick Steps", "Move", "Actions", "Mark Unread", "Categorize", "Follow Up", "Translate", "Find", "Related", "Select", and "Zoom".

The email header shows the sender as "Gavin Aboud <gavinaboud@vodamail.co.za>" and the subject as "RE: Tja Naledi Meeting Minutes 21 April 2018". The recipient list includes "Yolandie Coetzee; 'Joy Rabotapi'; 'Dr. Stephen Jacobs - MO Health'; Graeme Campbell; Quintin van der Merwe; Mariette Liefferink; Abrie Hanekom Vaaloewer; Bob; Chris; + 6". The date and time are "2018/05/22".

The email body contains the following text:

RE: Tja Naledi Meeting Minutes 21 April 2018
You replied to this message on 2018/05/22 7:24 AM.

Good Day Yolandie,

I hope you are well?

I have seen correspondence between you and Renee. She last wrote a mail to you?

Has this matter been resolved?

Our letter is complete to the DMR, but we reserve the right to amend pending your response to Renee,

Please advise?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaaloewer Ratepayers Association
One Tree many Fruits, in a Secure Environment



RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

File Message Tell me what you want to do...

Ignore Delete Reply Reply All Forward More Meeting

Aroams To Manager Done Create New

Team Email Reply & Delete

Rules OneNote

Move Actions

Mark Unread Categorize Follow Up

Tags

Translate Find Related Select

Editing

Zoom

Gavin Aboud <gavinaboud@vodamail.co.za> Yolandie Coetzee 2018/05/22

RE: Tja Naledi Meeting Minutes 21 April 2018

Good Day Yolandie,

I hope you are well?

I refer your mail below.

I refer my mail I have just sent.

Please advise?

Kind Regards

Gavin Aboud
Chairman
083 281 5045
Vaalower Ratepayers Association
One Tree many Fruits, in a Secure Environment



RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)

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Gavin Aboud <gavinaboud@vodamail.co.za> Yolandie Coetzee 2018/05/22

RE: Tja Naledi Meeting Minutes 21 April 2018

Vanaf

From: Yolandie Coetzee [<mailto:yolandie.c@greenmined.co.za>]
Sent: 21 May 2018 10:04 AM
To: Gavin Aboud
Subject: FW: Tja Naledi Meeting Minutes 21 April 2018

Good Morning Gavin,

Please refer to your email below where you said that you will circulate your DMR letter to us once the final meeting minutes was send.

Your email was dated 10 May 2018, and the final meeting minutes was send on the 11th of May.

Kind Regards / Vriendelike Groete

Yolandie Coetzee
Environmental Consultant



Tel: 011 966 4390
Cell: 082 734 5113
Fax: 086 546 0579

Physical: 93/94 Maple Street, Pomona, Kempton Park, 1619
Postal: Postnet Suite 62, Private Bag X15, Somerset West, 7129

"the goal isn't to live forever, it is to protect a planet that will"

CORRESPONDENCE RECEIVED FROM GAVIN ABOUD ON THE 23RD OF MAY 2018

The screenshot shows an Outlook window with the title bar "RE: Tja Naledi Meeting Minutes 21 April 2018 - Message (HTML)". The ribbon includes "File" and "Message" tabs. The "Message" ribbon has groups for "Delete" (Ignore, Delete, Junk), "Respond" (Reply, Reply All, Forward, Meeting, More), "Quick Steps" (Aroams, Team Email, Reply & Delete, To Manager, Done, Create New), "Move" (Move, OneNote, Actions), "Tags" (Mark Unread, Categorize, Follow Up), "Editing" (Translate, Find, Related, Select), and "Zoom" (Zoom). The email header shows the sender "Gavin Aboud <gavinaboud@vodamail.co.za>" and recipients "Yolandie Coetzee; azwihangwisi.mulaudzi@dmr.gov.za; mamokete.mpatane@dmr.gov.za; Reshoketswe.Mphaphuli@dmr.gov.za; Joy Rabotapi; + 14". The subject is "RE: Tja Naledi Meeting Minutes 21 April 2018". A note indicates "You forwarded this message on 2018/05/25 1:36 PM." An attachment is listed as "20180425ProtectVaal EdenObjections_TjaNalediSection102Application.pdf" (1018 KB). The email body contains the following text:

Good Day Yolandie,

I hope you are well?

Attached letter to the DMR regarding our concerns is relevant.

We await your notification of when the Public Participation Process will start, we regard the process conducted as flawed and you agreed as such at the meeting.

Further, the current mining operation is illegal based on incorrect zoning.

Lastly you do not have a Water Licence,

Kind Regards

Gavin Aboud
Chairman
083 781 5045

Protect Vaal Eden,
P.O. Box 14185
Zuurfontein
1912

The Regional Manager: Mineral Regulation Branch,
Free State Region,
Department of Mineral Resources,
Private Bag X33,
WELKOM
9460

WITHOUT PREJUDICE AND THE RESERVATION OF ALL OUR RIGHTS

Dear Mr Mulaudzi,

RAISING OF OBJECTIONS RELATING TO VARIOUS ASPECTS OF AN APPLICATION FOR A SECTION 102 AMENDMENT TO THE MINING RIGHT OF TJA NALEDI BEAFASE INVESTMENT HOLDINGS (PTY) LTD. (TNBIH) ON PORTION 4 OF WOODLANDS 407, MAGISTERIAL DISTRICT OF PARYS .

INTRODUCTION

The abovementioned application, allocated Reference No FS 30/5/1/1/2/10020MR by your office, as well as a letter from Ms R.R. Mphaphuli of the Sub-Directorate Mine Environmental Management, DMR Free State (Ref No.: FS 30/5/1/2/3/2/1 (10020) EM), requesting additional information regarding the Basic Assesment Report and the Environmental Management Programme required for this application, has reference.

Besides the applicable legislation sited where relevant in text to follow, other documentation referred to in this letter are the:

1. Background Information Document (BID) prepared by Yolandie Coetzee of Greenmined Environmental.
2. Final Basic Assessment Amendment Report (FBAR) prepared by Yolandie Coetzee of Greenmined Environmental.
3. Comments And Response Report Vaal Oewer Rate Payers Association (Protect The Vaal Committee) by Yolandie Coetzee of Greenmined Environmental.

We thank you and Ms Mphaphuli, for instructing the Directors of TNBIH and Greenmind Environmental's EAP, to consult with our committee and to give us a **minimum** of 30 days to respond. However, for reasons outlined in this letter, we are of the view that the Public Participation Process & Basic Assessment Process, did not comply with the NEMA Act and Regulations in key aspects.

We therefore respectfully request that the complete public participation process is repeated in order to give the 800+ I&APs and the residents of Vaaloewer's Informal Settlement, registered during the Goosebay Farm PPP, the opportunity to fully participate in this PPP as is our constitutional right in our participative democracy.

BACKGROUND

Who we represent:

Protect Vaal Eden (PVE) is a community based organisation that represents about 800 interested and affected parties (e.g. residents from the Vaal Eden, Lindequesdrift, Vaaloewer, Parys and Vredefort areas, community members, etc.) registered for Goosebay Farm's mining right application. The existing community organisations who have combined resources to form PVE are the:

- Vaaloewer Ratepayers Association (VRA)

- Lindequesdrif Community Police Forum (LCPF)
- Friends of the Vredefort Dome (FoVD) who also represents Vaal Eden residents.

The meeting that was held on Saturday 21 April 2018 in Vaaloewer was with the Management Committee of PVE. Although we have been mandated by the organisation to do certain work on behalf of the organisation, we cannot speak on behalf of all 800+ I&APs.

Any public participation process will have to include all those I&APs who wish to participate, which in our view, is the purpose of a Public Participation Process (PPP). We do not have the time and funding to conduct our own PPP on behalf of the applicant. That is the domain of the applicant's appointed EAP, who in our view, have severely neglected her legal duty to conduct a proper PPP as required by the relevant legislation.

SUMMARY OF OUR KEY OBJECTIONS AND REQUESTS

Our **key objections** to 1) the public participation process followed (Objection 3), 2) the content of the BID and BAR documents supplied by Greenmined Environmental (Objections 1, 4, 5, 6 & 7) as well as 3) the current land zoning which does not allow any mining activity (Objection 2), are covered in more detail in the **MAIN APPENDIX: Detailed Objections** starting on page 10.

Please note, that this is not a detailed response to these documents as we have not participated in a complete public participation process. The objective is rather to point out the major flaws in the current process and to give substantive reasons why the Public Participation Process has to be repeated in its full extent with all potential I&APs who wish to participate.

In summary, the key objections and requests based on each respective objection, are the following:

0.1. **OBJECTION 1: Incomplete Policy and Legislative Context in FBAR.**

Regulations 3 (1) (e) (i) and (ii) as well as regulation 41 (2) of the NEMA EIA Regulations, 2014 as amended, clearly implies that besides applicable legislation and regulations, **applicable guidelines** supporting the acts and regulations listed, are also key components of the policy and legislative context required for any environmental assessment, the Basic Assessment Process in this instance. Therefore the Policy and Legislative Context of the BAR, should list AND use all applicable acts, regulations and guidelines.

Some key **omissions** in the FBAR prepared by Greenmined are:

1. No NEMA or MPRDA guidelines applicable to an environmental assessment, were listed. Some important examples are the DEA Public Participation Guidelines of 2012 and 2017 and the DEA (2017), Guideline on Need and Desirability (See Appendix B for an overview).
2. The Spatial Planning and Land Use Management Act, 2013 (SPLUM act) was also not listed. This is the national legislation which provides a national framework for spatial planning and land use management to all national, provincial and municipal government authorities.
3. If applicable, the following acts and regulations listed in the latest Goosebay Farm's BID, could also be relevant:
 - (a) The National Environmental Management: Waste Act (NEM:WA), 59 of 2008, and supporting regulations for a waste management license required for waste related activities.
 - (b) The DWS National Water Act (NWA), 36 of 1998 and supporting regulations as the proposed project may also require a water use license for anticipated water uses on the site (see Objection 6).
 - (c) The National Environmental Management: Air Quality Act (NEM:AQA), 39 of 2004 to obtain an air emission license from the Fezile Dabi District Municipality (FDDM).

REQUEST 1: These omissions has led to a number of defects in the contents of the BAR document as further described in other objections. We therefore respectfully request that the documentation referred to above, and other applicable guidelines and legislation, are:

1. Listed in the Policy and Legislative Context section in a revised BAR; and

2. Used as specified in these documents to revise the BAR after a new public participation process has been rescheduled.

0.2. OBJECTION 2: Mining activity in an area not zoned for mining:

The land where mines are situated has, according to our knowledge, **not** been **rezoned for mining**. Any *mining activity* in this area is therefore **illegal** until the area has been rezoned to include mining. We base our reasoning on Act No. 16 of 2013: Spatial Planning and Land Use Management Act, 2013 (Commencement date: 5 August 2013) (*SPLUM Act, 2013*) and the *Free State Ordinance* for the time period prior to the commencement of this act.

In our interpretation of the SPLUM Act, 2013, the rezoning process has not been followed (See copy of Clauses 26 (5) & 28 (2) of Act in APPENDIX A1). Rezoning requires a full public participation process and can only be approved by the Municipal Council (Clause 28 (4)). Any activity not allowed by the current zoning is illegal. In addition, the approval of a mining right, mining permit, prospecting right etc. can, in our view, only be approved conditional on the prior rezoning of the land where mining activity will take place. Without such a pre-condition, an approval could be interpreted by applicants that they are allowed to mine, when the SPLUM Act, 2013, clearly states that this is illegal.

REQUEST 2: (a) Please provide proof that the Vaal Eden area on all farms where mining has been approved, has been properly rezoned for mining
(b) If such proof cannot be provided, we respectfully request that all mining activity in the Vaal Eden area is ceased until the land has been rezoned properly and that all actual illegal activity is dealt with as prescribed by the SPLUM act.
(c) If conditional approval for TNBIH's mining right was given by the DMR, please provide proof of this. The same should be done for all other mining approvals done.
(d) If proof of the required rezoning, which followed the correct legislated procedures in terms of the SPLUM act can be provided, this objection is irrelevant. If such proof exist, kindly forward that to our committee.

0.3. OBJECTION 3: Non-compliance of Public Participation Process:

The Public Participation Process followed by Greenmined Environmental in this environmental assessment **did not**, in our view, comply with the relevant legislation in several instances. A clear indication of this is that SLR Consulting generated a list of **800 + registered I&APs** in the beginning of this year for Goosebay Farm's mining right application . In contrast, in nearly the same period and for a similar neighbouring mine, Greenmined Environmental produced a list of only **8 I&APs** (excluding owners of TNBIHs and relevant government departments in the Free State) for the Tja Naledi Beafase Holdings Pty (Ltd) Section 102 application .

The implications of **regulation 41 (2) of the NEMA EIA Regulations, 2014 as ammended**, are:

- All methods of giving notice must be complied to.
- Any relevant guideline applicable to public participation must be taken into account. The key guidelines in this regard are the DEA Public Participation Guidelines of 2012 and 2017.

The most obvious instances of **non-compliance** are:

(a) Not all neighbours on adjacent properties have been contacted through registered letters as stipulated in Regulation 41(2)(b)(ii) (EIAR17). The farm owners known to us are:

- Craig Richardson, the owner of Tahiti Estate on the bank of the Vaal River in Gauteng Province bordering the mining site.
- The owners of all other properties adjacent to Tahiti Estate on the Farm Boschdraai 575 in Gauteng Province which borders the farm on which the mine is situated.

(b) Me Renee De Jong Hartsliet, joint owner of the farm Savannah on the Vaal Eden Road in direction of Parys, co-chair of Friends of the Vredefort Dome and a member of our committee, has

proof, which was acknowledged by Yolande Coetzee of Greenmined, that she should have been registered as an I&AP for the original mining right application. As a registered I&AP, she should have been notified of this section 102 application. This is an indication of the flaws in the PPP conducted for TNBIH's original mining right application which was done by Dorean Environmental. As a consequence of this, she wasn't notified of the current Section 102 application (Regulation 42 (a) &/ (b) of EIAR17).

- (c) The DEA 2012 Public Participation Guideline clearly stipulates in section 4.3 (c) (i) that if a notice was sent by registered post, the address of the person the notice was sent to, must appear on the copy of the registered mail receipt provided as proof of such notifications. Only a code, not an address, is shown on the copies of the Postnet receipts in Section E1 of the FBAR document.
- (d) The same guideline clearly states that if the impact of mining will affect inhabitants of neighbouring municipalities or provinces that the notice of the environmental impact assessment must be published in a national newspaper (Regulation 41(2) (d) of EIAR17). In addition, the relevant government departments in neighbouring provinces (Gauteng & Northwest), district municipalities (Sedibeng DM & Dr Kenneth Kaunda DM) and local municipalities (Emfuleni LM & JB Marks LM), in this case, must according to the regulation be contacted with written notices (Regulation 41(2)(b)(iv) of EIAR17). Neither of these notification methods were used, no proof is included in the FBAR compiled by Greenmined.

The fact that the DMR Free State requested Greenmined Environmental EAP to arrange a meeting between our committee and the owners of Tja Naledi Beafase Investment Holdings (TNBIH), can be regarded as an admission of the relevancy of this regulation to the current Section 102 application. However, the simplest proof that this regulation **is applicable**, is again Tahiti Estates (see (a) above), an estate **in Gauteng** which borders on Portion 4 of Woodlands 407, the farm the mine is situated on. As they are in Gauteng, a notice should have been published in a national newspaper.

In the DETAILED OBJECTIONS, we provide 6 other reasons why the proposed mining activity impacts on the three other provinces. This includes the fact that the route followed by mining trucks lead into Gauteng, and possibly North West, which has already caused severe damage to roads in Gauteng. Another key reason is the negative integrated cumulative impact of mining in this area on property prices of Vaaloewer and Lindequesdrif, which in turns has a negative impact on the economy of Gauteng and North West. See Objection 5 for more detail on the integrated cumulative impact of 2 or more mines in close proximity.

- (e) Adjacent to Vaaloewer, on the border between Gauteng and Northwest, but still in Gauteng, lies an informal settlement. The employed residents of this settlement work on farms, agricultural holdings and businesses in Lindequesdrif as well as households and businesses in Vaaloewer. Some of the residents run their own small businesses which are dependent on the local economies mentioned. Any negative impact on the local economies will also negatively impact on residents of the informal settlement as the mines in Vaal Eden, Ngwathe will not employ them or economically benefit them. Regulations 41(2) (d) and (e) of EIAR17 are relevant to people in this group.
- (f) Lastly, the DEA Public Participation Guidelines of 2017 (PPG17) provides a decision matrix in table 1 of Section 6, **Guidance On The Level Of Public Participation**. This is used to determine whether extra steps need to be included in the PPP or whether only the minimum requirements for the PPP are required. As already seen above, especially in point (d), in our view the current PPP does not even comply to the minimum requirements for a PPP set by the EIA 2017 regulations. Table 1 list 3 main categories with 16 different situations that might be applicable in an area with regards to an Environmental Authorisation. In our view, at least 14 of these situations are applicable to our area and the current environmental authorisation process. That indicates to us that the

public participation process should be as wide and as inclusive as possible. In response to an email from committee member Mr T Wehmeyer, GE found only 1 category to be applicable.

Of course, we can dispute most of these points as it seems that the EAP is not familiar enough with the area and it's history to make an informed judgement. However, what is more important is that this table with their response should have been included in the original BAR. This table should have been used by them in the planning stages of the PPP, **not when it's almost over**. Which again supports our view with regards to objection 1.

REQUEST 3: (a) As public participation is a key aspect of an environmental assessment, our **main request** is that **the complete Public Participation Process should be repeated** in order to provide interested & affected parties who were not notified, the opportunity to fully participate in the PPP as specified by the applicable legislation.

(b) GE should use the applicable PP guidelines to plan the PPP thoroughly. The Protect Vaal Eden committee are more than willing to assist in this process where we are able to.

(c) Reference to these guidelines should also be included where relevant in the FBAR.

0.4. OBJECTION 4: Equipment not specified in original EMPR on the mining property:

On 10 April 2018 we sent an email to the DMR Free State Regional Manager to report mining equipment on TNBIH mining site which are not listed in their EMP. Please see Appendix C for a copy of this email. The equipment observed were:

- 1 x orange mobile crushing and screening plant.
- At least 4 big yellow CAT trucks which do not have registration numbers as they are opencast mining vehicles only used on mines. Therefore these trucks could not belong to clients collecting sand and should therefore not be on site.

In our view, TNBIH are acting as if their Section 102 application was already approved. Which does not instill confidence that they will abide by their approved mining plan.

REQUEST 4:

(a) These transgressions should count against TNBIH with regards to the approval of their Section 102 Application. If they cannot abide by their current EMP, what proof is there that they will do so in future?

(b) The CAT Trucks on site, and an operating front-loader also is a clear indication of mining activity. In the absence of a legal rezoning process, this mining activity, as pointed out in Objection 2 above, should be regarded as illegal. We request that all mining activity is halted until a proof of legal rezoning can be provided to our committee.

0.5 OBJECTION 5. The assessment of the full Cumulative Impact of all mining in Vaal Eden on the environment and local economy (opportunity cost) is highly inadequate.

Integrated Cumulative Impact

It is our view that this *Basic Assessment Process for the Section 102 amendment*, as well as the EIA for the mining right application, did not assess the **full historic, current and possible future cumulative impact from all the mines in the area**, and its consequences for **opportunity costs** to surrounding communities, in relation to the activities under TNBIH's current mining right and section 102 amendments requested **in the area**. **This critical omission could have been avoided if correct use was made of the** DEA (2017) Guideline on Need and Desirability.

The integrated cumulative impact (past, present and projected future) of all 3 mines, could have a *major negative impact* on the **sustainable (/ justifiable) development** of the Vaal Eden area, and the areas in Gauteng (Vaaloewer and informal settlement, Tahiti Estates, Pont De Val etc.) and Northwest (Lindequesdrif). There are *no direct economic benefits* from any of these mines to any of the surrounding areas, not even Vaal Eden which is part of Ngwathe LM. In order to determine the exact impact, the resulting **opportunity costs** (lost economic and other

opportunities) to the surrounding communities from the integrated cumulative impact of all 3 mines, *should be determined through a consultative process (in a new PPP) by a specialist.*

The *assessment of the cumulative impact* is a *key aspect* of any EIA related to mining. *References to cumulative impacts* are made in the NEMA, NEMA EIA Regulations and the DEA 2017 Guideline on Need and Desirability. In Appendix 1 of the EIA regulations it is stated as *one of the objectives* of the Basic Assessment Process (BAP) and that *assessment of the cumulative impact should be included* in the Basic Assessment Report (BAR).

It is important for the following reasons:

- Determining the requirements and procedures for **mine closure**, the *apportionment of liability* for mine closure and the *sustainable closure of mines* with an interconnected or integrated impact resulting in a **cumulative impact** (NEMA Clause 24 (5) (b) (viii)).
- Determining the positive and negative **cumulative ecological/biophysical impacts** bearing in mind the size, scale, scope and nature of the project in relation to its location **and existing and other planned developments** in the area (DEA 2017 Guideline on Need and Desirability section 1.13, which should be used for all environmental assessments).
- Determining the positive and negative **cumulative socio-economic impacts** bearing in mind the *size, scale, scope and nature of the project in relation to its location and other planned developments in the area* (DEA 2017 Guideline on Need and Desirability section 2.22, which should be used for all environmental assessments).

Integrated cumulative impacts are those impacts which are the combined cumulative impacts from mines in the same area such as the 3 mines in the Vaal Eden area. The following are of relevance:

- The **total hectares** under mining in the Vaal Eden area, if all mining rights are authorised, will be approximately 1,408 hectares (see APPENDIX F: *Brief overview of historic and current mining activity in the Vaal Eden area* for more detail).
- As **all the sand mines** seem to be applying to **include gravel and diamond mining with silica sand mining** as well as **onsite processing**, the integrated cumulative effect of the opencast mines, which includes dust and noise pollution and severe damaging of roads, will create (and has created) highly unpleasant living conditions for surrounding neighbours and have a destructive impact on the tourism industry, agriculture and the property market. As enforcement is already problematic, local inhabitants cannot trust promises of future responsible mining and strict enforcement of legislation.

The **integrated cumulative impact is not addressed properly** in this FBAR and most probably not at all in any of the EIAs already done for mines in this area. The section on Cumulative Impacts in the FBAR (table 18 on page 74) only covers the degradation of the Vaal Eden Road stating that *“A fund will be set aside (with the two similar mines in close vicinity of the Tja Naledi) to maintain the serviceability of the road verge where the trucks approach or depart from the main road.”* If the “main road” is Boundary Road, then it is ONLY the road verge where the Vaal Eden Road meets with Boundary Road. The transport trucks of the mines’ customers causes a lot more damage to a much longer route.

Opportunity Costs

In paragraph page 8 of the DEA 2017 Guideline on Need and Desirability, the following is stated: **“Financial viability** should be considered within the context of justifiable economic development, measured against the *broader societal short-term and long-term needs*. While the financial viability considerations of the private developer might indicate if a *development is “do-able”*, the “need and desirability” will be determined by considering the broader community’s needs and interests as reflected in an IDP, SDF and EMF for the area, and as determined by the EIA.

While the importance of job creation and economic growth for South Africa cannot be denied, the Constitution calls for justifiable economic development. The specific needs of the broader

community should therefore be considered together with the **opportunity costs** and **distributional consequences** in order to determine whether or not the development will result in the securing of ecological sustainable development and the promotion of justifiable social and economic development – in other words to *ensure that the development will be socially, economically and environmentally sustainable.*”

In the text box on pages 16 & 17 of the DEA 2017 Guideline on Need and Desirability (GND2017), opportunity costs is defined and elaborated on:

“**Opportunity costs** refer to the process of *considering and comparing* the *ecological, social and economic costs, implications and opportunities* of different alternatives. Choosing a specific option, alternative or path may result in other options (and its associated opportunities) being foregone - the loss of these opportunities are referred to as the opportunity cost of the preferred option. “.

The *only attempt* to assess opportunity costs in the FBAR is contained in *Appendix 10 - Comparative Land Use Assessment*. This assessment done for the original mining right application by the previous EAP from Dorean Environmental Services, only compares the economic benefits of using the farm for either sand mining as proposed or to continue with cattle farming. No mention is made of the opportunity costs impacting on the rest of the community. It focuses on the opportunity costs for only the owners of the farm, no reference is made to cumulative impacts and opportunity costs to other surrounding communities.

The biggest flaw in this comparative land use assessment in the current FBAR, is that it does not contain any reference to the additional impact of the section 102 changes. Therefore no attempt was made to update the document in terms of gravel and diamond mining and processing requested. The Comparative Land Use Assessment was done in 2015, before the commencement of GND2017, which is clear evidence that GND2017 was not used for this BAP. See extract from text below:

“Tja Naledi Beafase Investment Holdings intends to operate a **small sand mining** operation near Vaal Eden in the Parys district of the Free State Province. This land use assessment is part of the environmental impact assessment (EIA) and environmental management programme (EMP).”

REQUEST 5:

In order to determine the exact **integrated cumulative impact**, the resulting **opportunity costs** (lost economic and other opportunities) to the surrounding communities from the integrated cumulative impact of all 3 mines, *should be determined through a consultative process (in a new PPP) by a specialist.*

Therefore,

(a) The assessment of the **integrated cumulative impact and the consequent opportunity costs**, should also cover all of the following and any other relevant issues raised during future public participation:

- Impact on and damage of Vaal Eden Road **as well as** the common access routes into and from the Free State, Gauteng and the Northwest. These routes needs to be identified clearly.
- The impact of peak traffic of all three mines on local residents using these routes. The mining trucks are much bigger vehicles and it is unlikely that the Vaal Eden road and other routes were designed to carry this traffic.
- The cumulative water, dust and noise pollution as well as soil degradation at maximum operation of all three mines.
- The net socio-economic impact on the area (all three provinces), with reference to opportunity costs, taking in consideration the economic contribution of the mines AND the current and future economic activity of all the business that will be affected by mining such as tourism, agriculture, the property market, retail, domestic employment, government taxes, mobile operators, Eskom, service industries etc if some of Vaaloewer and Lindequesdrif residents move. This is a specialist study for which the input of a specialist such as a development economist is required.

- The possible current and future impact on water resources i.e. ground water and the Vaal River.
 - The cumulative health impact of dust created in light of recent legal judgement on silicosis.
 - As the area is ideal for tourism, the economic benefits of greater promotion of the tourism industry, should also be incorporated into assessments. There is a real possibility of extending the Vredefort Dome buffer zone and to use that and the many attractive features of this area, to boost the tourism industry. This is *another alternative*, with much more potential than the current *no-go* option of cattle farming, which should be considered.
- (b) The section on Cumulative Impacts in the updated BAR, should be changed to incorporate the full spectrum of cumulative impacts identified during the new PPP in a consultative process.
- (c) If required, a new Comparative Land Use Assessment should be compiled by a specialist *after* the [integrated] cumulative impacts has been determined and assessed.

It is clear to us that the *FBAR should be updated* to thoroughly **assess the integrated cumulative impact and the consequent opportunity costs**. In this new assessment, the DEA 2017 Guideline on Need and Desirability should be used by the EAP as intended by the DEA. Of course, this should be done during a rescheduled full Public Participation Process so that all I&APs views on opportunity costs, can be incorporated in the updated FBAR.

0.6. **OBJECTION 6: Water Usage License to be clarified & borehole registration record not supplied.**

In both the mining right application EMP and the latest BAR, it is stated that:

(a) “**No surface water** will be used during the mining process as no washing [of sand] will take place.”

(b) “The **only groundwater** that will be used is from an *existing farm borehole* for domestic water supply and to control dust. This borehole was registered with DWS by the previous owner of the farm. Records of this registration will be sourced and provided as soon as it can be obtained.”

The wording in the EMP and BAR is identical which implies that the information was copied from the EMP to the BAR.

In terms of *Section 21 (a)* of the NATIONAL WATER ACT Act No 36 of 1998 (see **APPENDIX D** for Relevant extracts from this act), taking water from a water resource is regarded as a Water Use. *Schedule 1* describes permissible Water Uses. In general this is for domestic use. The only permissible unlicensed agricultural use is for the watering of animals grazing on land. The previous water use of by the previous owner of the farm, could only have been for the watering of animals, as the farm was used for the grazing of animals, and domestic use. Therefore the use of dust suppression would be a new use for which, in our view, TNBIH will have to **apply for a Water Use License**, unless it can be proven otherwise.

REQUEST 6:

We respectfully request that:

- (a) a copy of the record of the borehole registration is sent to us as soon as it is available
- (b) the reasons for not applying for a water use license is reviewed to determine if water uses for mining, requires that TNBIH apply for a Water Use License in terms of the NATIONAL WATER ACT Act No 36 of 1998
- (c) this review is included in a new BID and BAR
- (d) if this review indicates that a water use licence is required, TNBIH should apply for a Water Use License with the full public participation prescribed as determined by NEMA; and
- (e) all mining activity depended on a WUL is suspended until a WUL is approved.

0.7. **OBJECTION 7: Blasting included in BID, omitted from BAR**

In the BID the following is stated under the heading NOISE.

“The noise generated form the mining machinery will be similar to noise generated along the Vaal Eden road by public vehicles, and by the adjacent sand mine (Pure Source Minerals Mining Co (Pty) Ltd. **Blasting noise** will be instantaneous and of short duration. This will only **occur once every two to three weeks.**” In the latest BAR, no mention is made of blasting.

Although Greenmind did respond to this issue in an email stating that during the Basic Assessment Process, it was found that blasting will not be required, this information should have been stated in the BAR i.e. that blasting will not be required and the reasons why not.

REQUEST 7:

- (a) As we request a total new Public Participation Process, the updated BID and updated BAR should omit blasting so that I&APs do not spend their time on irrelevant issues.
- (b) If it is again determined that blasting will be required, the reason for that should be supplied in the new BID and BAR and the times of blasting should be indicated as well.

Kindly acknowledge receipt hereof. We look forward to your response.

Yours faithfully,

GAVIN ABOUD

CHAIRPERSON

PROTECT VAAL EDEN & VAALOEWER RATEPAYERS ASSOCIATION

EMAIL: gavinaboud@vodamail.co.za

MOBILE: 083-281-5045

Date: 11 May 2018

MAIN APPENDIX: Detailed Objections

Objection 1. Incomplete Policy and Legislative Context in FBAR.

On page 14 section 3 (e) of the FBAR the policy and legislative context considered for this application is described in a table. This is required by the Environmental Impact Assessment Regulations, 2014 with amendments published on 7 April 2017 as stated in Appendix 1 on p254 under header “**Scope of assessment and contents of basic assessment reports**”.

The following is stated in section 3 (1) (e) (i) and (ii) with regards to the policy and legislative context:

“3 (1) A *basic assessment report* must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include—
(e) a description of the policy and legislative context within which the development is proposed including—

(i) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report; and

(ii) how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments;”

In addition, section 41 (2) of the Environmental Impact Assessment Regulations, 2014 as amended in 2017, 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 ...”. It is therefore clear that besides legislation and regulations, applicable guidelines supporting the acts and regulations listed, are also key components of the policy and legislative context required for any environmental assessment.

Some key **omissions** in the FBAR prepared by Greenmined are:

1.1. No NEMA or MPRDA guidelines applicable to an environmental assessment, were listed. Some important examples are the DEA Public Participation Guidelines of 2012 and 2017 and the DEA (2017), Guideline on Need and Desirability.

1.2. The Spatial Planning and Land Use Management Act, 2013 (SPLUM act) was also not listed. This is the national legislation which provides a national framework for spatial planning and land use management to all national, provincial and municipal government authorities responsible for land use decisions and development applications. Although the Ngwanthe Local Municipality Spatial Planning and Land Use Management By-law of 2015 is listed, this needs to be considered in context of the SPLUM act.

Other possible omissions are the following legislation which were listed in Goosebay Farm’s mining right application BID by SLR Consulting. As Goosebay applied for these licenses, we assume that TNBIH, mining the same minerals and therefore requiring similar processing, will also need the same licenses. In case they already obtained these licenses, it is possible that these licenses will also have to be reviewed in terms of their section 102 application to mine two additional minerals (gravel and diamonds) and to conduct onsite processing.

1.3. The National Environmental Management: Waste Act (NEM:WA), 59 of 2008, and supporting regulations for a waste management license required for waste related activities.

1.4. The DWS National Water Act (NWA), 36 of 1998 and supporting regulations as the proposed project may also require a water use license for anticipated water uses on the site (see Objection 6).

1.5. The National Environmental Management: Air Quality Act (NEM:AQA), 39 of 2004 to obtain an air emission license from the Fezile Dabi District Municipality (FDDM).

These omissions has led to a number of defects in the contents of the BAR document and the Environmental Impact Assessment as listed in other points listed below. We therefore respectfully request that these and other applicable guidelines and legislation are incorporated in a revised BAR and EMPR after a new public participation process has been rescheduled.

Objection 2. Mining activity in an area not zoned for mining.

The land where mines are situated has, according to our knowledge, **not been rezoned for mining**. Any mining activity in this area is therefore **illegal** until the area has been rezoned to include mining. We base our reasoning on Act No. 16 of 2013: Spatial Planning and Land Use Management Act, 2013 (Commencement date: 5 August 2013) (*SPLUM Act, 2013*) and the *Free State Ordinance* for the time period prior to the commencement of this act. See Appendix A for relevant clauses from the SPLUM Act, 2013 and an email from Mariette Lieferink, CEO of FSA, summarising a legal opinion from Advocate Geoff Budlender

SPLUM Act, 2013:

In our interpretation of the SPLUM Act, 2013, the rezoning process has not been followed (See copy of Clauses 26 (5) & 28 (2) of Act in APPENDIX A1). Rezoning requires a full public participation process and can only be approved by the Municipal Council (Clause 28 (4)). Any activity not allowed by the current zoning is illegal. In addition, the approval of a mining right, mining permit, prospecting right etc. can, in our view, only be approved conditional on the prior rezoning of the land where mining activity will take place. Without such a pre-condition, an approval could be interpreted by applicants that they are allowed to mine, when the SPLUM Act, 2013, clearly states that this is illegal. If conditional approval for TNBIH's mining right was given by the DMR, please provide proof of this.

The Section 102 FBAR does state on page 14 in table e) Policy and Legislative Context that "The applicant will submit an application for temporary departure from the zoning provisions in terms of the Land Use Planning Act 3/2014 and the NgwantheLocal Municipal Land Use Bylaws prior to commencement of the proposed activities.". This admission that the area has not been zoned for mining, unless the EAP is mistaken, is an indication that the current mining rights and permits have been issued in an area not zoned for mining.

We therefore respectfully request that all mining activity in the Vaal Eden area is ceased until the land has been rezoned properly and that all actual illegal activity is dealt with as prescribed by the SPLUM act. Of course, if proof of the required rezoning, which followed the correct legislated procedure in terms of the SPLUM act can be provided, this objection is irrelevant. If such proof exist, kindly forward that to our committee.

Free State Ordinance

33. The permissibility of mining activities on any particular piece of land in the areas governed by the Free State Ordinance will depend on the particular town planning scheme applicable to the area.

34. Mining activities may thus only be conducted on land which is zoned for the purpose in terms of a town planning scheme for the area, formulated in terms of the Ordinance. If mining activities are conducted on land not appropriately zoned, this is a criminal offence (section 41).

35. In order to obtain permission for mining on land not zoned for that purpose, application may be made for an exemption or relaxation of the town planning scheme (if the relevant town planning scheme has such a provision, permitted by section 25(3) of the Ordinance). It appears that in practice, applications for rezoning take the form of an application in terms of the Removal of Restrictions Act 84 of 1967, which provides or notice and comment procedures.

Objection 3. Non-compliance of Public Participation Process:

The Public Participation Process followed by Greenmined Environmental in this environmental assessment did not, in our view, comply with the relevant legislation in several instances. We list a number of the most glaring instances of non-compliance below. However, there may be more. As public participation is a key aspect of an

environmental assessment, our request is that the complete Public Participation Process should be repeated in order to provide interested & affected parties who didn't have the opportunity to fully participate in the process as specified by the applicable legislation.

Before addressing the detail of non-compliance, please consider the following difference between the Public Participation Process conducted by SLR Consulting, an international firm, with that of Greenmined Environmental (GE), a local South African firm. Both companies are in the process of conducting a very similar environmental assessment for adjacent mines mining the same minerals. For the environmental assessment for Goosebay Farm Pty (Ltd), SLR Consulting generated a list of **800 + registered I&APs**. In contrast, the list of registered I&APs produced by Greenmined Environmental for the Tja Naledi Beafase Holdings Pty (Ltd) environmental assessment for the Basic Assessment Report, is a magnitude of 10 smaller i.e. **8 registered I&APs** (excluding owners and relevant government departments in the Free State).

The 8 registered I&APs also include at least 4 employees or owners of the 2 neighbouring sandmines, Sweet Sensations and Goosebay Farm. It seems as if GE did a public participation process by stealth with a few selected I&APs in comparison to SLR's broad and open public participation process. This discrepancy, in our view, was caused by GE **not** giving notice to all I&APs in the manner stipulated in Chapter 6 of the Environmental Impact Assessment Regulations, 2014 as amended on 7 April 2017.

Regulation 41 of the 2017 amendment to the Environmental Impact Assessment Regulations, 2014, 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 ...". This is followed by a list of 5 main categories of methods of giving notice. The two key aspects of regulation 41 (2) is that:**

- All methods of giving notice must be complied to.
- Any relevant guideline applicable to public participation must be taken into account. The key guidelines in this regard are the DEA Public Participation Guidelines of 2012 and 2017.

The most obvious instances of non-compliance are listed below. The applicable section of the 2017 Amendments to the Environmental Impact Assessment Regulations, 2014 (EIAR17) or DEA Public Participation Guidelines of 2012 or 2017 (PPG12 or PPG17) is provided for each instance of non-compliance.

3.1. Not all neighbours on adjacent properties have been contacted through registered letters as stipulated in Regulation 41(2)(b)(ii) (EIAR17). These are:

- Craig Richardson, the owner of Tahiti Estate on the bank of the Vaal River in Gauteng Province bordering the mining site.
- The owners of all other properties adjacent to Tahiti Estate on the Farm Boschdraai 575 in Gauteng Province which borders the farm on which the mine is situated.

3.2. Me Renee De Jong Hartsliet, joint owner of the farm Savannah on the Vaal Eden Road in direction of Parys and co-chair of Friends of the Vredefort Dome, has proof, which was acknowledged by Yolande Coetzee of Greenmined, that she should have been registered as an I&AP for the original mining right application. Her name was omitted from the TNBH mining right Public Participation Consultation Register and she was, perhaps in consequence of this, also not notified of the current Section 102 application (Regulation 42 (a) &/ (b) of EIAR17).

3.3. The DEA 2012 Public Participation Guideline clearly stipulates in section 4.3 (c) (i) that if a notice was sent by registered post, the address of the person the notice was sent to, must appear on the copy of the registered mail receipt provided as proof of such notifications. Only a code, not an address, is shown on the copies of the Postnet receipts in Section E1 of the FBAR document. If the code can be shown to be identifying the address of the addressee, a copy of that proof should be included in an updated FBAR document or else the Postnet code cannot be regarded as proof that

the letters were sent to the correct addresses. Mr Abrie Hanekom, for example, did not receive any notice via registered post which allegedly was sent to him to a postal address shown on a letter in the FBAR Appendix E1.

3.4. The same guideline clearly states that if the impact of mining will affect inhabitants of neighbouring municipalities or provinces that the notice of the environmental impact assessment must be published in a national newspaper (Regulation 41(2) (d) of EIAR17). In addition, the relevant government departments in neighbouring provinces (Gauteng & Northwest), district municipalities (Sedibeng DM & Dr Kenneth Kaunda DM) and local municipalities (Emfuleni LM & JB Marks LM), in this case, must according to the regulation be contacted with written notices (Regulation 41(2)(b)(iv) of EIAR17). Neither of these were done, no proof is included in the FBAR compiled by Greenmined. The fact that the DMR Free State requested Greenmined Environmental EAP to arrange a meeting between our committee and the owners of Tja Naledi Beafase Investment Holdings (TNBIH), can be regarded as an admission of the relevancy of this regulation.

Our reasons why the impact of mining by TNBIH, and the integrated cumulative impact of ALL mines in this area, impact on inhabitants of neighbouring provinces and municipalities are as follows:

- The farms Woodlands 407 (TNB Barrage Bulk Sand and Goosebay Farm's Pure Source Mines) and Du Pont 228 (Sweet Sensations) lies in a geographical tripoint area where 3 provinces, 3 district municipalities and 3 local municipalities meet.
- Portion 4 of Woodlands 407, the farm for which TNBIH mining right was approved, **borders directly with Tahiti Estate and neighbouring properties** (properties adjacent to Tahiti Estate on the Farm Boschdraai 575) which are in Emfuleni LM, Gauteng. **This in itself**, is a **sufficient reason** for the applicability of this regulation, which WAS NOT complied to by Greenmined Environmental in this public participation process.
- The route followed by mining trucks (see screenshots of map with link <https://www.google.com/maps/place/Barrage+Bulk+Sand,+Unnamed,+Newlands,+Pretoria,+0049/@-26.7795023,27.6845765,13z/data=!4m2!3m1!1s0x1e94466021802943:0xd315167af49d7340> below), crosses into Gauteng at the Barrage Bridge (Bridge (N1 8 76.6 S)) and could also enter Northwest Province. Roads in Emfuleni Local Municipality, Gauteng has also been severely damaged by mining traffic. Residents staying on properties affected by the mining traffic, especially residential estates such as Pont de Val, should all be regarded as potential I&APs).





- The current mining by TNBIH, Sweet Sensations and Goosebay Farm, has already negatively impacted on property prices in Vaaloewer, Gauteng and Lindequesdrif, Northwest. Proof can be provided on request. However, investigating the effect on property prices should be done as part of the evaluation of the socio-economic impact of mines on the surrounding communities during the EIA.
- Dust from the mines, follows wind direction, which can blow into Gauteng or Northwest. The same applies to noise pollution. However, noise pollution from Barrage Bulk Sand has a direct impact on Tahiti Estates, which lies in Gauteng.
- Any impact on the Vaal River has an impact on the water source of three provinces i.e. the Free State, Gauteng and Northwest.
- All these impacts may in turn, negatively affect the economies of the tourism and agricultural industries in all 3 provinces.

3.5. Adjacent to Vaaloewer, on the border between Gauteng and Northwest, but still in Gauteng, lies an informal settlement with approximately 1,000 residents. The employed residents of this settlement

work on farms, agricultural holdings and businesses in Lindequesdrif as well as households and businesses in Vaaloewer. Some of the residents run their own small businesses which are dependent on the local economies mentioned. Any negative impact on the local economies will also negatively impact on residents of the informal settlement as the mines in Vaal Eden, Ngwathe will not employ them or economically benefit them. Regulations 41(2) (d) and (e) of EIAR17 are relevant to people in this group.

3.6. Lastly, the DEA Public Participation Guidelines of 2017 (PPG17) states the following in Section 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 our view, at least 14 of these situations are applicable to our area and the current environmental authorisation process. That indicates to us that the public participation process should be as wide and as inclusive as possible.

Greenmined Environmental attempted to refute this point in their “COMMENTS AND RESPONSE REPORT, VAAL OEWER RATE PAYERS ASSOCIATION (PROTECT THE VAAL COMMITTEE)”. This document was emailed to members of the committee on Saturday 5 May 2018 as a response to the meeting on Saturday 21 April 2018 at Vaaloewer and previous emails of members of the Protect Vaal Eden Committee. In APPENDIX A TERTIUS WEHYMEYER EMAIL (correct spelling WEHMEYER) beginning on page 19, this table is answered on page 23 to 27. In contrast to our 14 relevant points, they only found 1 point relevant. All this can be disputed as done in part above. GE’s conclusion, after belatedly using this guideline, was that only the minimum PPP requirements for the EIA had to be met. Even if their assesment is correct, it is clear from points 3.1. to 3.5. above, that they didn’t even meet the minimum PPP requirements required by the applicable NEMA regulations.

However, this guideline should have been consulted during the planning stage of the public participation proces, before the BID was sent out to potential I&APs. As noted in **Objection 1. Incomplete Policy and Legislative Context in FBAR**, reference to this document should have been included in the FBAR in the section outlining the Policy and Legislative Context. Also in more detail in the section on Public Participation in the FBAR, as it was done in this latest Comments and Response Report emailed to our committee on 5 May 2018.

Objection 4. Equipment not specified in original EMPr, but requested in Section 102 ammendment, already on mining property

On 10 April 2018 we sent an email to the DMR Free State Regional Manager to report mining equipment on TNBIH mining site which are not listed in their EMP. Please see Appendix C for a copy of this email as well as pictures of the equipment observed.

The equipment observed were:

- 1 x orange mobile crushing and screening plant.
- At least 4 big orange CAT trucks which do not have registration numbers as they are opencast mining vehicles only used on mines. Therefore these trucks could not belong to clients collecting sand and should therefore not be on site.

In our meeting with TNBIH and Greenmind Environmental, it was admitted that the mobile crushing and screening plant was SPH equipment which they brought from another project

as it was convenient for them to store it on site. However, as this equipment is not listed on their EMP, this should not be on site.

In our view, TNBIH are acting as if their Section 102 application was already approved. Which does not instill confidence in us that they will abide by their approved mining plan. These transgressions should count against TNBIH with regards to the approval of their Section 102 Application. If they cannot abide by their current EMP, what proof is there that they will do so in future?

The CAT Trucks on site, and an operating front-loader also is a clear indication of mining activity. In the absence of a legal rezoning process, this mining activity, as pointed out in Objection 2 above, should be regarded as illegal.

Objection 5. The assessment of the full Cumulative Impact of all mining in Vaal Eden on the environment and local economy (opportunity cost) is highly inadequate.

It is our view that this *Basic Assessment Process for the Section 102 ammendment*, as well as the EIA for the mining right application, did not assess the **full historic, current and possible future cumulative impact from all the mines in the area**, and its consequences for **opportunity costs** to surrounding communities, in relation to the activities under TNTBIH's current mining right and section 102 ammendments requested in the area. This critical omission could have been avoided if correct use was made of the DEA (2017) Guideline on Need and Desirability.

The integrated cumulative impact (past, present and projected future) of all 3 mines, could have a *major negative impact* on the **sustainable (/ justifiable) development** of the Vaal Eden area, and the areas in Gauteng (Vaalower and informal settlement, Tahiti Estates, Pont De Val etc.) and Northwest (Lindequesdrif). There are *no direct economic benefits* from any of these mines to any of the surrounding areas, not even Vaal Eden which is part of Ngwatho LM. In order to determine the exact impact, the resulting **opportunity costs** (lost economic and other opportunities) to the surrounding communities from the integrated cumulative impact of all 3 mines, *should be determined through a consultative process (in a new PPP) by a specialist.*

In sections 5.1 & 5.2 below, more detail is provided on the importance of assessing the **integrated cumulative impact** and the consequent **opportunity costs** for local communities. References to appropriate parts of NEMA (2014), NEMA EIA Regulations (2017), the DEA (2017) Guideline on Need and Desirability, as well as the applicable sections in the FBAR document, are provided for background and to substantiate our claims. See APPENDIX E of this document for copies of the clauses, regulations and sections in applicable legislation, regulations and guidelines which refer to Cumulative Impact & Opportunity Cost.

5.1 Integrated Cumulative Impact

In the NEMA EIA Regulations of 2014 as amended, definitions section, it is stated that the "**cumulative impact**", in relation to an activity, means the *past, current and reasonably foreseeable future impact* of an activity, *considered together* with the *impact of activities associated with that activity*, that in itself may not be significant, but *may become significant* when added to the existing and reasonably foreseeable impacts eventuating from similar or diverse activities;

The *assessment of the cumulative impact* is a *key aspect* of any EIA related to mining. *References to cumulative impacts* are made in the NEMA, NEMA EIA Regulations and the DEA 2017 Guideline on Need and Desirability. In Appendix 1 of the EIA regulations it is stated as *one of the objectives* of the Basic Assessment Process (BAP) and that *assessment of the cumulative impact should be included* in the Basic Assessment Report (BAR).

It is important for the following reasons:

- Determining the requirements and procedures for **mine closure**, the *apportionment of liability* for mine closure and the *sustainable closure of mines* with an interconnected or integrated impact resulting in a **cumulative impact** (NEMA Clause 24 (5) (b) (viii)).
- Determining the positive and negative **cumulative ecological/biophysical impacts** bearing in mind the size, scale, scope and nature of the project *in relation to* its location **and existing and other planned developments** in the area (DEA 2017 Guideline on Need and Desirability section 1.13, which should be used for all environmental assessments).
- Determining the positive and negative **cumulative socio-economic impacts** bearing in mind the *size, scale, scope and nature of the project in relation to its location and other planned developments in the area* (DEA 2017 Guideline on Need and Desirability section 2.22, which should be used for all environmental assessments).

The following is stated in the **NEMA ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (Commencement date: 07 APRIL 2017)** with regards to the **cumulative impacts** that must be considered in the **Basic Assessment Report**:

“Appendix 1

Objective Of The Basic Assessment Process

2. The *objective of the basic assessment process* is to, through a **consultative process**—
- (a) determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;
 - (b) identify the alternatives considered, including the activity, location, and technology alternatives;
 - (c) describe the **need and desirability** of the proposed alternatives□;
 - (d) through the *undertaking of [undertake] an impact and risk assessment process*, inclusive of **cumulative impacts** which focused on determining the *geographical, physical, biological, social, economic, heritage⁻ and cultural sensitivity* of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects *to determine*—
 - (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
 - (ii) the degree to which these impacts—
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated; and

“Scope of Assessment and Content of basic assessment reports

3 (1) A basic assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include—

- (j) an assessment of each identified potentially significant impact and risk, including—
 - (i) **cumulative impacts**;
 - (ii) the nature, significance and consequences of the impact and risk;
 - (iii) the extent and duration of the impact and risk;
 - (iv) the probability of the impact and risk occurring;
 - (v) the degree to which the impact and risk can be reversed;
 - (vi) the degree to which the impact and risk may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact and risk can be avoided, managed or mitigated;

In the **DEA (2017), Guideline on Need and Desirability** the cumulative impacts are explained in more detail. See below.

“securing ecological sustainable development and use of natural resources”

1. How will this development (and its separate elements/aspects) impact on the ecological integrity of the area?

1.13. Describe the positive and negative **cumulative ecological/biophysical impacts** bearing in mind the size, scale, scope and nature of the project *in relation to* its location **and existing and other**

planned developments in the area? (Cumulative effects are then described in a text box below section 1.13. See Appendix E.)

“promoting justifiable economic and social development”

2.22. Describe the positive and negative **cumulative socio-economic impacts** bearing in mind the size, scale, scope and nature of the project in relation to its location and other planned developments in the area?”

Integrated cumulative impacts are those impacts which are the combined cumulative impacts from mines in the same area such as the 3 mines in the Vaal Eden area. The following are of relevance:

- The **total hectares** under mining in the Vaal Eden area, if all mining rights are authorised, will be approximately 1,408 hectares (see APPENDIX F: Brief overview of historic and current mining activity in the Vaal Eden area for more detail).
- As **all the sand mines** seem to be applying to **include gravel and diamond mining with silica sand mining** as well as **onsite processing**, the integrated cumulative effect of the opencast mines, which includes dust and noise pollution and severe damaging of roads, will create highly unpleasant living conditions for surrounding neighbours and have a destructive impact on the tourism industry, agriculture and the property market. As enforcement is already problematic, local inhabitants cannot trust promises of future responsible mining and strict enforcement of legislation.

The **integrated cumulative impact is not addressed properly** in this FBAR and most probably not at all in any of the EIAs already done for mines in this area. Below is a screenshot of table 18 from page 74 of the FBAR. This seems to be the **only coverage of the integrated cumulative impacts of the mines** in this area. In this letter we have pointed out more issues than listed in table 18. The section in the FBAR only covers the degradation of the Vaal Eden Road stating that “A fund will be set aside (with the two similar mines in close vicinity of the Tja Naledi) to maintain the serviceability of the road verge where the trucks approach or depart from the main road.” If the “main road” is Boundary Road, then it is ONLY the road verge where the Vaal Eden Road meets with Boundary Road. The transport trucks of their customers causes a lot more damage to a much longer route (see below for details).

(1) Cumulative Impacts

Table 18: Cumulative Impact Assessment of Tja Naledi-Barrage Bulk Sand Mine

Nature of Impact	Impact	Positive/Negative/Neutral Impact	Reversibility	Extent	Severity	Duration	Consequence	Probability	Frequency	Likelihood	Significance	Mitigation Rating	Mitigation
CONSTRUCTION AND OPERATIONAL PHASES													
ACTIVITY: Utilization of haul and access roads within the mining right area													
SUB ACTIVITY: Truck and heavy machinery operations													
Traffic & Safety	Increased potential for road incidences	Neg	Reversible	2	3	1	2	3	1	2	4	Low	All intersections with main tarred roads will be clearly signposted. Drivers will be enforced to keep to set speed limits. Trucks will be in road-worthy condition with reflective strips.
Traffic & Safety	Road degradation	Neg	Reversible	1	3	1	1.666667	2	1	1.5	2.5	Low	A fund will be set aside (with the two similar mines in close vicinity of the Tja Naledi) to maintain the serviceability of the road verge where the trucks approach or depart from the main road.

Please note: Text in 2nd and last columns are copied below for greater clarity. Please see text between === and ===.

=====
Increased potential for road incidences

All intersections with main tarred roads will be clearly signposted. Drivers will be enforced to keep to set speed limits. Trucks will be in road-worthy condition with reflective strips.

Road degradation

A fund will be set aside (with the two similar mines in close vicinity of the Tja Naledi) to maintain the serviceability of the road verge where the trucks approach or depart from the main road.

=====

5.2. Opportunity Costs

In paragraph page 8 of the DEA 2017 Guideline on Need and Desirability, the following is stated: “**Financial viability** should be considered within the context of justifiable economic development, measured against the *broader societal short-term and long-term needs*. While the financial viability considerations of the private developer might indicate if a *development is “do-able”*, the “need and desirability” will be determined by considering the broader community’s needs and interests as reflected in an IDP, SDF and EMF for the area, and as determined by the EIA. While the importance of job creation and economic growth for South Africa cannot be denied, the Constitution calls for justifiable economic development. The specific needs of the broader community should therefore be considered together with the **opportunity costs** and **distributional consequences** in order to determine whether or not the development will result in the securing of ecological sustainable development and the promotion of justifiable social and economic development – in other words to *ensure that the development will be socially, economically and environmentally sustainable.*”

In the text box on pages 16 & 17 of the DEA 2017 Guideline on Need and Desirability (GND2017), opportunity costs is defined and elaborated on:

“**Opportunity costs** refer to the process of *considering and comparing* the *ecological, social and economic costs, implications and opportunities* of different alternatives. Choosing a specific option, alternative or path may result in other options (and its associated opportunities) being foregone - the loss of these opportunities are referred to as the opportunity cost of the preferred option. “.

This is linked to the positive duty to find the “best practice environmental option”, which is defined in NEMA as “the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term.

Further references to *opportunity costs* in the GND2017, relates to the following:

- Use of and/or impact on renewable natural resources and the surrounding ecosystem (p12)
- Ecological impacts of mining activity and its impact on people’s environmental rights (p13)
- The mining activity’s ecological impacts causing socio-economic impacts (p 14)
- Mining activity’s impact on bulk infrastructure (if mines and their customers don’t pay for damage to road infrastructure, the tax payers will have to) (p15)
- Opportunities created for all segments of local community by mining activity (vs loss of opportunities) (p16)
- Opportunity costs in terms of local job creation (gains and potential losses) (p17).

The only attempt to assess opportunity costs in the FBAR is contained in *Appendix 10 - Comparative land use Assessment*. This assessment done for the original mining right application by the previous EAP from Dorean Environmental Services, only compares the economic benefits of using the farm for either sand mining as proposed or to continue with cattle farming. No mention is made of the opportunity costs impacting on the rest of the community. It focuses on the opportunity costs for only the owners of the farm, no reference is made to cumulative impacts and opportunity costs to other surrounding communities.

The biggest flaw in this comparative land use assessment in the current FBAR, is that it does not contain any reference to the additional impact of the section 102 changes. Therefore no attempt was made to update the document in terms of gravel and diamond mining as processing requested. The Comparative Land Use Assessment was done in 2015, before the commencement of GND2017, which is clear evidence that GND2017 was not used for this BAP. See extract from text below:

“Tja Naledi Beafase Investment Holdings intends to operate a **small sand mining** operation near Vaal Eden in the Parys district of the Free State Province. This land use assessment is part of the environmental impact assessment (EIA) and environmental management programme (EMP).”

5.3. Conclusion

The **integrated cumulative impact and the consequent opportunity costs**, should also cover all of the following and any other relevant issues raised during future public participation:

- Impact on and damage of Vaal Eden Road **as well as** the common access routes into and from the Free State, Gauteng and the Northwest. These routes needs to be identified clearly.
- The impact of peak traffic of all three mines on local residents using these routes. The mining trucks are much bigger vehicles and it is unlikely that the Vaal Eden road and other routes were designed to carry this traffic.
- The cumulative water, dust and noise pollution as well as soil degradation at maximum operation of all three mines.
- The net socio-economic impact on the area (all three provinces), with reference to opportunity costs, taking in consideration the economic contribution of the mines AND the current and future economic activity of all the business that will be affected by mining such as tourism, agriculture, the property market, retail, domestic employment, government taxes, mobile operators, Eskom, service industries etc if some of Vaaloeuw and Lindequesdrif residents move. This is a specialist study for which the input of a specialist such as a development economist is required.
- The possible current and future impact on water resources i.e. ground water and the Vaal River.
- The cumulative health impact of dust created in light of recent legal judgement on silicosis.
- As the area is ideal for tourism, the economic benefits of greater promotion of the tourism industry, should also be incorporated into assessments. There is a real possibility of extending the Vredefort Dome buffer zone and to use that and the many attractive features of this area, to boost the tourism industry. This is *another alternative*, with much more potential than the current *no-go* option of cattle farming, which should be considered.

It is clear to us that the *FBAR should be updated* to thoroughly **assess the integrated cumulative impact and the consequent opportunity costs**. In this new assessment, the DEA 2017 Guideline on Need and Desirability should be used by the EAP as intended by the DEA. Of course, this should be done during a rescheduled full Public Participation Process so that all I&APs views on opportunity costs, can be incorporated in the updated FBAR.

Objection 6. Water Usage License to be clarified & borehole registration record not supplied.

6.1. In both the mining right application EMP and the latest BAR, it is stated that “No surface water will be used during the mining process as no washing [of sand] will take place.”. We assume that this is the reason why TNBIH has not applied for a Water Use License from DWS. Please confirm that this assumption is correct and also provide assurance that washing of sand will not be added in a future section 102 application. If a Water Use License is required for any other reason, this should be added to the new BID and BAR.

6.2. In both the EMP and the latest BAR it is stated that “**The only groundwater that will be used** is from an *existing farm borehole for domestic water supply* and to *control dust*. *This borehole was registered with DWS by the previous owner of the farm. Records of this registration will be sourced and provided as soon as it can be obtained.*”

6.3. The wording in the EMP and BAR is identical which implies that the information was copied from the EMP to the BAR. It is concerning that since the mining right was approved in 2015, the record of the borehole registration has still not been obtained. Should this not form part of the approval decision i.e. the application cannot be approved before this record of registration has been submitted? We respectfully request that a copy of record of the boreholes registration is sent to us as soon as it is available.

6.4. In terms of Section 21 (a) of the NATIONAL WATER ACT Act No 36 of 1998 (see **APPENDIX D** for Relevant extracts from this act), taking water from a water resource is regarded as a Water Use. Schedule 1 describes permissible Water Uses. In general this is for domestic use. The only permissible unlicensed agricultural use is for the watering of animals grazing on land. For all other water uses, the user **must apply for a water use license**.

6.5. The previous water use of by the previous owner of the farm, could only have been for the watering of animals, as the farm was used for the grazing of animals, and domestic use. Therefore the use of dust suppression would be a new use for which, in our view, TNBIH will have to apply for a Water Use License, unless it can be proven otherwise.

Objection 7. Blasting included in BID, omitted from BAR

In the BID the following is stated under the heading NOISE.

“The noise generated from the mining machinery will be similar to noise generated along the Vaal Eden road by public vehicles, and by the adjacent sand mine (Pure Source Minerals Mining Co (Pty) Ltd. **Blasting noise** will be instantaneous and of short duration. This will only **occur once every two to three weeks**.” In the latest BAR, no mention is made of blasting.

Our objections in this regard are:

7.1. Although Greenmind did respond to this issue in an email stating that during the Basic Assessment Process, it was found that blasting will not be required, this information should have been stated in the BAR i.e. that blasting will not be required and the reasons why not.

7.2. As we request a total new Public Participation Process, the updated BID and updated BAR should omit blasting so that I&APs do not spend their time on irrelevant issues.

APPENDIX A: Land Use and Zoning

A1. Relevant Clauses in SPLUM Act of 2013

Below follows text copied from this act which is referred to in section 2 “Mining activity in an area not zoned for mining.”.

Act No. 16 of 2013: Spatial Planning and Land Use Management Act, 2013 (5 August 2013)

Legal effect of land use scheme

26. (1) *An adopted and approved land use scheme—*

- (a) has the force of law, and all land owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
- (b) replaces all existing schemes within the municipal area to which the land use scheme applies; and
- (c) provides for land use and development rights.

(2) *Land may be used only for the purposes permitted—*

- (a) by a land use scheme;
- (b) by a town planning scheme, until such scheme is replaced by a land use scheme; or
- (c) in terms of subsection (3).

(3) *Where no town planning or land use scheme applies to a piece of land, before a land use scheme is approved in terms of this Act such land may be used only for the purposes listed in Schedule 2 to this Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of this Act.*

(4) *A permitted land use may, despite any other law to the contrary, be changed with the approval of a Municipal Planning Tribunal in terms of this Act.*

(5) *A municipality may, after public consultation, amend its land use scheme if the amendment is—*

- (a) in the public interest;
- (b) to advance, or is in the interest of, a disadvantaged community; and
- (c) in order to further the vision and development goals of the municipality.

(6) *A land use scheme developed and approved in terms of this Act must address and resolve any conflict with an existing scheme not repealed or replaced by the new land use scheme.*

Amendment of land use scheme and rezoning

28. (1) *A municipality may amend its land use scheme by rezoning any land considered necessary by the municipality to achieve the development goals and objectives of the municipal spatial development framework.*

(2) *Where a municipality intends to amend its land use scheme in terms of subsection (1), a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representations on, object to and appeal the decision.*

(3) *The Minister must, after consultation with the competent authorities, provide further guidance to provinces and municipalities to achieve national norms and standards relating to land use changes.*

(4) *Despite sections 35 and 41, any change to the land use scheme of a municipality affecting the scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone in terms of section 25(2)(a) may only be authorised by the Municipal Council.*

Record of amendments to land use scheme

31. (1) *The municipality must keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme.*

(2) *The written record referred to in subsection (1) must be accessible to members of the public during normal office hours at the municipality’s publicly accessible office.*

Enforcement of land use scheme

32. (1) *A municipality may pass by-laws aimed at enforcing its land use scheme.*

(2) A municipality may apply to a court for an order—

- (a) interdicting any person from using land in contravention of its land use scheme;
- (b) authorising the demolition of any structure erected on land in contravention of its land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or
- (c) directing any other appropriate preventative or remedial measure.

(3) A municipality—

- (a) may designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and
- (b) must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act.

(4) When an inspector contemplated in subsection (3) performs any function of an inspector in terms of this Act, the inspector—

- (a) must on request produce his or her written designation or appointment; and
- (b) may not be a person having a direct or indirect personal or private interest in the matter to be investigated.

Offences and penalties

58. (1) A person is guilty of an offence if that person—

- (a) contravenes section 38(3);
- (b) uses land contrary to a permitted land use as contemplated in section 26(2);
- (c) alters the form and function of land without prior approval in terms of this Act for such alteration;
- (d) hinders or obstructs any inspector in the performance of any function in terms of this Act;
- (e) wilfully disrupts the proceedings of a Municipal Planning Tribunal or of a person holding a public hearing or conducting an investigation for the purposes of this Act.

(2) *A person convicted of an offence in terms of subsection (1) may be sentenced to a term of imprisonment for a period not exceeding 20 years or to a fine calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), or to both a fine and such imprisonment.*

(3) A person convicted of an offence under this Act who, after conviction, continues with the conduct for which he or she was so convicted, shall be guilty of a continuing offence and liable on conviction to a term of imprisonment for a period not exceeding three months or to a fine calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), or to both a fine and such imprisonment in respect of each day on which he or she so continues or has continued with such conduct.

A2. Legislation applicable prior to the commencement of the SPLUM Act of 2013

From: **Mariette Liefferink** <mariette@pea.org.za>

Date: 21 April 2018 at 16:59

Subject: PURSUANT TO TODAY'S MEETING: REZONING REQUIREMENTS

To: yolandie.c@greenmined.co.za

Cc: Tertius Wehmeyer <tertiusw@gmail.com>, Abrie Hanekom Myn <marlene@kruppeng.co.za>, Gavin Aboud <gavinaboud@vodamail.co.za>, Renee de Jong Hartslielief <renee@bundunet.com>, lucien@lrc.org.za

Dear Yolandie

I write on behalf of the Federation for a Sustainable Environment.

I refer to today's meeting.

Pursuant to the meeting and engagements between key stakeholders and the Applicant regarding the lawful land use of the Applicant's property (Woodlands), I wish to refer to the legal opinion of Geoff

Budlender SC in the attached documents. For ease of reference, I subjoin hereunder the relevant extract from the document as it pertains to the Free State. (The second attached document is also of relevance.)

The Free State Ordinance

26. Section 23 of the Free State Ordinance provides for the preparation of a town-planning scheme by a local authority.

27. Section 25(3) states that the scheme may contain provisions such as may be necessary or expedient for regulating, restricting or prohibiting the development of the area to which it is to apply, and may provide that a local authority may in its discretion grant exemption from or relax such of the provisions of the scheme as are specified in the scheme.

28. Section 31 provides that if a person in contravention of a scheme uses or causes to be used any land, the municipality may direct such a person in writing to discontinue or cause to be discontinued such use and at his own expense to cause such use to comply with the provisions of the scheme. The directive shall state the period within which it shall be carried out. Where any person fails to comply with such a directive, the municipality may cause the work to comply with the provisions of its town-planning scheme at the expense of such person.

29. Section 31(3) provides that a "local authority shall take the necessary steps to ensure that the provisions of an approved scheme are implemented and the Administrator may, if a local authority fails so to take steps, at the expense of such local authority, take any steps which a local authority may take in terms of subsections (1) and (2) to enforce the provisions of such scheme".

30. Section 41 provides that any person who contravenes or fails to comply with any provision of an approved scheme, or with a directive in terms of section 31(1), is guilty of an offence.

31. Section 8(2) forms part of Chapter II, which regulates the establishment of townships. It provides that if the land on which a township is to be established is subject to a lease of mineral rights or a prospecting contract or if the mineral rights have been severed from the ownership of the land, the applicant (the owner of the land) has to lodge with the application the written consent of the lessee of the mineral rights, the holder of the prospecting contract or the owner of the mineral rights to the establishment of the township. Section 8(3) adds that if the land is subject to any encumbrance registered in the Mining Title Office, the applicant must specify in a statement the nature of such encumbrance. It does not appear from Chapter II, however, that the existence of such an encumbrance is a bar to the granting of the application for the establishment of the township.

32. Chapter III of the Ordinance (sections 23 to 37), which deals with the preparation of town-planning schemes, does not preclude their establishment in respect of land which is the subject of leases of mineral rights, prospecting contracts etc. Its key provisions are widely stated, without any relevant qualification or limitation in relation to mining.

33. The permissibility of mining activities on any particular piece of land in the areas governed by the Free State Ordinance will depend on the particular town planning scheme applicable to the area.

34. In order to obtain permission for mining on land not zoned for that purpose, application may be made for an exemption or relaxation of the town planning scheme (if the relevant town planning scheme has such a provision, permitted by section 25(3) of the Ordinance). It appears that in practice, applications for rezoning take the form of an application in terms of the Removal of Restrictions Act 84 of 1967, which provides or notice and comment procedures.

It is our considered opinion that the Applicant failed to apply for the rezoning of his property. Please advise.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

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APPENDIX B: INTRODUCTION TO DEA GUIDELINE ON NEED AND DESIRABILITY ON The International Association for Impact Assessment (IAIA) WEBSITE

<http://www.iaiasa.co.za/News/DisplayNewsItem.aspx?niid=56897>

INTEGRATED ENVIRONMENTAL MANAGEMENT GUIDELINE | GUIDELINE ON NEED AND DESIRABILITY
March 31, 2017

The Department of Environmental Affairs has released an updated Need and Desirability Guideline Document dated 2017.

“When considering an application for Environmental Authorisation (EA), the **competent authority** must comply with section 24O of the National Environmental Management Act, No 107 of 1998 (NEMA), and must have regard for any guideline published in terms of section 24J of the Act and any minimum information requirements for the application. This **includes** the **need and desirability guideline**.

Additionally, the **Environmental Impact Assessment (EIA) regulations** require environmental assessment practitioners (EAPs) who undertake environmental assessments, to have knowledge of and take into account relevant guidelines. A **person applying** for an EA **must abide by the regulations**, which are **binding on the applicant**.

The guideline contains information on best practice and how to meet the peremptory requirements prescribed by the legislation and sets out both the strategic and statutory context for the consideration of the need and desirability of a development involving any one of the NEMA listed activities. Need and desirability is based on the principle of sustainability, set out in the Constitution and in NEMA, and provided for in various policies and plans, including the National Development Plan 2030 (NDP). Addressing the need and desirability of a development is a way of ensuring sustainable development – in other words, that a development is ecologically sustainable and socially and economically justifiable – and ensuring the simultaneous achievement of the triple bottom-line.

The Guideline sets out a list of questions which should be addressed when considering need and desirability of a proposed development. These are divided into questions that relate to ecological sustainability and justifiable economic and social development. The questions that relate to ecological sustainability include how the development may impact ecosystems and biological diversity; pollution; and renewable and non-renewable resources. When considering how the development may affect or promote justifiable economic and social development, the relevant spatial plans must be considered, including Municipal Integrated Development Plans (IDP), Spatial Development Frameworks (SDF) and Environmental Management Frameworks (EMF). The assessment reports will need to provide information as to how the development will address the socio-economic impacts of the development, and whether any socio-economic impact resulting from the development impact on people’s environmental rights. Considering the need and desirability of a development entails the balancing of these factors.”

A copy of the guideline may be downloaded [here](#).

APPENDIX C: EMAIL QUERY WITH REGARDS TO MINING EQUIPMENT NOT LISTED IN TJA NALEDI'S MINING RIGHT EMP PARKED &/ USED ON BARRAGE BULK SAND MINING SITE.

----- Forwarded message -----

From: **Tertius Wehmeyer** <tertiusw@gmail.com>

Date: 10 April 2018 at 13:31

Subject: Re: Request for Mining Permit / Right License of Barrage Bulk Sand (owner SPH Kundalila (PTY) LTD)

To: Azwihangwisi Mulaudzi <azwihangwisi.mulaudzi@dmr.gov.za>

Cc: mamokete.mpatane@dmr.gov.za, Gavin Aboud <gavinaboud@vodamail.co.za>, Gavin Aboud <gavin@paramounttrailers.co.za>, michael oberholzer

<michaeloberholzer94@gmail.com>, Michael Oberholzer

<michael.oberholzer@telkomsa.net>, Abrie Hanekom Myn <marlene@kruppeng.co.za>,

Mamikie Semenya <Mamikie.Semenya@dmr.gov.za>, Renee de Jong Hartsliet

<renee@bundunet.com>, Liz Charles <Liz.tuxx@gmail.com>, Mariette Liefferink

<mariette@pea.org.za>, Lucien Limacher <lucien@lrc.org.za>

Dear Mr Mulaudzi,

It is with great concern to our communittee to observe that Tja Naledi Beafase Investment Holdings (TNBIH) and their contractor SPH Kundalili are transgressing their existing Environmental Management Programme.

Mr Abrie Hanekom sent me some of the pictures below about an hour ago and the rest on a previous occassion. The EMP attached (see also screenshots below) clearly states in point 2.3 on page 7 that the ONLY equipment to be used are the following:

"One caravan will be on site for admin purposes and as a rest area for the contractor operator. A storage yard will be erected to store the equipment. Equipment to be used is one **front end loader**, **one tractor** and **one water trailer** for dust suppression.

The EMP further states in section 2.2. on page 6 that:

"Mining will take place via a contractor who will get paid per cubic meter of sand mined and loaded. Sand will be loaded by means of a front end loader onto awaiting client's trucks."

Mr Hanekom informed me before and this morning that the equipment in the mining premises clearly exceeds their current EMP. They are acting as if their Section 102 application has been approved. In this regard Mr Hanekom and other farmers, residents and officials from Kroonstad office of Free State province Roads Department who was with him, witnessed additional equipment on site:

- At least 4 big orange CAT trucks (which do not have registration numbers as they are opencast mining vehicles only used on mines)
- A mobile crushing and screening plant.

In addition Mr Hanekom stated that mining appears to be much closer to the road than allowed by their Mining Works Programme and DMR regulations. That can be seen in photos.

Please note that even their new Section 102 Application's BID does not even mention the opencast mining trucks. And even though the mobile crushing and screening plant, is

mentioned in new BID, it is not included in the existing mining right and should therefore ONLY be brought on to the premises if, and when, the Section 102 application has been fully approved.

This is what the attached BID (also last 2 screenshots below) states on pages 3 & 4:

"The mining site will contain the following:

- **One Front end loader;**
- **One tractor'**
- **One water bowser;**
- **One container office;**
- **One caravan for admin purposes;**
- **Storage yard for storing equipment; and**
- **Mobile crushing and screening plant."**

We respectfully and urgently request that:

1. Your office send **mining inspectors** to the TNBIH mining site to investigate our concerns and possible transgressions. Arrangements can be made with Mr Hanekom (073 449 2006) and Me Renee Hartslief (071 448 4332), both committee members for Protect Vaal Eden community group and cc'd on this email, to accompany your inspectors as they live close to the mining area and are available during the week. Myself and our chair, Gavin Aboud both work in Johannesburg so are only available on weekends but if given sufficient notice, we can make a plan to be here on a weekday. However, please don't wait for Gavin and myself to be available as we urgently need mining inspectors to come ASAP.

2. Our **committee would like to meet with you** as soon as convenient to you at the mining site so that we can show you the extent of the mining operations. This whole area is an highly sort after tourisms and residential area and the mining activity is reaching such alarming proportions that it can severerly affect the tourism, agricultural and residential economy in this area. The tourism, agriculture and residential industries are the major employers in this area whereas these small mines are highly mechanised and hardly employ anyone in this area if at all.

Your response to the above will be highly appreciated.

Kind regards,

Tertius Wehmeyer

tertiusw@gmail.com

071 288 3742

[TW: Photos attached to emails are copied below. These are of equipment which are not listed in the existing EMP but in new BID and BAR for section 102 ammendment. The pictures include:

- One of the 4 big orange CAT trucks (which do not have registration numbers as they are opencast mining vehicles only used on mines)
- A mobile crushing and screening plant.]

Objections to Tja Naledi Beafase Investment Holdings Section 102 Ammendment – Protect Vaal Eden Committee



APPENDIX D: Relevant extracts from NATIONAL WATER ACT Act No 36 of 1998

Schedule 1

PERMISSIBLE USE OF WATER

[Sections 4(1) and 22(1)(a)(i) and Item 2 of Schedule 3]

(1) A person may, subject to this Act -

- (a) take water for reasonable domestic use in that person's household, directly from any water resource to which that person has lawful access;
- (b) take water for use on land owned or occupied by that person, for -
 - (i) reasonable domestic use;
 - (ii) small gardening not for commercial purposes; and
 - (iii) the watering of animals (excluding feedlots) which graze on that land within the grazing capacity of that land, from any water resource which is situated on or forms a boundary of that land, if the use is not excessive in relation to the capacity of the water resource and the needs of other users;
- (c) store and use run-off water from a roof;
- (d) in emergency situations, take water from any water resource for human consumption or firefighting;
- (e) for recreational purposes -
 - (i) use the water or the water surface of a water resource to which that person has lawful access; or
 - (ii) portage any boat or canoe on any land adjacent to a watercourse in order to continue boating on that watercourse; and
- (f) discharge -
 - (i) waste or water containing waste; or
 - (ii) run-off water, including stormwater from any residential, recreational, commercial or industrial site, into a canal, sea outfall or other conduit controlled by another person authorised to undertake the purification, treatment or disposal of waste or water containing waste, subject to the approval of the person controlling the canal, sea outfall or other conduit.

(2) An entitlement under this Schedule does not override any other law, ordinance, bylaw or regulation, and is subject to any limitation or prohibition thereunder.

Entitlement to water use

4. (1) A person may use water in or from a water resource for purposes such as reasonable domestic use, domestic gardening, animal watering, fire fighting and recreational use, as set out in Schedule 1.

(2) A person may continue with an existing lawful water use in accordance with section 34.

(3) A person may use water in terms of a general authorisation or licence under this Act.

(4) Any entitlement granted to a person by or under this Act replaces any right to use water which that person might otherwise have been able to enjoy or enforce under any other law -

- (a) to take or use water;
- (b) to obstruct or divert a flow of water;
- (c) to affect the quality of any water;
- (d) to receive any particular flow of water;
- (e) to receive a flow of water of any particular quality; or
- (f) to construct, operate or maintain any waterwork.

CHAPTER 4

USE OF WATER

As this Act is founded on the principle that National Government has overall responsibility for and authority over water resource management, including the equitable allocation and beneficial use of water in the public interest, a person can only be entitled to use water if the use is permissible under the Act. This Chapter is therefore of central significance to the Act, as it lays the basis for regulating

water use. The various types of licensed and unlicensed entitlements to use water are dealt with in detail.

Part 1: General Principles

This Part sets out general principles for regulating water use. Water use is defined broadly, and includes taking and storing water, activities which reduce stream flow, waste discharges and disposals, controlled activities (activities which impact detrimentally on a water resource), altering a watercourse, removing water found underground for certain purposes, and recreation. In general a water use must be licensed unless it is listed in Schedule I, is an existing lawful use, is permissible under a general authorisation, or if a responsible authority waives the need for a licence. The Minister may limit the amount of water which a responsible authority may allocate. In making regulations the Minister may differentiate between different water resources, classes of water resources and geographical areas.

21. For the purposes of this Act, water use includes -

- (a) taking water from a water resource;
- (b) storing water;
- (c) impeding or diverting the flow of water in a watercourse;
- (d) engaging in a stream flow reduction activity contemplated in section 36;
- (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1);
- (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- (g) disposing of waste in a manner which may detrimentally impact on a water resource;
- (h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;
- (i) altering the bed, banks, course or characteristics of a watercourse;
- (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and
- (k) using water for recreational purposes.

Permissible water use

22. (1) A person may only use water -

- (a) without a licence -
 - (i) if that water use is permissible under Schedule 1;
 - (ii) if that water use is permissible as a continuation of an existing lawful use; or
 - (iii) if that water use is permissible in terms of a general authorisation issued under section 39;
 - (b) if the water use is authorised by a licence under this Act; or
 - (c) if the responsible authority has dispensed with a licence requirement under subsection (3).
- (2) A person who uses water as contemplated in subsection (1) -
- (a) must use the water subject to any condition of the relevant authorisation for that use;
 - (b) is subject to any limitation, restriction or prohibition in terms of this Act or any other applicable law;
 - (c) in the case of the discharge or disposal of waste or water containing waste contemplated in section 21(f),(g), (h) or (j), must comply with any applicable waste standards or management practices prescribed under section 26(1)(h) and (i), unless the conditions of the relevant authorisation provide otherwise;
 - (d) may not waste that water; and
 - (e) must return any seepage, run-off or water containing waste which emanates from that use, to the water resource from which the water was taken, unless the responsible authority directs otherwise or the relevant authorisation provides otherwise.
- (3) A responsible authority may dispense with the requirement for a licence for water use if it is satisfied that the purpose of this Act will be met by the grant of a licence, permit or other authorisation under any other law.

- (4) In the interests of co-operative governance, a responsible authority may promote arrangements with other organs of state to combine their respective licence requirements into a single licence requirement.
- (5) A responsible authority may, subject to section 17, authorise the use of water before -
- (a) a national water resource strategy has been established;
 - (b) a catchment management strategy in respect of the water resource in question has been established;
 - (c) a classification system for water resources has been established;
 - (d) the class and resource quality objectives for the water resource in question have been determined; or
 - (e) the Reserve for the water resource in question has been finally determined.
- (6) Any person who has applied for a licence in terms of section 43 in respect of an existing lawful water use as contemplated in section 32, and whose application has been refused or who has been granted a licence for a lesser use than the existing lawful water use, resulting in severe prejudice to the economic viability of an undertaking in respect of which the water was beneficially used, may, subject to subsections (7) and (8), claim compensation for any financial loss suffered in consequence.
- (7) The amount of any compensation payable must be determined -
- (a) in accordance with section 25(3) of the Constitution; and
 - (b) by disregarding any reduction in the existing lawful water use made in order to -
 - (i) provide for the Reserve;
 - (ii) rectify an over-allocation of water use from the resource in question; or
 - (iii) rectify an unfair or disproportionate water use.
- (8) A claim for compensation must be lodged with the Water Tribunal within six months of the relevant decision of the responsible authority.
- (9) The Water Tribunal has jurisdiction to determine liability for compensation and the amount of compensation payable in terms of this section.
- (10) After the Water Tribunal has decided that compensation is payable and determined the amount of compensation, the responsible authority may enter into negotiations with the claimant and, within 30 days after the decision of the Water Tribunal, offer an allocation of water instead of compensation.

Definition of existing lawful water use

32. (1) An existing lawful water use means a water use -
- (a) which has taken place at any time during a period of two years immediately before the date of commencement of this Act [in 1998]; or
 - (b) which has been declared an existing lawful water use under section 33, and which -
 - (i) was authorised by or under any law which was in force immediately before the date of commencement of this Act;
 - (ii) is identified as a stream flow reduction activity in section 36(1); or
 - (iii) is identified as a controlled activity in section 37(1).
- (2) In the case of -
- (a) a stream flow reduction activity declared under section 36(1); or
 - (b) a controlled activity declared under section 38, existing lawful water use means a water use which has taken place at any time during a period of two years immediately before the date of the declaration.

Authority to continue with existing lawful water use

34. (1) A person, or that person's successor-in-title, may continue with an existing lawful water use, subject to -
- (a) any existing conditions or obligations attaching to that use;
 - (b) its replacement by a licence in terms of this Act; or
 - (c) any other limitation or prohibition by or under this Act.

(2) A responsible authority may, subject to any regulation made under section 26(1)(c), require the registration of an existing lawful water use.

Transfer of water use authorisations

25. (1) A water management institution may, at the request of a person authorised to use water for irrigation under this Act, allow that person on a temporary basis and on such conditions as the water management institution may determine, to use some or all of that water for a different purpose, or to allow the use of some or all of that water on another property in the same vicinity for the same or a similar purpose.

(2) A person holding an entitlement to use water from a water resource in respect of any land may surrender that entitlement or part of that entitlement -

(a) in order to facilitate a particular licence application under section 41 for the use of water from the same resource in respect of other land; and

(b) on condition that the surrender only becomes effective if and when such application is granted.

(3) The annual report of a water management institution or a responsible authority, as the case may be, must, in addition to any other information required under this Act, contain details in respect of every permission granted under subsection (1) or every application granted under subsection (2).

APPENDIX E: References to Cumulative Impact & Opportunity Cost in DEA (2017), Guideline on Need and Desirability, NEMA (2014) and the NEMA EIA regulations (2017)

E1. References to Cumulative Impact

NEMA (2014).

24. Environmental Authorisations

(5) The Minister, or an MEC with the concurrence of the Minister, may make regulations consistent with subsection (4) -

(b) laying down the procedure to be followed in respect of—

(viii) mine closure requirements and procedures, the apportionment of liability for mine closure and the sustainable closure of mines with an interconnected or integrated impact resulting in a **cumulative impact**;

24F. Prohibitions relating to commencement of continuation of listed activity.

(1) Notwithstanding any other Act, no person may –

(a) commence an activity listed or specified in terms of section 24(2)(a) or (b) unless the competent authority or the Minister or Minerals and Energy, as the case may be, has granted an environmental authorisation for the activity; or

(b) commence and continue an activity listed in terms of section 2A(2)(d) unless it is done in terms of an applicable norm or standard.

24G. Consequences of unlawful commencement of activity

(1) On application by a person who—

(a) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1);

(b) has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environmental Management:

Waste Act, 2008 (Act No. 59 of 2008), the Minister, Minister responsible for mineral resources or MEC concerned, as the case may be, may direct the applicant to—

(vii) compile a report containing—

(aa) a description of the need and desirability of the activity;

(bb) an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the **cumulative effects** and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;

24R. Mine closure on environmental authorisation

(4) The Minister may, in consultation with the Minister responsible for mineral resources and by notice in the Gazette, identify areas where mines are interconnected or their impacts are integrated to such an extent that the interconnection results in a **cumulative impact**.

(5) The Minister may, by notice in the Gazette, publish strategies in order to facilitate mine closure where mines are interconnected, have an integrated impact or pose a **cumulative impact**.

NEMA EIA regulations (2017)

Cumulative impacts that must be considered in the **Basic Assessment Report**:

“Appendix 1

Objective Of The Basic Assessment Process

2. The *objective of the basic assessment process* is to, through a **consultative process**—

(d) through the *undertaking of [undertake] an impact and risk assessment process*, inclusive of **cumulative impacts** which focused on determining the *geographical, physical, biological, social, economic, heritage and cultural sensitivity* of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects *to determine*—

- (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
- (ii) the degree to which these impacts—
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated; and

“Scope of Assessment and Content of basic assessment reports

3 (1) A basic assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include—

- (j) an assessment of each identified potentially significant impact and risk, including—
 - (i) **cumulative impacts;**
 - (ii) the nature, significance and consequences of the impact and risk;
 - (iii) the extent and duration of the impact and risk;
 - (iv) the probability of the impact and risk occurring;
 - (v) the degree to which the impact and risk can be reversed;
 - (vi) the degree to which the impact and risk may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact and risk can be avoided, managed or mitigated;

DEA (2017), Guideline on Need and Desirability

“securing ecological sustainable development and use of natural resources”

1. How will this development (and its separate elements/aspects) impact on the ecological integrity of the area?

1.13. Describe the positive and negative **cumulative ecological/biophysical impacts** bearing in mind the size, scale, scope and nature of the project in relation to its location **and existing and other planned developments** in the area?

<i>Cumulative effects</i>
<p>In terms of the EIA Regulations “cumulative impact”, in relation to an activity, means the past, current and reasonably foreseeable future impact of an activity, considered together with the impact of activities associated with that activity, that in itself may not be significant, but may become significant when added to the existing and reasonable foreseeable impacts eventuating from similar or diverse activities.</p> <p>Cumulative effects can be:</p> <ul style="list-style-type: none"> ▪ Additive: the simple sum of all the effects (e.g. fertilizer inputs to a river from farms in the catchment); ▪ Synergistic: effects interact to produce a total effect greater than the sum of individual effects. These effects often happen as habitats or resources approach capacity (e.g. fragmentation of habitat for a species can have limited effect until additional fragmentation makes areas too small to support that species at all); ▪ Time crowding: frequent, repetitive impacts on a particular resource at the same time (e.g. small-scale mining within a particular ecosystem). ▪ Neutralizing: where effects may counteract each other to reduce the overall effect (e.g. infilling of a wetland for road construction, and creation of new wetlands for water treatment). ▪ Space crowding: high spatial density of impacts on an ecosystem (e.g. rapid expansion of urban sprawl). <p>Crucial to the identification of cumulative implications of an activity or project, is to have an understanding of the context within which the impact will occur. For example, if the context (goal/vision) for an area is to protect its agricultural land use potential and its associated landscape character, the anticipated cumulative implications associated with the establishment of an industrial plant will be significant.</p>

“promoting justifiable economic and social development”

2.22. Describe the positive and negative **cumulative socio-economic impacts** bearing in mind the *size, scale, scope and nature of the project in relation to its location and other planned developments in the area?*

E2. References to Opportunity Costs

NEMA (2014).

As the consideration of Opportunity Costs is a consequence of a sustainable development approach, the definition from NEMA is copied below.

1. Definitions

"**sustainable development**" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

DEA (2017), Guideline on Need and Desirability

1. Paragraph page 8

"**Financial viability** should be considered within the context of *justifiable economic development*, measured against the *broader societal short-term and long-term needs*. While the financial viability considerations of the private developer might indicate if a development is "do-able", the "need and desirability" will be determined by considering the broader community's needs and interests as reflected in an IDP, SDF and EMF for the area, and as determined by the EIA. While the importance of job creation and economic growth for South Africa cannot be denied, the Constitution calls for justifiable economic development. The specific needs of the broader community should therefore be considered together with the **opportunity costs** and **distributional consequences** in order to determine whether or not the development will result in the securing of ecological sustainable development and the promotion of justifiable social and economic development – in other words to *ensure that the development will be socially, economically and environmentally sustainable.*"

2. Clauses page 12

1.7. How will this development use and/or impact on renewable natural resources and the ecosystem of which they are part? Will the use of the resources and/or impact on the ecosystem jeopardise the integrity of the resource and/or system taking into account carrying capacity restrictions, limits of acceptable change, and thresholds? What measures were explored to firstly avoid the use of resources, or if avoidance is not possible, to minimise the use of resources? What measures were taken to ensure responsible and equitable use of the resources? What measures were explored to enhance positive impacts?

1.7.2. Does the proposed use of natural resources constitute the best use thereof? Is the use justifiable when considering intra- and intergenerational equity, and are there more important priorities for which the resources should be used (i.e. what are the **opportunity costs** of using these resources this the proposed development alternative?)

3. Clauses pages 13 & 14

1.9. How will the ecological impacts resulting from this development impact on people's environmental right in terms following:

1.9.1. Negative impacts: e.g. access to resources, **opportunity costs**, loss of amenity (e.g. open space), air and water quality impacts, nuisance (noise, odour, etc.), health impacts, visual impacts, etc. What measures were taken to firstly avoid negative impacts, but if avoidance is not possible, to minimise, manage and remedy negative impacts?

1.9.2. Positive impacts: e.g. improved access to resources, improved amenity, improved air or water quality, etc. What measures were taken to enhance positive impacts?

1.10. Describe the linkages and dependencies between human wellbeing, livelihoods and ecosystem services applicable to the area in question and how the development's ecological impacts will result in socio-economic impacts (e.g. on livelihoods, loss of heritage site, **opportunity costs**, etc.)?

4. Clauses pages 15

2.5. In terms of location, describe how the placement of the proposed development will
 2.5.8. [impact] **opportunity costs** in terms of bulk infrastructure expansions in non-priority areas (e.g. not aligned with the bulk infrastructure planning for the settlement that reflects the spatial reconstruction priorities of the settlement),

5. Table with preceding clause on pages 16 & 17

2.14. Considering the interests, needs and values of **all the interested and affected parties**, describe how the development will *allow for opportunities for all the segments of the community* (e.g.. a mixture of low-, middle-, and high-income housing opportunities) that is *consistent with the priority needs of the local area* (or that is proportional to the needs of an area)?

Opportunity Cost
Opportunity costs refer to the process of considering and comparing the ecological, social and economic costs, implications and opportunities of different alternatives. Choosing a specific option, alternative or path may result in other options (and

its associated opportunities) being foregone - the loss of these opportunities are referred to as the opportunity cost of the preferred option. Assessing the opportunity costs of different options will also assist in the search for alternatives that will result in -

- the understanding the value of the foregone opportunities;
- the achievement (or at least contribute most to the achievement) of the desired aim/goal for the specific area;
- optimising positive impacts;
- minimising negative impacts;
- the equitable distribution of impact (negative and positive); and
- the maintenance of ecological integrity and environmental quality.

The above is also linked to the positive duty to find the "best practice environmental option", which is defined in NEMA as "the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term"

The need to consider the opportunity costs of different options are particularly relevant in instances where resources are limited, environments that are under stress.

Examples where the consideration of opportunity cost is relevant include the option of redeveloping and public open space into a parking area. Another example is where it is confirmed that there are adequate water resources to service a development proposal. Applying the "opportunity cost" principle would change the question being asked, by placing a positive duty to consider if the proposed development will constitute the best use of the available water resources (i.e. the best practicable environmental option).

6. Clauses pages 17

2.16. Describe how the development will impact on job creation in terms of, amongst other aspects:

2.16.5. the **opport unity costs** in terms of job creation (e.g. a mine might create 100 jobs, but impact on 1000 agricultural jobs, etc.).

APPENDIX F: Brief overview of historic and current mining activity in the Vaal Eden area.

Integrated cumulative impacts are those impacts which are the combined cumulative impacts from mines in the same area such as the 3 mines in the Vaal Eden area. The recent history of sand mining in this area, according to public information on the Internet, seem to be the following:

5.1. **Pure Source Sandmine (Winners Point 117 Trading (Pty) Ltd)** was operating under three mining permits (FS 30/5/1/3/2/302 MP, FS 30/5/1/3/2/30 MP & FS 30/5/1/3/2/304 MP) of 1.5 hectares each (total 4.5 hectares) on portion 3 of the farm Woodlands 407, the remaining extent of portion 1 of the farm Woodlands 407 and the remaining extent of the farm Woodlands 407 from 2010. These licenses were renewed 3 times and has now reached it's end as the owners, now under company name Goosebay Farm (Pty) Ltd have submitted a new application in November 2017 for a mining right to mine 34 minerals on **875 hectares**. The BID issued by SLR Consulting only mentioned silica sand in first BID and silica sand, gravel and diamonds in second BID. See <https://pmg.org.za/committee-question/7304/> for a summary provided by the DMR.

5.2. **CJ Terblanche Beleggings (Pty) Ltd** applied for a mining permit (FS 30/5/1/3/2/10140 MP) on **1.5 hectares** in 2015 to mine stone aggregate, gravel (grav), gravel sand (manufactured from hard rock) and dolomite on Portion 6 of Portion 1 of Woodlands 407. This mining permit has now ceased since the death of Mr Terblanche.

5.3. **Tja Naledi Beafase Investment Holdings (Pty) Ltd** applied for a mining right (FS FS 30/5/1/2/2/10020 MR) at the end of 2014 on subdivision 4 (Deo Juvante) of the farm Woodlands 407 to mine silica sand on **438 hectares**. They are now applying for a Section 102 amendment to also mine gravel and diamonds as well as to process onsite.

5.4. **Sweet Sensation 168 (Pty) Ltd** also applied for a mining right (FS 30/5/1/2/2/10018 MR) at the end of 2014 on the farm De Pont 228 to mine silica sand on **95 hectares**. To our knowledge they have not yet applied for a Section 102 amendment, but if TNBIH Section 102 amendment is approved, it is highly likely that they will apply too.

5.5. The **total hectares** under mining in the Vaal Eden area, if all mining rights are authorised, will be approximately 1,408 hectares.

5.6. As **all the sand mines** seem to be applying to **include gravel and diamond mining with silica sand mining** as well as **onsite processing**, the integrated cumulative effect of the opencast mines, which includes dust and noise pollution and severe damaging of roads, will create highly unpleasant living conditions for surrounding residents impacted in anyway by mines. This could have a destructive impact on the tourism industry, agriculture. the property market and related economic activity. As enforcement is already problematic, local inhabitants cannot trust promises of future responsible mining and strict enforcement of legislation.

-END OF VAALOEWER RATEPAYERS ASSOCIATION COMMUNICATIONS-