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## PUBLIC PARTICIPATION REPORT

PROPOSED SASOL IRENE DALE WATER PIPELINE BAR





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Abbreviation List:

DMRE	Department of Mineral Resources and Energy
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
I&AP	Interested and Affected Party
MPRDA	Mineral and Petroleum Resource Development Act
NEMA	National Environmental Management Act
PPP	Public Participation Process
PPR	Public Participation Report

## 1 INTRODUCTION

Sasol Limited (hereafter referred to as the applicant) has appointed The Biodiversity Company (TBC) to assist in undertaking the required authorisation process for the proposed water pipeline. In turn TBC has appointed Environmental Impact Management Services (EIMS) as Environmental Assessment Practitioner (EAP) to assist with compiling the necessary reports and undertaking the statutory consultation processes in support of applications for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activity/ies:
  - GNR 983: Listed Activities: 19; and
  - GNR 985: Listed Activities: 12 and 14 (if applicable)
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) –
  - Listed Water uses: Section 21 (c ) and Section 21 (i).

Additional listed activities and/or water uses may be identified during the process.

The applicant wishes to construct a water pipeline between Bosjesspruit Colliery and a local reservoir. The proposed pipeline is estimated to be approximately 3km in length and runs adjacent to existing servitudes. It is anticipated that numerous wetlands are traversed.

The proposed linear activity will be located on portion 9 of the Farm Voegelvallei 355 IS and portion 8, 26 and 27 of the Farm Stadensdam 333 IS, located in the Lekwa Local Municipality and the Govan Mbeki Local Municipality, Gert Sibande District Municipality, Mpumalanga Province. The proposed linear activity is to be located approximately 3km south-west of the town Charl Cilliers and 30km north of the town Standerton. The starting point, middle point and ending point of the proposed activity is as follows:

- Start (Bosjesspruit Colliery): 26°42'38.86"S; 29°10'16.67"E
- Middle: 26°42'16.43"S; 29°10'2.35"E
- End (Local Reservoir): 26°41'41.81"S; 29°11'11.54"E

## 2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: *"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement"*. This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as...*"a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"*<sup>1</sup>. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

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<sup>1</sup> Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- During the EIA Process:
  - Contribute relevant local information and knowledge to the environmental assessment;
  - Verify that their issues have been recorded;
  - Comment on the findings of the environmental assessments; and
  - Provide relevant local information and knowledge to the environmental assessment.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the necessary authorisation required for the proposed Sasol Irenedale Water Pipeline Project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This PPR lists all verbal and written issues raised by I&APs and stakeholders from the 30-day initial notification and call to register period from the 16 October 2020 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

## **2.1 Legal Compliance**

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely:

- The National Environmental Management Act (NEMA, Act No. 107 of 1998); and
- The National Water Act (NWA, Act 36 of 1998).

Adherence to the requirements of the above-mentioned Acts will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirement for public participation referenced in the Acts. The details of the Integrated PPP are provided below.



### 3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer Appendix B 1 for the Key Stakeholder/I&AP Database.

All landowners whose properties are within the study area have been notified about the project via post, fax and/or email as well as through advertisements and/or site notices inviting them to participate in the EIA process. Refer to Appendix B 2 for the landowner, key stakeholder and I&AP initial notifications.

#### 3.1 LIST OF KEY I&APS IDENTIFIED AND NOTIFIED

The following key I&AP's, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- |  |  |
|--|--|
| • AFGRI SA;  | • Mpumalanga Department of Mineral Resources;                        |
| • AGRI SA;   | • Mpumalanga Department of Public Works, Roads and Transport;        |
| • Birdlife South Africa;   | • Mpumalanga Department of Water and Sanitation;                     |
| • Delmas District Farmers Union  | • Mpumalanga Tourism and Parks Agency (MTPA);                        |
| • Endangered Wildlife Trust;   | • Mpumalanga Wetland Forum;  |
| • Eskom Holdings SOC Limited;  | • National Department of Agriculture, Forestry and Fisheries (DAFF); |
| • Landowners and Adjacent Landowners   | • National Department of Environmental Affairs (DEA);                |
| • Mpumalanga Agriculture Landbou;  | • National Department of Mineral Resources (DMR);                    |
| • Mpumalanga Department of Agriculture, Rural Development and Land Administration; | • National Department of Rural Development and Land Reform (DRDLR);  |
| • Mpumalanga Department of Cooperative Governance and Tradition Affairs;           | • Nkangala District Municipality                                     |
| • Mpumalanga Department of Economic Development, Environment and Tourism;          | • Oliphant's Water Management Agency                                 |
| • Mpumalanga Department of Health;   |  |
| • Mpumalanga Department of Human Settlement;                                       |  |



- SAHRA Mpumalanga
- SANBI - Working for Wetlands;
- SANPARKS
- South African Civil Aviation Authority (CAA);
- South African Heritage Resource Agency (SAHRA)
- South African National Roads Agency (SANRAL);
- Transnet SOC Limited;
- Victor Khanye Local Municipality
- Ward Councillors
- Wildlife and Environment Society of South Africa (WESSA).

## **4 NOTIFICATION OF INTERESTED AND AFFECT PARTIES**

This section provides details on the notifications that were distributed as part of the consultation process to date.

### **4.1 Initial Notification of Landowners and I&APs**

The PPP commenced on the 16<sup>th</sup> October 2020 with an initial notification and call to register ending on the 16<sup>th</sup> November 2020. Notification during this initial consultation was given in the manner described below.

#### **4.1.1 REGISTERED LETTERS, FAXES AND EMAILS**

Notification letters registered mail in English and Afrikaans were distributed to pre-identified I&APs through either registered mail, faxes, and/or emails. Please refer to Appendix B 2 for initial notification and proof of initial notification.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must to be adhered to;
- Date by which the I&AP must register and send comments through to EIMS;
- Contact details of the EAP.

#### **4.1.2 Newspaper Advertisements**

Advertisements describing the proposed project and EIA process were placed in the Ridge Times Newspaper (in English and Afrikaans) with adequate circulation in the vicinity of the study area on the 16<sup>th</sup> October 2020. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;





- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix B 3 for proof of adverts placed.

#### 4.1.3 SITE NOTICE PLACEMENT

Eight (8) A1 Correx site notices (in English and Afrikaans) were placed at 8 locations along, within and surrounding the perimeter of the proposed project study area on the 16<sup>th</sup> October 2020. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Posters were placed at public venues such as the local Spar and Library as far as possible. Please refer to Appendix B 4 for proof of site notice and site notice distribution.

## 4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

Notification (in English and Afrikaans) regarding the availability of the Basic Assessment Report and associated appendices has been provided to pre-identified and registered I&APs. These were distributed through either fax, registered mail and/or emails. The notification includes details regarding where a hard copy of the report can be accessed.

Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the report.

The Basic Assessment report and associated appendices have been made available for public review and comment from the 1<sup>st</sup> April 2021 until the 5<sup>th</sup> May 2021 at the Multipurpose Center in Charl Cillers.

## 4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process to date.

Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification	Newspaper advertisements	Ridge Times Newspaper	16 October 2020



PUBLIC PARTICIPATION PHASE			
(announcement of project and call to register)	Placement of site notices.	8 A1 site notices (English and Afrikaans) within and around the study area (8 placement locations).	16 October 2020
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	16 October 2020
BA report public review and comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	1 April 2021

## 5 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via fax, registered mail and/or email of the decision once available including the appeal process should they wish to appeal the decision.

## 6 RECORD OF ISSUES RAISED

The comments presented in Appendix B 6 are those that have been received and addressed from 16<sup>th</sup> October 2020 to date and will be updated post the public review period of the BA Report.

### 6.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the Basic Assessment Report for the Proposed Sasol Irenedale Water Pipeline Project in the following manner:

- Issues raised were used quantitatively to calculate the significance of impacts both real and perceived; and
- Issues raised were used to provide further suggestions and recommendations with regard to potential management options for impacts.

### 6.2 Summary of Issues That Were Raised

To date comments have been received as per below:

- Registration on the I&AP database; and
- Request for a meeting from the local community with regards to jobs.

All comments and/or queries received are included in this report and presented in Appendix B 6 and Appendix B 5 for submission to the competent authority, the Mpumalanga Department of Mineral Resources and Energy (DMRE). Please refer to Appendix B 6 for proof of correspondence.

## 7 CONCLUSIONS AND RECOMENDATIONS

The comments received to date refer to registration. The comments and issues raised through the public participation will be considered and used inform the compilation of the Basic Assessment report. This report will be updated for submission to the DMRE (the competent authority), following the 30-day public review period of the Basic Assessment Report and associated appendices.