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**29 March 2021**

**Attention: Ms Deshney Mapoko**

**PRELIMINARY OBJECTION AND REQUEST FOR FURTHER  
INFORMATION**

**DMRE REF MP 30/5/1/3/2/ (12678) MP**

**MINING PERMIT APPLICATION IN TERMS OF SECTION 27 OF ACT 28 OF 2002  
ON PORTION 31 OF THE FARM BEZUIDENHOUTSHOEK 274 JS SITUATED IN  
THE MAGISTERAL DISTRICT OF MIDDELBURG MPUMALANGA OFFICE**

**1. INFORMATION REQUIRED**

We would like to be in a position to establish if the procedures that are prescribed in the NEMA and the MPRDA and the time allowed for these actions have been followed and complied with. With this in mind, can you please forward without delay the following information and provide clarity regarding the procedural requirements of the Applicant and Landowner

- 1.1. The date on which the application was lodged with the DMRE and proof thereof.

- 1.2. The date on which the application was accepted by the DMRE and proof thereof.
- 1.3. A copy of the application and supporting documentation / annexures.
- 1.4. When were the land owners informed of the application and proof of the notification and the period that the land owners were given to lodge objections or provide concerns.
- 1.5. Proof of when and where the site notices were displayed; positions and dates. Can you also provide the wording thereof, with a clear reference of the application number and property descriptions.
- 1.6. Dates and copies of all notices and or advertisements placed in newspapers.
- 1.7. Proof of Registration as an Environmental Assessment Practitioner.
- 1.8. Please forward a copy of the EIA registration form and the Environmental authorisation (EA)
- 1.9. When will the Draft BAR and EMP be sent to I&APs and the land owners? What period that will be allowed for I&APs to comment on these?
- 1.10. Will the Final BAR be made available to I&APs for comment before submission to the DMRE?
- 1.11. Please provide us with detailed information regarding the specialist studies that is/was undertaken and included in the Draft BAR and EMP.
- 1.12. Please provide proof that an application has been submitted to the Department of Water and Sanitation DWS for a water use licence. The DWS requires that a water use license be applied for if mining/prospecting or any activity takes place within the regulated zone of 500 meters from a water resource. For this, a wetland delineation, including a limnological study is required as well as a wetland delineation of the pan and streams, as these occur within a regulated zone in which your Mining area application falls.
- 1.13. As we have not been provided with a copy of the application form (plus annexures), we accordingly at this time have to assume that the application was submitted sometime in February 2021. We trust all the required documentation requested will be forwarded without delay. We fully reserve our rights in this regard.

## 2. PRELIMINARY OBJECTION

The Applicant has applied for a mining permit in terms of Section 27 of the Mineral and Petroleum Resources Development Act 2002 (Act 28 of 2002) (“the act”) authorizing the mining of coal on portion 31 of the farm Bezuidenhoutshoek 274JS. This application should be withdrawn on the following grounds:

- 2.1. This portion forms part of the Bezuidenhoutshoek Nature Reserve over which an application for Protected Area Status has been lodged. The intent notice for the declaration of the five properties, namely. Portion 29, 30, 31, 32 and 33 of the farm Bezuidenhoutshoek. 274 JS was published on the 28th August 2020 in the Mpumalanga Provincial Gazette No. 3185, Notice 86 of 2020. The farm is designated irreplaceable and highly significant in terms of the Mpumalanga Tourism and Parks Agency (MTPA) Bio Diversity Assessment.. No objections were received and this application awaits final proclamation.
- 2.2. The permit applied for falls within a Critically Endangered Environment (CBA) as indicated in the Mpumalanga Biodiversity Sector Plan Handbook (MBSP CBA Map); where development, destruction of vegetation / habitat is not supported by the Mpumalanga Parks and Tourism Agency. Please provide a copy of the Habitat Assessment that indicates the position of Red Listed plants and observations of red listed animals including fish, amphibians, reptiles, mammals and birds, and the interaction between the pollinators of the red data plant species; and the impact that the destruction of the habitat (each permit area) will have on the long-term viability of the red data species? Buffers must be established for each of the red listed species and applied to each of the proposed prospecting areas. This is especially relevant seeing that no one from Singo has ever been on the property to do the surveys, and that these have to be included in the Draft and Final BAR. We believe that such surveys will have to be done over at least 4 seasons to be meaningful, and that this will bring the final submission outside the time that is allowed in law.

Other aspects that must be assessed and fed into the habitat assessment are:

- Dust levels: We will also require Singo to establish baseline dust levels on the leaves of plants and the impact that dust generated by the additional vehicular movement and other activities of the prospecting contractor will have on the leaves of plants used by game; and on the transpiration of the red listed plants such as the cycads that occur close to the proposed prospecting areas.

- Noise and Vibrations: Especially pangolins, but also secretary birds, grass owls and marsh harriers, and others rely heavily on a buffer round its burrow/nests for foraging. The impact of noise and vibrations caused by drilling rigs and vehicular movement will almost definitely impact on the survival and well-being of these animals. Buffers that these animals require for survival must be established. The buffer distances must be projected around each proposed prospecting / mining area and each burrow / nest mapped. The same applies to the foraging areas of other red listed animals, whether fish, amphibians, reptiles, mammals or birds. The locality of individual burrows within the prescribed buffers must be identified, and the impact of mining on each burrow assessed.

2.3. The property is the habitat of the critically endangered *Encephalartos Middelburgensis* and vulnerable *Encephalartos Lanatus* Cycads which would definitely be threatened with theft notwithstanding damage and destruction to and of their habitat. The proposed mining area is within 20 meters of a large population of these cycads.

2.4. The area for which this applicant has applied is within 400 meters of a pan in which the Giant Bullfrog - *Pyxicephalus adspersus* is present. This species enjoys the NEMBA status of protected.

2.5. An extract from the grassland report by Francois De Wet of the Company Enviropulse dated July 2009

“It is my opinion that these two farms are irreplaceable in terms of grass species richness. With my experience as a grassland ecologist I have never seen any grassland with more than 30 grass species per monitoring area of 1 hectare but at these farms it seems to be the norm for this grassland which forms an ecotone between temperate moist grasslands south and the more tropical grassland north”.

The above clearly indicates the criteria for protecting the grasslands of this reserve.

2.6. An extract from the SANBI report by Ms Priscilla Burgoyne July 2009.

“From the visit to the Farm Bezuidenhoutshoek on the 22nd July 2009 it was observed that this particular vegetation present on sandstones of the Waterberg Group is unique with a high conservation value. The whole area needs further investigation as a list drawn from PRECIS (Pretoria Computer Information System) for the grid showed many unique species.

From personal observations on the day there were many species that have not yet been collected from this area (*Streptocarpus* sp. being just

one). There are 27 red listed plants recorded for the grid in which this farm lies. The very rare *Pavetta zeyheri* subsp. *middelburgensis* [VU] and *Encephalartos* two species are found only in this area and therefore this habitat is irreplaceable. Further floristic investigations may reveal other rare plants on this farm”

The above report leaves little doubt as to the importance of preserving this farm

2.7. The Reserve is stocked with over 1500 head of game excluding free roaming game such as Kudu and waterbuck which would be dramatically impacted on by any mining activity, notwithstanding the Vulnerable and Threatened species namely:

- Oribi *Ourebia ourebi*
- Mountain Reedbuck *Redunca fulvorufula*
- Black-footed Cat *Felis nigripes*
- Leopard *Panthera pardus*
- Pangolin *Smutsia temminckii*

2.8. The reserve has confirmed over 300 bird species of which a large portion are endemic to the area and the following species which enjoy protected status.

- Critically Endangered
  - White backed vulture
- Endangered
  - Marshall Eagle
  - African Marsh Harrier
- Vulnerable
  - Denhams Bustard
  - White Bellied Bustard
  - Black Eagle
  - Lanner Falcon
  - African Finfoot
  - Southern Bald Ibis
  - African Grass Owl
  - Secretary Bird
  - Black Stork

2.9. The property is being registered as a Nature Reserve with the emphasis on conservation and the enjoyment of nature by paying tourists. Tourists rely on good roads, dust-free environments in tranquil areas. The presence of dust

and noise, and the presence of people, machinery and drilling equipment will impact on the occupancy rate of accommodation and other visitors; and hence the income and financial viability of the property. Any prospecting or mining activity will have to assess this potential loss and compensate the land owner; whom will also require financial guarantees to cover costs, over and above that which the DMRE will call for.

In order to assess the potential loss from tourism, we will require Singo to commission a Tourism Impact Study to assess the impact that mining/prospecting will have on visitor numbers, the tourism potential, the potential loss of income. The study must include a market analysis of the facility pre, during and post mining so that compensation for the loss of development potential and potential income can be calculated. Because tourists enjoy the tranquility that the farm offers, the land owner will also require a noise impact study with ambient noise and noise levels anticipated during prospecting/mining and how these will impact visitor numbers.

The Tourism Impact Study must also include mechanisms that Legare needs to put in place to indemnify it for potential loss of income and for the cost that will be required for the Land Owner to ensue environmental and financial sustainability.

2.10. The mandate of the Mpumalanga Tourism and Parks Agency states as follows:

- To create a stable, credible and sustainable Agency through adequate funding that will enable the Agency to execute its mandate.
- To provide for effective management and conservation of biodiversity and eco-systems in the Province
- Protect and conserve the natural resources, biodiversity and ecosystems within the Province
- Develop and effectively manage Protected Areas
- Increase land under conservation
- Promote and create socio-economic growth and transformation within the conservation industry, thereby creating economic and employment opportunities for previously disadvantaged individuals and local communities in the Province

This application completely ignores the environmental impact and disregards the mission and mandate of the MTPA who have registered

as interested and affected parties who will use their best efforts to object to this application.

2.11. The Mining Company Glencore uses the pan as an offset for one of its mining activities. I believe they have registered as an interested and affected party and will object to your application. We will ensure that they are kept informed.

2.12. An extract from a letter from Shanduka Coal dated November 2009, now Glencore.

*“Shanduka Coal has no intention of mining the Olifants River Valley, including the farm Bezuidenhoutshoek. Our Environmental manager, Mr. Ken Van Rooyen has advised that the area should from an environmental and ecological view not be disturbed by mining. Our group geologist, Mr. Chris Makgatlha has also confirmed that there is no coal in the above mentioned area”*

2.13. The proposed mining area is within DWAS's regulated zone as it is within 500 meters of delineated wetlands. This information is available to you through the MTPA and DAWS.

2.14. The nearest public road, the D20, is over 11 kilometers away and the applicant must traverse the Corobrik, Van Rensburg, Bezhoek 1217JS, Draaihoek and other portions of Bezuidenhoutshoek Farm on minor single lane farm roads not capable of handling continuous heavy traffic. During the wet season the erosion and damage to the roads would render them unusable and proper rehabilitation would be impossible. Notwithstanding this the negative impact on the farming, tourism and the environment would be totally unacceptable.

2.15. The public road known as the D20 is the only access road to the residents of Presidentsrus. Presidentsrus is classed as a Tourist destination and any heavy duty vehicles traversing the D20 dirt road section would severely compromise the health and safety of these residents. There are no coal trucks on the dirt road section of this road and after years of negotiation the majority of coal trucks are prohibited from using this road. Additional trucks on this road, especially the dirt section would render this road unusable in the wet season due to mud and slippery conditions. The dust created by heavy duty trucks would create a very dangerous hazard for normal vehicle traffic in and out of Presidentsrus. All the residents have been made aware of this application.

2.16. The Olifants River Lodge caters for thousands of guests monthly with conference facilities for over 500 guests. It is a major tourist venue for the

whole of the Witbank Middelburg area. Coal trucks on this D20 will severely impact the viability of this multi million Rand Lodge.

- 2.17. Any trucks and heavy duty transport would have to continually pass in close proximity to homesteads and living areas on the farms over which access will have to traverse to get to the proposed mining area.. Noise, dust and security would render this totally unacceptable
- 2.18. The farm Bezhoek 1217 JS has sectional title rights for a 52 bed lodge and 43 1 Ha stands which development has commenced. The viability of this development is totally dependent on the complete reserve remaining as is. The applicant would have to use the same access road for any mining. The value of this development would be reduced to almost nil with a potential financial impact of over R100,000,000.00 as no development would be economically viable whilst mining was in anyway present. Notwithstanding the impact of a closed pit and the negative impact on the aesthetic appeal of the property to tourists. The impact of mining on the development and the potential financial loss must be addressed in the Tourism Impact Study discussed earlier.
- 2.19. Rehabilitation is a science and more especially in this sensitive environment. We do not believe that rehabilitation is possible in most cases without leaving permanent damage, in the event that it must be done a professional must be employed and specialist instruction and monitoring undertaken. It is our submission that notwithstanding that we believe that it is impossible to effectively rehabilitate this area without affecting the tourism potential and conservation objectives of the land owner. It is our submission that Legare Mining does not have the financial resources to properly conduct any mining activities and definitely does not have the resources to rehabilitate the property properly.
- 2.20. An application contemplated in subregulation (1) of the Mineral and Petroleum resources act 28 of 2002 must be accompanied by a plan of the land to which the application relates, in accordance with generally accepted standards, signed and dated by the applicant and must contain surface structures and registered servitudes where applicable.

2.20.1. The plan submitted with the BID is not dated or signed.

2.20.2. None of the registered servitude have been shown.

## **CONCLUSION**

**We place on record that to date we have not been notified by the DME, Singo Consulting or Legare Mining of the date on which the mining permit application was accepted by the DMRE and have not received a**

copy together with supporting annexures after requesting such by email on 23 March 2021

It is our submission with the greatest of respect and subject to us being proved incorrect that this application is disingenuous in its intent and Singo and Legare were aware at the time of submitting this application that it has no chance of success. With reference to articles in the media, google etc. it appears as if the bona fides of both Legare Mining and you, Singo Consulting are more than questionable. Singo Consulting and Legare Mining continued refusal to have an on camera interview is testament to this.

To the best of my knowledge Singo and Legare have at least five of these mining permit applications in process at present and most of which are in areas with no coal or sensitive ecological areas. The intent of these applications are most certainly prompted by some other agenda than the extraction of coal.

All the objections contained in this document can be documentally proved and these documents will be made available at the appropriate time and correct forum.

We reserve all our rights to employ the services of a legal team, elaborate and add to any objections from time to time.

We trust you will forward all the required documents without delay and will address all our concerns in your draft

The Environmental Authorization, DBAR and EMPR are urgently required to enable us to make properly informed decisions.

We assume that you are *au fait* with the requirements to have a proper consultation with the owner and neighbours and table all relevant and prescribed documents.

This and your other applications have cost us many hours of work and financial burden.

**THERE IS NO COAL AND YOU KNOW IT. WE TRUST YOU WILL DO THE RIGHT THING AND WITHDRAW THE FOLLOWING APPLICATIONS**

**DMRE Ref: DMRE REF MP 30/5/1/3/2/ (12676) MP**

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**Yours faithfully**

**Sid Sidersky**