

MINUTES OF MEETING

PROJECT NAME: Future Coal: Chelmsford EMP Amendment
DATE: 9 May 2018
TIME: 09:00am- 12:00pm
LOCATION: Newcastle Town Hall

1. Attendance

Name:	Initial:	Company / Farm / Institution:
Lelani Claassen	LC	Cabanga Environmental (Presenter)
Ken van Rooyen	KVR	Cabanga Environmental (Chairman)
Michelle Venter	MV	Cabanga Environmental (Minutes)
Malcolm Pryde	MP	Future Coal (Mine Owner)
Khululiwe Mathenjwa	KM	Future Coal (Zulu Translator)
Mike Phillips	MP2	Sunflower Estate
Vonnie Phillips	VP	Sunflower Estate
Grant Collyer	GC	Mooikrantz Farming
Richard Baxter	RB	Mooikrantz Farming
David Mosito	DM	South 32 SA
Lucky Shabalala	LS	Sisonke NPO
Timoty Hlatshwayo	TH	Exmoor farm
Shiella Nkabnde	SN	Sisonke NPO
Mtomuli Nbund	MN	I&AP
Zama Hadebe	ZH	Heron Court
Fikile Hadebe	FH	Heron Court
Nomthandazo Mthembi	NM	Herriscort Farm
Sindisinle Mntambo	SM	Herriscort Farm



Name:	Initial:	Company / Farm / Institution:
Zodwa Hadebe	ZH	Herriscort Farm
Lilie Dlamini	LM	Hondrive Farm
Ntombinini Mtshali	NM	Harsbult Farm
Mthabiseng Tsoteshi	MT	I&AP
Nomaswazi Shabalala	NS	Exmoor farm
Jabulile Hlatshumayo	JH	Exmoor farm
Sbongile Thwala	ST	Empondo Farm
S Thembile Ngcobo	SN	Empondo Farm
Mthabiseng Ndlovu	MN	Empondo Farm
Bongani Radebe	BR	Empondo Farm
Lindokuhle Hadebe	LH	Empondo Farm
Bonginkosi Nzama	BN	I&AP
Sibusiso Gumbi	SG	Madadeni
Thmbilhle Mthewbu	TM	Madadeni
Sithembiso Mavuso	SM	Haig farm
Mbali Mavuso	MM	Haig farm
Lushaba Thwala	LT	I&AP
Sbongile Dhlamini	SD	Hope farm
Nonhlanhla Mlotshwa	NM	Osizweni
Ntombikhona Simelane	NS	Chelmsford
Vusi Ndlovu	VN	Chelmsford
Promise Khumalo	PK	Hope farm
Zodwa Ngwenya	ZN	Hope farm
Denis Kunene	DK	Leokop farm
Khulekami Mthembu	KM	Haig farm

Name:	Initial:	Company / Farm / Institution:
Nonkwelko Mnisi	NM	Exmoor farm
Ntomfuthi Mabaso	NM	Exmoor farm
Thembeni Mlotshwa	TM	Exmoor farm
Lindokuhle Mphuthi	LM	Exmoor farm
Thuli Msitoi	TM	Forts farm
Hadebe Phumzile	HP	Mike Phillips farm
Ernest Emam	EE	Knosly Farm
M.L Nsukazi	MN	I&AP
M.V Molefe	MM	Councilor
Coach Thwala	CT	Eagle Jay
Khethy Ngwenya	KN	Embabane
Philisane Mbatha	PM	Hope farm
Eunice Khumalo	EK	Exmoor farm
Siphelele Zwane	SZ	Haig farm
Jimmy Hlatshwayo	JH	Exmoor farm
Nonhlanhla Zulu	NZ	Exmoor farm
Thoko Ndunlo	TN	Exmoor farm
Zodwa Kenene	ZK	Exmoor farm
Thembisile Kunene	TK	Exmoor farm
T Mtshali	TM	Chelmsford farm
NF Molefe	NM	Chelmsford farm

2. Opening & Welcome

- Lelani Claassen (LC) opened the meeting, introduced herself and welcomed the attendees. She explained that Cabanga had been appointed as the independent environmental assessment practitioners (EAP) to undertake the environmental impact assessment and application process.

- KvR introduced the project team:
 - Lelani Claassen (LC) and Michelle Venter (MV) of Cabanga Environmental;
 - Malcolm Pryde and Khululiwe Mathenjwa representing the proponent, Future Coal.
- For the entirety of the meeting, KM translated between English and Zulu.
- LC went on to explain the meeting structure:
 - Please sign the Attendance Register;
 - The Presentation will be given first, questions to follow;
 - Please don't interrupt the meeting – cell-phones on silent (emergency calls may be taken outside, if necessary);
 - Please don't interrupt other meeting attendees while they are speaking – wait for the meeting coordinator to indicate when it is your turn;
 - Everyone will get a turn to ask questions;
 - Please do participate in this meeting constructively;
 - The Project Team will attempt to answer all questions. It is still early in the project and some answers may only become clear as the study progresses.

3. Purpose of the Meeting

- LC explained that this was the first public meeting and there will be a second meeting after the specialist reports and Basic Assessment Report have been completed. The second meeting will provide a summary of the specialist reports and findings of the Basic Assessment.
- This meeting is to present the proposed Amendment to Interested and Affected Parties (I&APs).
- By signing the attendance register the EAP is able to add to the comprehensive database of Interested and Affected Parties to ensure an inclusive process is followed and that everyone can stay informed of project-related developments.
- Locals know the environment better than the EAP and can inform the Project Team of information that may otherwise be overlooked.

4. Project Description

- Chelmsford Colliery is an operational coal mine.
- Mining at Ashley and Shelly has commenced and Macclesfield is the next section of the Mine that Future Coal proposes to develop and mine.
- Underground Mining at the Macclesfield Section is approved, but Future Coal wishes to mine the coal here via opencast methods. That is why there is an application for amendment to allow for opencast mining. The opencast at Macclesfield Section will be approximately 281 hectares and will have a life of mine of ten years.
- The central block (as per shown plans) will be mined first, then the eastern block followed by the western block.
- Open cast will be mined via truck-and-shovel.
- Underground mining will be bord-and-pillar methods.
- Most of the infrastructure is at the existing Ashley mine, no infrastructure on Macclesfield except small in-pit Run of Mine stockpile and container offices.
- It is important to note that the Chelmsford Colliery, comprising the five different Mine Sections are approved through the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA).
- The original EMP was amended to include a wash plant, then amended again to include the western side. The Water Use License (WUL) was approved in 2017 and stated that Macclesfield will be mined open cast.
- Application for the Water Use License occurred prior to the application for amendment of the EMP so that the Mine could gain clarity on specific water-related sensitivities for inclusion in the Mine design.
- The Chelmsford Colliery comprises the following Mining Sections:
 - Ashley Section (active):
 - Opencast and underground mining through highwall adits;
 - Security Access control;
 - Crushing, screening and stockpiling of coal at the plant area (and washing in future);
 - Central mining support infrastructure area, including workshops, stores and washbays;
 - Administrative area and central offices;

- Pollution control dams (PCDs); and
- Explosives Magazine. (Lies between Ashley and Shelley).
- o Shelley Section (active):
 - Opencast mining;
 - RoM stockpile area and crushing and screening;
 - Future PCD as designed in the IWUL; and
 - Container offices/workshops.
- o Macclesfield Section (the next development):
 - Currently no activities underway. This area has been earmarked for opencast mining in future and will include a small RoM stockpile area and container offices/workshops; and
 - The new opencast area will be approximately 281Ha in extent and predominantly comprises cultivated fields.
- o Mooikrantz Section:
 - Currently no activities underway. This area will be mined via underground methods in future and will include a small RoM stockpile area and container offices/workshops.
- o Exmoor Section (includes Spectacle Spruit):
 - Currently no activities underway. A decline shaft plus ventilation shafts will be sunk to access the large reserve of bituminous coal.

5. Legal Framework

- The mine is approved through the MPRDA.
- The National Environmental Management Act (Act No 107 of 1998) (NEMA) and Environmental Impact Assessment Regulations, 2014 (as amended) have several listings and activities identified in the Listing Notices cannot be undertaken unless this has been authorized. The application process that is being followed is in terms of the NEMA, to apply for authorisation for Listed Activities, and to apply for amendment of the EMP from underground to opencast mining at the Macclesfield Section.
- The following water uses in terms of the National Water Act, 1998 (Act No 36 of 1998) (NWA) have been licensed:
 - o 21(a) Taking water from a water resource;

- 21(c) Impeding or diverting the flow of water in a water resource;
 - 21 (i) Altering the bed, banks course of characteristics of a watercourse;
 - 21 (g) Disposing of waste in a manner which may detrimentally impact on a water resource; and
 - 21 (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.
- The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA) - there are no new licenses in terms of the NEMWA required for this amendment. Existing waste management facilities and mine residue facilities approved as part of the existing EMP will be used.

6. Application Process

- The NEMA and the EIA Regulations provide under transitional arrangements that an EMP approved in terms of the MPRDA is deemed to be an approval under NEMA.
- Mining through the wetlands (approved in terms of the NWA and the Water Use License) is listed in Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014.
- The Basic Assessment Process in terms of the EIA Regulations, 2014 (as amended) has to be followed in applying for Environmental Authorisation for the Amendment, because the opencast mining at Macclesfield will involve listed activities associated with mining through wetlands.
- The Integrated Water License completed in 2016 included the following specialist studies, which will be used in the compilation of the Basic Assessment documentation:
 - Wetland delineation;
 - Aquatic ecology; and
 - Surface and groundwater.
- In addition to the above, the following specialist studies will be undertaken as part of the application for amendment and environmental authorisation:
 - Biodiversity, Soils, Land Use and Land Capability;
 - Blast and Vibrations;
 - Heritage and Archaeological;
 - Traffic;

- Air Quality;
- Visual; and
- Rehabilitation.
- The following actions will be undertaken in terms of Public Participation:
 - Consolidation of previous I&AP databases, and database update (Windeed Searches and other available desktop information);
 - Advertisement (19 April 2018, Newcastle Herald) (English, Afrikaans and Zulu);
 - Display of site notices (16 – 18 April 2018, for 30 days) (English, Afrikaans and Zulu);
 - Distribution of Background Information Document (BID) (English, Afrikaans and Zulu);
 - Targeted consultation with Land Owners and Communities;
 - Phase 1 Public Meeting (this meeting);
 - Distribution of Draft updated / consolidated EMPr and BAR for 30 day Public Comment Period (to be announced to registered I&APs);
 - Public Meeting during the 30 day public comment period;
 - Comment and Response Report submitted to DMR as part of the updated / consolidated EMPr and BAR for consideration; and
 - Notification of DMR Decision to I&APs.

7. Impact Assessment Methodology

- The following impact assessment methodology was presented to the public meeting:

Impact Significance = Likelihood x Consequence

Where: Likelihood = Probability that an impact would occur

+

The frequency that an impact will occur

And Consequence = Duration (how long will the impact occur?)

+

Scale (What is the physical extent of the zone of influence of the impact?)

+

Intensity (effect) of the impact

Where intensity is calculated as: Severity of the Impact + Sensitivity of the aspect.

8. Environmental Authorisation Process

- Basic Assessment Process:
 - Consultation with I&APs (notifications, advertisement and site notice) (CURRENT PHASE)
 - Submit the application to the authority
 - Submit Draft Basic Assessment Report (BAR)
 - I&APs to review the Draft BAR for 30 days
 - Update BAR with comments received
 - Submit final BAR to authority
- ↓ 10 Days
- Authority Review (107 days)- Authority acknowledge receipt of BAR
- ↓ 107 Days
- Authority decision
 - Authority notify applicant (within 5 days of decision)
 - EAP notify I&APs (within 14 of decision)

9. Way Forward

- Distribution of Draft updated / consolidated EMPr and BAR for 30 day Public Comment Period (a hard copy will be at the library and notifications will be sent out of where I&APs can access the hard copy). An Electronic copy will also be made available;
- Public Meeting during the 30 day public comment period;
- Comment and Response Report submitted to DMR as part of the updated / consolidated EMPr and BAR for consideration; and
- Notification of DMR Decision to I&APs.

10. Questions and Answers

- KvR opened the floor for a questions and answers session.
- The questions that were raised as well as the answers provided by the Project Team are provided in the Table below.

<ul style="list-style-type: none"> Interested and Affected Party 	<ul style="list-style-type: none"> Issues/Question/Comments raised 	<ul style="list-style-type: none"> Response
<ul style="list-style-type: none"> Environmental Questions and Answers : 		
<p>Lucky Shabalala</p>	<p>We need proof that Cabanga Environmental is independent.</p> <p>I deal with coal mines in this district, fighting injustice. Thank you, Mr. Pryde for arranging a meeting and consulting farm owners and farm dwellers. What is the value of this meeting? Why is this meeting not closer to the farm where the mining will take place?</p> <p>Mining companies don't rehabilitate, we want the truth not lies. All the farms you speak of they are zoned as agriculture and residential-do you have the rezoning certificate? Do you have the state of the current environment? Water tables, rivers, wetlands, air quality? Do you have the actual data? How will you affect the eco-system? You will be using too much underground water of which the communities do not have access to.</p>	<p>Cabanga Environmental started in 2005, I have been doing environmental work since 1987. We are from Johannesburg. I am registered as a Professional Natural Scientist (sent registration card around the hall for inspection).</p> <p>When we attempt to identify a suitable venue for a meeting like this, we start close to the project area then spread out. We need a venue that can accommodate many people as well as power for our projector and computers. The mine also organized transport. We are open to suggestions from I&APs on alternative, suitable venues for the next meeting and if anyone has a suggestion please provide us with an alternative venue for consideration.</p> <p>We did an audit on the mine recently and during the audit it can be seen that there has been rehabilitation. With regards to environmental data – the purpose of the meeting is to identify what studies still need to be done and what we still need to investigate. Some data does exist on surface water, groundwater, wetlands, and dust from previous studies and monitoring the mine does. Other aspects we still need to investigate. The project is only at the beginning</p>

<ul style="list-style-type: none"> Interested and Affected Party 	<ul style="list-style-type: none"> Issues/Question/Comments raised 	<ul style="list-style-type: none"> Response
	<p>What about the rezoning and environmental data?</p> <p>The issue he (Jimmy Hlatshwago- ill treatment from mine) is raising is serious but this meeting is for environmental so we want to know where will his issue be addressed?</p> <p>People do not have trust in the mine. This is the environmental meeting but can the consultant arrange a meeting to address these personal issues with the mine? A man was relocated (Sifiso Mzimbi) and was not treated well.</p> <p>How many people in those farms are aware of them needing to be relocated?</p>	<p>phase. The law states that some of these studies need to take place. We don't have all the data yet.</p> <p>You can only rezone land once you are authorised to mine so it is a sequence we have to do, the one before the other.</p> <p>There is a mine manager and human resources manager on the mine. If there is a problem they are welcome to come to the mine. We can invite him to come talk to them.</p> <p>Khululiwe Mathenjwa, from Future Coal, to see what happened to the forum for such issues and what occurred with the relocation of Sifiso Mzimbi.</p> <p>Opencast Mining proposed to occur on Mike Phillips' farm, he is aware and so are his employees and the families that live on his farm.</p>

<ul style="list-style-type: none"> Interested and Affected Party 	<ul style="list-style-type: none"> Issues/Question/Comments raised 	<ul style="list-style-type: none"> Response
<p>Mike Phillips</p>	<p>We need to clearly determine what an affected party is and we have to be careful with expectations so that people aren't out of work or are expecting work. Affected people have to relocate.</p> <p>We are situated in a Unique area - old Anglo American Natal workings. Seems to be burning underground and Mr Pryde said it is burning. McAlpine mined it in the 80's. South32 is to rehab the old mine workings but nothing has been done. The water is polluted and the grass species aren't returning. On farm Grenich they want a municipal rubbish dump where we draw our clean water from. Who will be held responsible? I have families on my farm, I am putting their concerns forward as well.</p> <p>People don't understand the new mining act- we have no control over anything. This meeting is to let people know what the project plan is.</p> <p>This forum is raising an important issue, such as with the community at Exmoor, it's the government's responsibility to resettle communities, not the mine as the government nationalised the mineral and the coal needs to be extracted for the benefit of the country. My heart goes out to all and it is going to affect</p>	<p>Interested and Affected Party as defined in the relevant legislation doesn't necessarily mean you are directly affected, and nobody will be excluded from the public participation process.</p> <p>Past rehab and past operations- once you are issued a mining authorisation for that area of land you are the owner of the liability. If you buy a mine then you are buying the liability. Future Coal has taken on the old liability. The mine has to make sure that the new operation doesn't damage the environment more and actually improves it.</p> <p>In 2004 all minerals were nationalized so land owners do not own the mineral resources located on their land, all Mineral Resources are vested in the State. Mining companies are given the right to mine on behalf of the state. The mining company has to pay royalties and taxes to the government.</p>

• Interested and Affected Party	• Issues/Question/Comments raised	• Response
	them in the long term. We need to be proactive.	
Jimmy Hlatshwayo	Unfairly treated by mine, left to work for Springlake. When I came back to request a job I went for medicals and induction and that gave me a sense of believing I would be an employee. I left Chelmsford before, out of my own, not fired, then when I tried to get work I was told there was misconduct.	This is an environmental meeting and others have taken time out of their day for this so we cannot talk of labour issues. Please address labour issues with the Mine's HR department directly or through forums such as the CCMA.
Timoty Hlatshwayo	Been working at mines all over SA. My experience is that open cast mining will disturb the soil. I don't think that this will be good for the area.	Noted.
Lucas Nzukazi (Municipality)	Provisions for rehabilitation? Most mines promise social and economic benefit to people directly affected but then they don't comply with their agreement. There needs to be frequent meetings where these issues can be voiced.	Regulations state that you need to put funds aside and it is assessed annually. New regulations released and the fund is no longer based on hectares. It is now based on contractor rates. We are not too sure how far the social and labour plan is. I think yourself and Mr Pryde should talk.
Dennis Kunene	Beginning of the mining operation Mr Pryde approached everyone and said there would be a forum to discuss these issues. Mr Pryde never continued with that. We are hoping something like that is re-established. When the mine continues with the activities it is not in good faith that they do not care with social issues.	The company lost a lot of money in the beginning so a lot of things fell away as they did not have any money. The new operation, there will be cash flow so they can manage these forums.
M.V. Molefe (Ward 21)	Blasting causing housing cracks, no alerts before blasting,	Noted.

• Interested and Affected Party	• Issues/Question/Comments raised	• Response
Interested and Affected Party	This is a social and labour issue as much as the mine wants us to comment on environmental issues. There is dust and disturbances in the area. My husband was injured and nothing was done to help him.	Malcolm Pryde wants everyone to take their concerns to the mine.
<p>Environmental Meeting Adjourned.</p> <p>Meeting continued after Cabanga left concerning issues with labour and the mine amongst the community.</p>		