



mineral resources & energy

Department
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

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Enquiries: Ms. N Ramuhulu: **Email:** Nditssheni.Ramuhulu@dmre.gov.za

Ref no: (MP) 30/5/1/3/3/2/1/ (11762) EM

Directorate: Mine Environmental Management: Mpumalanga Region

BY HAND

The Directors

MANZOLWANDE Investment (Pty) Ltd

P.O Box 5227

Emalahleni

1035

Attention: Mr Raymond Zulu

Tel no: 082 953 9832

Fax: 086 439 1185

Cell Number: 082 953 9832

Email: gme@telkomsa.net

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR A PROSPECTING RIGHT IN RESPECT OF PORTION OF THE REMAINING EXTENT OF THE FARM TECKLENBURG'S 548 JU, SITUATED IN THE MAGISTERIAL DISTRICT OF BARBETON IN MPUMALANGA REGION

With reference to the abovementioned application, please be advised that the Department has decided to **refuse** the environmental authorization to mine coal in terms of Regulation 20(1)(b) of the Environmental Impact Assessment (EIA) Regulations, 2014 of the National Environmental Management Act (Act 107 of 1998). The refusal and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a courtesy copy of such an appeal to the Department of Mineral Resources (Mpumalanga Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

Appeal to the Department of Environment, Forestry and Fisheries

Attention: Directorate Appeals and Legal Review
Email: appealsdirector@environment.gov.za
By post: Private Bag X 447, **PRETORIA**, 0001
By hand: Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia,
Pretoria: 0083

Copy of the lodged appeal to the Department of Mineral Resources and Energy

Attention: Regional Manager: Mpumalanga Region
By facsimile: (013) 690 3288
E-mail: lydia.maphoha@dmre.gov.za
By post: Private Bag X 7279, **WITBANK**, 1035
By hand: Saveways Centre, Nelson Mandela Drive, Emalahleni 1035

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected parties, and a copy of the official appeal form can be obtained from the Department of Environment, Forestry and Fisheries.

Kind Regards

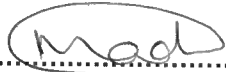

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REGIONAL MANAGER: MINERAL REGULATION
MPUMALANGA REGIONAL OFFICE
DATE: 2020/10/28

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A. DEFINITIONS

“activity” means an activity identified-

- (a) in Government Notice No. R. 983 of 2014 as a listed activity; or
- (b) in any other notice published by the minister or MEC in terms of Section 24D of the Act as a listed activity or specified activity.

“associated structures or infrastructure” means the building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility.

“commence” means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

“construction” means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure.

“independent”, in relation to an EAP or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

“public participation process” in relation to the assessment of the environmental impact of any application for an environmental authorisation, means process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to the application, .

“registered interested and affected party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of Regulation 42.

“the Act” include the schedule and regulations and any notice issued under the Act.

“the Department” means the Department of Mineral Resources and Energy

“the Regulations” means the Environmental Impact Assessment Regulations, 2014.

B. ENVIRONMENTAL AUTHORISATION REFUSAL

REFUSAL OF ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, READ WITH THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS 2014 TO MINE COAL IN RESPECT OF PORTION OF THE REMAINING EXTENT OF THE FARM TECKLENBURG'S 548 JU, SITUATED IN THE MAGISTERIAL DISTRICT OF BARBETON IN MPUMALANGA REGION.

1. REFERENCE NUMBER: (MP) 30/5/1/3/3/2/1/ (11762)

2. BRIEF DESCRIPTION OF THE ACTIVITIES

Manzolwandle Investment (Pty) Ltd intends to mine coal in respect of portion of the remaining extent of the Farm Tecklenburg's 548 JU.

3. LOCATION

The mining permit application is located 15 km East of Barbeton. The mining area is situated within the Magisterial Barbeton, Mpumalanga Region.

4. APPLICANT

The Directors
Manzolwandle Investment (Pty) Ltd
P.O Box 5227
Emalahleni
1035

Contact Person: Mr Raymond Zulu
Tel no: 082 953 9832
Fax: 086 439 1185
Cell Number: 082 953 9832
Email: gme@telkomsa.net

5. ENVIRONMENTAL ASSESSMENT PRACTITIONER

Contact Person: Mr. Tshifhiwa Netsianda
Cell No: 083 923 6949
Email: netsiandat@limpearth.co.za

6. SITE VISIT

A site inspection was never conducted.

7. DECISION

The Department is not satisfied on the basis of the information contained in the BAR made available to it for evaluation in support of the application for environmental authorisation. An Environmental Authorisation is refused in terms of Regulation 20(1)(b) of Environmental Impact Assessment Regulations, 2014 of the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended), for:

Government Notice Number R. 983 for:

Activity 21- "Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the mineral and petroleum resources development Act, 2002 (Act 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

Activity 22-The decommissioning of any activity requiring- a closure certificate in terms of section 43 of the Mineral and Petroleum Resource Development Act, 2002 (Act No.28 of 2002); or a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.

Activity 27- The clearance of an area of 1hectare or more, but less than 20 hectares of indigeneous vegetation, except where such clearance of indigeneous vegetation is required for the undertaking of linear activity or maintenance purposes undertaken in accordance with a maintenance management plan.

Details / reasons regarding the basis on which the Department reached this decision is set out below:

8. BACKGROUND

The applicant, **Manzolwandle Investment (Pty) Ltd**, applied for environmental authorisation to carry out the following activity:

The proposed mining of coal respect of portion of the remaining extent of the Farm Tecklenburg"s 548 JU, situated within the magisterial district of Barbeton, Mpumalanga Province.

The applicant appointed **Tshifhiwa Netsianda** to undertake an Environmental Impact Assessment Process.

8.1 INFORMATION CONSIDERED IN MAKING THE DECISION

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The information contained in the application form received by the Department on 26 February 2018;
- b) The Basic Assessment Report (BAR) received by the Department on 23 March 2020;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including the requirements of section 24 of the NEMA read together with Regulation 19 (2)-(8) of the EIA Regulation.
- d) Public Participation Process (PPP) attached to the BAR and EMPr.

8.2 KEY FACTORS CONSIDERED IN MAKING THE DECISION

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The listed activity applied on Environmental authorisation application form must align with the activities mentioned on the BAR.
- b) The public participation process conducted did not comply with chapter 6 of NEMA Regulations.
- c) The objections raised by the interested and affected parties must be fully addressed. However the objections raised were never addressed to the satisfaction of the Department.
- d) Submit specialist studies as the proposed areas falls within a sensitive environment. However, the specialist studies were never submitted except geohydrological study only.
- e) Amongst other state Department to be consulted, Department of Water and Sanitation and MTPA must be consulted and the proof and results of consultation must be made available to this Department. The proof and results of the above consultation were not attached on the Revised BAR..
- f) From the photo's attached in the BAR, it has been noted that one of the current land use is agriculture. Kindly submit a detailed mining plan and rehabilitation plan if mining is going to impact on this land use.

8.3 FINDINGS

After consideration of the information and factors listed above, the Department made the following findings –

- a) The listed activity applied on Environmental authorisation application form must align with the activities mentioned on the BAR.
- b) The public participation process conducted did not comply with chapter 6 of NEMA Regulations.
- c) The objections raised by the interested and affected parties must be fully addressed. However, the objections raised were never addressed to the satisfaction of the Department.
- d) Submit specialist studies as the proposed areas falls within a sensitive environment. However, the specialist studies were never submitted except geohydrological study only.
- e) Amongst other state Department to be consulted, Department of Water and Sanitation and MTPA must be consulted and the proof and results of consultation must be made available to this Department. The proof and results of the above consultation were not attached on the Revised BAR.
- f) From the photos attached in the BAR, it has been noted that one of the current land use is agriculture. Kindly submit a detailed mining plan and rehabilitation plan if mining is going to impact on this land use.

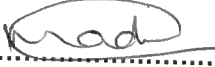
In view of the above, the Department has concluded that, the activity will conflict with the general objectives of Integrated Environmental Management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and that any potentially detrimental environmental impacts resulting from the activities cannot be mitigated to acceptable levels.

The attention of the applicant refused of the Environmental Authorisation is further drawn to the following requirements set out below:

9. APPEAL OF REFUSAL FOR THE EA

- 9.1 The applicant of the authorization refused must notify every **registered** interested and affected party, in writing and within fourteen **(14) days**, of receiving the Department's decision.
- 9.2 The notification referred to in 9.1 must –
 - 9.2.1 Specify the date on which the Authorisation was refused.
 - 9.2.2 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations of 2014.
 - 9.2.3 Advise the interested and affected parties that a copy of the refused Authorisation and reasons for the decision will be furnished on request.
 - 9.2.4 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations of 2014.

Signed on this...28...day of...OCTOBER...2020, at...WITBANK.....


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**REGIONAL MANAGER: MINERAL REGULATION
MPUMALANGA REGIONAL OFFICE**

Acknowledgement of Receipt by: Mr. /Ms. _____

On behalf of the company _____

On this _____ **day of** _____ **2020, at** _____

Signature: