

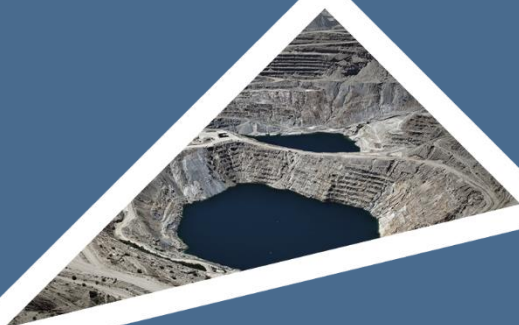


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## PUBLIC PARTICIPATION REPORT

HARMONY BRAND A TSF





#### DOCUMENT DETAILS

**EIMS REFERENCE:** 1599

**DOCUMENT TITLE:** Public Participation Report for the Harmony Brand A TSF Project

#### DOCUMENT CONTROL

	NAME	SIGNATURE	DATE
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#### REVISION AND AMENDMENTS

REVISION DATE:	REV #	DESCRIPTION
2024/03/20	ORIGINAL DOCUMENT	PPR for Scoping Report public review and comment

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#### Abbreviation List:

DSR	Draft Scoping Report
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
FSS	Free State South
I&AP	Interested and Affected Party
NEMA	National Environmental Management Act
NEM:WA	National Environmental Management: Waste Act
PPP	Public Participation Process
PPR	Public Participation Report
TSF	Tailings Storage Facility
WUL	Water Use License



## 1 INTRODUCTION

Harmony Gold Mining Company Limited (Harmony) (hereafter referred to as the applicant) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required authorisation processes (including the statutory public participation), and to compile and submit the required documentation in support of application for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activity/ies:
  - GNR983 Listing Notice 1, Activities 10, 19, 21D.
  - GNR984 Listing Notice 2, Activity 6.
  - GNR985 Listing Notice 3, Activities 12, and 14.
- Waste Management Licence in accordance with the requirements of the National Environmental Management: Waste Act- NEM:WA (Act 59 of 2008) - Listed activity/ies:
  - GNR921 Category B: B7, B10 and B11
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) - Listed activity/ies:
  - Section 21 (c), (g) and (i).

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

Harmony owns and operates several Gold Mines and Plants in the Welkom region in the Free State. Harmony currently deposits tailings onto the Free State South (FSS) 2 Tailings Storage Facility (TSF), St. Helena 4 TSF, St. Helena 123 TSF, Dam 23 TSF, Brand D TSF and Target 1&2 TSF. The current planned Life of Mine of the Free State Operations exceed the available deposition capacity of these TSFs and Harmony is undertaking a feasibility assessment to redeposit slurry on the footprint of Brand A TSF.

The applicant is planning to redeposit slurry on the footprint of Brand A TSF which has largely been reclaimed to date. Construction of 3 new residue deposition pipelines is proposed, each of which will have a NB diameter of more than 360mm with a peak throughput of more than 120 l/s. The pipelines will be flanged steel pipelines and installed above-ground on pre-cast concrete plinths and a 3.5m wide access road, adjacent to the pipelines, will be cleared/graded to provide access for construction, maintenance and inspections.

The proposed project is located on farm portions Harmony 222 (72), Klippan 14 (1), Klippan 14 (2), Klippan 14 (15), La Riviera 289 (2), La Riviera 289 (3), La Riviera 289 (4)/RE, Rustgevonden 564 (1), Saaiplaas 690 (0), Saaiplaas 690 (1), Saaiplaas 690 (5), Saaiplaas 690 (7), Saaiplaas 690 (9), Saaiplaas 690 (10), Saaiplaas 690 (11), Saaiplaas 690 (15), Saaiplaas 771 (0), Saaiplaas 771 (2), Saaiplaas 771 (6), Saaiplaas 771 (12), Saaiplaas 771 (15), and Vaalkranz 220 (14), Matjhabeng Local Municipality, Free State Province. The site is approximately 2.5km Southeast of Bronville. The centre point of the site is 28° 0'53.81"S, 26°50'18.34"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 Public Participation Process (PPP) is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

During the Environmental Impact Assessment Process:

- 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 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 Public Participation Report (PPR) lists all verbal and written issues raised by I&APs during the call to register period from the 9<sup>th</sup> of November 2023 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

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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



## 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).

Adherence to the requirements of the above-mentioned Act will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirements for public participation referenced in the Act. 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 to Appendix C1 for the Key Stakeholder/I&AP Database.

### 3.1 LIST OF ORGANS OF STATE IDENTIFIED AND NOTIFIED

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

- |  |   |
|--|---|
| • Eskom Soc Ltd  | • Free State Development Corporation                                    |
| • Free State Department of Agriculture & Rural Development   | • Free State Heritage Resources Authority                               |
| • Free State Department of Cooperative Governance and Traditional Affairs                          | • Lejweleputswa District Municipality                                   |
| • Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs | • Matjhabeng Local Municipality   |
| • Free State Department of Mineral Resources and Energy  | • National Department of Agriculture, Land Reform and Rural Development |
| • Free State Department of Police, Roads and Transport   | • National Department of Forestry, Fisheries and Environment (DFFE)     |
| • Free State Department of Public Works and Infrastructure   | • National Department of Transport                                      |
| • Free State Department of Water and Sanitation  | • National Department of Water and Sanitation                           |
|  | • National Energy Regulator of South Africa (NERSA)                     |
|  | • National House of Traditional Leaders                                 |



- South African Civil Aviation Authority
- South African Heritage Resources Agency
- South African National Roads Agency Ltd: Eastern Region
- Transnet Soc Ltd
- Vaal Central Water

### 3.2 LIST OF OTHER KEY I&APS IDENTIFIED AND NOTIFIED

- Afgri
- Afgri Agri Services
- African Conservation Trust
- AfriForum
- Agri Free State
- Agri South Africa
- Air Traffic and Navigation Services (ATNS)
- Birdlife South Africa
- Botanical Society
- Centre for Environmental Rights
- Conservation South Africa (CSA)
- Council of Geoscience
- Earth Life Africa
- Endangered Wildlife Trust
- Federation for a Sustainable Environment
- Free State Agriculture
- Free State Wetland Forum
- GroundWork SA
- GUBICO
- Lejweleputswa Development Agency
- Matjhabeng Ratepayers Association
- Petroleum Agency SA
- PetroSA
- South African National Biodiversity Institute
- Tara Wildlife SA
- Vrystaat Landbou/ Free State Agriculture
- WESSA

## 4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

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

### 4.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 9<sup>th</sup> of November 2023 with an initial call to register notification. Notification during this initial consultation was given in the manner described below.

#### 4.1.1 REGISTERED MAIL, FAXES AND EMAILS

Notification letters in English, Afrikaans and Sesotho were distributed to pre-identified I&APS through either registered mail, faxes, and/or emails.

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;
- Details of the South African environmental legislation that must be adhered to;
- Contact details of the EAP.

Please refer to Appendix C2 for initial notification and proofs.

#### **4.1.2 SITE NOTICE PLACEMENT**

Fifteen (15) A1 Correx site notices, and four (4) A3 posters (in English, Afrikaans and Sesotho) were placed at nineteen (19) locations along, and surrounding the perimeter of the proposed project study area on the 9<sup>th</sup> of November 2023. 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.

Please refer to Appendix C3 for proof of site notice and site notice distribution.

#### **4.1.3 NEWSPAPER ADVERTISEMENT**

Advertisements describing the proposed project and EIA process were placed in the Vista newspaper with circulation in the vicinity of the study area on the 9<sup>th</sup> of November 2023. 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 C4 for proof of adverts placed.

### **4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF SCOPING REPORT AVAILABILITY**

Notification (in English, Afrikaans and Sesotho) regarding the availability of the Draft Scoping Report and associated appendices will be provided to pre-identified and registered I&APs through either email, fax, and/or registered mail where contacts are available. The notification will include details regarding where a hard copy of the report can be accessed. Contact details will be provided to I&APs if they require assistance accessing the information or require copies of the report.

The Draft Scoping Report and associated appendices will be made available for public review and comment for a period of 30 days for the Environmental Authorisation (EA) application process at the Welkom Public Library.



### 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 Call to Register	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or registered mail.	9 November 2023
	Placement of site notices and posters.	Fifteen (15) A1 site notices and four (4) A3 posters were placed around the study area (Nineteen (19) placement locations).	9 November 2023
	Newspaper advertisement	Notice was placed in the Vista newspaper.	9 November 2023

## 5 RECORD OF ISSUES RAISED

Comments on the proposed project were solicited from pre-identified and registered I&APs and key stakeholders. To date the following comments have been received:

- I&AP registrations.
- Request to be deregistered from the mailing list.
- Transnet Pipelines stated that Transnet Pipelines is not affected by the proposal.
- Transnet enquiry as to whether any response from Transnet had been received and stated issues with the provided EIMS link. The I&AP was informed that only Transnet Pipelines had commented to date and provided a link to the EIMS website. EIMS requested to be notified if the I&AP continued to have difficulties accessing the link – no further correspondence from the I&AP has been received to date.
- The Federation for a Sustainable Environment (FSE) requested to be registered as an I&AP and requested additional information in order to provide comments. The I&AP was notified that the environmental reports were still being drafted and that they will be notified once the reports are made available for public review and comment.
- Interest in job opportunities from the development.
- Department of Water and Sanitation request to be registered as an I&AP with stated interest in the water uses associated with the project, how the environment will be protected in terms of spillages, management of the TSF to prevent ground and surface water pollution.
- SAHRA request for a SAHRIS application to be made. An application will be made once the relevant reports and documents are available for public review and comment.



- Concern from I&AP regarding the dust from the Saaiplaas plant mine dump stating that the dust is a problem for residents and negatively affects their customers and residents. The I&AP was informed that an air quality assessment will be conducted as part of the EIA study and will assess the dust impacts.
- Request for FS Agriculture to be registered as I&APs and comment regarding the newspaper advert in the local paper being too small, however, the I&AP was able to download the notice from the EIMS website.
- An I&AP stated interest in how the project will impact the directly affected communities in the area.
- An I&AP and resident in the Matjhabeng Local Municipality stated interest in the Public Participation Process and EIA process, and stressed the importance of informing the local community regarding any developments.

Please refer to Appendix C5 and Appendix C6 for comments or issues received.

## **6 CONCLUSIONS AND RECOMENDATIONS**

The comments received during the initial call to register period to date were used to inform the compilation of this PPR. This report will be updated for submission to the competent authority, the Department of Mineral Resources & Energy (DMRE), following the 30-day public participation period.