

Issues and Concerns Report

22 September 2020

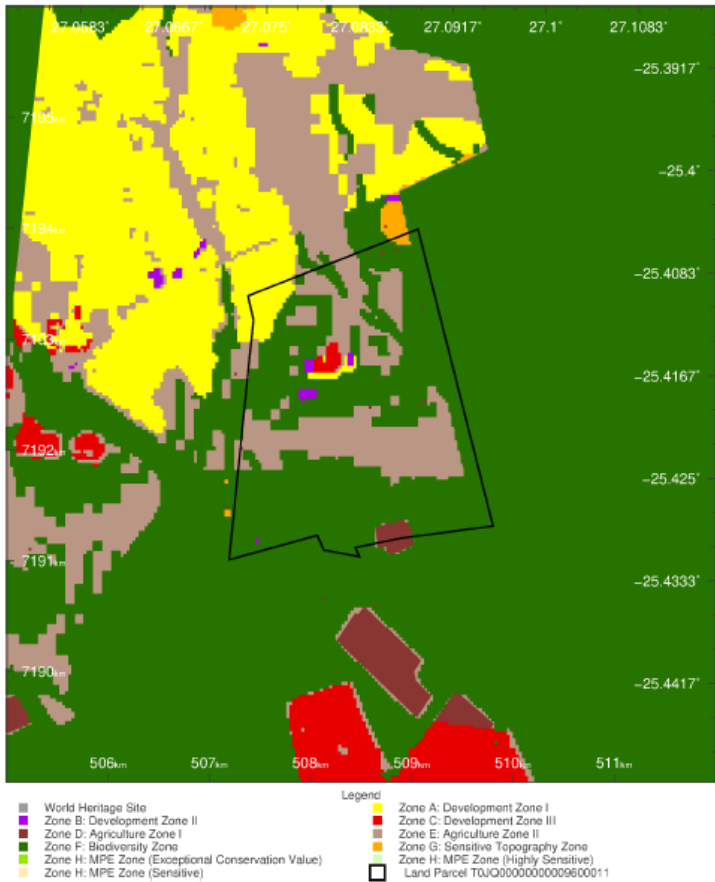
Stakeholder Engagement Forum Meeting, Bakubung Bush Lodge, 9:30 am. Refer to Appendix C1 for the signed attendance register.

NO.	ISSUE	RAISED BY	RESPONSE PROVIDED	PROVIDED BY
1	The public notice should also be published on the local municipality newspaper	Councillor Chonko Botlhokwane	This was agreed to. The information of the newspaper was obtained after the meeting. The wording of the advert was sent to Councillor Botlhokwane prior to the public review period. She confirmed that it was placed.	Tania Oosthuizen (Knight Piésold Environmental)
2	Concern regarding noise pollution (especially 2 km within the mine radius).	Local businessman- Patrick Ngobeni	There is a noise survey that is being done (to monitor the day and night noise levels) to monitor the noise that is generated by the mine. There is ambient noise monitoring (internally and externally) that is being done. Controls have also been put in place to ensure that the noise threshold levels of the Department of Mineral Resources are adhered to. The results of the noise survey will be shared with the public. Also, dust buckets have also been put in place to monitor the air quality around the mine.	Keneilwe Mntambo (Bakubung Environmental)

29 October 2020

Letter received from the Federation for a Sustainable Environment (FSE). Refer to Appendix C3 for the full letter.

NO.	ISSUE	RESPONSE PROVIDED
1	The need and desirability of the proposed Project has to be demonstrated in comparison with the need and desirability for alternative land uses, such as the preservation and development of tourism for the area. This calls for an evaluation of the Best Practicable Environmental Option (BPEO) for this area.	<p>Bakubung Platinum Mine (BMP) is an operational mine. The mine received its mining right with approval of its Environmental Impact Assessment (EIA) in 2009 and a Water Use Licence from the Department of Human Settlements, Water and Sanitation (DHSWS) in 2010. Subsequent to receiving these, the mine was constructed and had applied for several other authorisations and amendments for its operation, which it has obtained.</p> <p>The area within which these current amendments are proposed are within the boundaries of the existing mine. The amendment is required (in part) for the mine to continue its operations within current financial constraints and to comply with requirements of the DHSWS.</p> <p>Therefore, at this stage the land-use of mining has already been determined.</p> <p>In line with the 2017 Guideline for the need and desirability, the amendment report addresses the potential ecological and social impacts.</p>
2	Kindly confirm if the Application for the project is aligned with the Bojanala Platinum District Municipality (BPDM) Environmental Management Framework (EMF) proposed zones for tourism and biodiversity and SANBI's guidelines.	<p>Please refer to Appendix A for the web-generated report as per http://nwreademf.co.za/ which superimposes the property (Frischgewaagd 96 JQ, portion 11) on the BPDM EMF. For this portion, the following zones and percentages were determined:</p> <p>Zone A: Development Zone I (Res. And Bus) (7%) Zone B: Development Zone II (Industrial) (0.9%) Zone C: Development Zone III (Mining) (1.01%) Zone D: Agriculture Zone I (0.18%) Zone E: Agriculture Zone II (35,8%) Zone F: Biodiversity Zone (53%) Zone G: Sensitive Topography Zone (1.6%)</p> <p>From this report it can be seen that Frischgewaagd 96 JQ, portion 11 does not include any areas of Zone H which are the most sensitive.</p> <p>It should be noted that the actual amendments proposed will comprise a much smaller area and not the full area of portion 11. The existing mining activities of Bakubung is shown in red in the centre of figure below.</p>

NO.	ISSUE	RESPONSE PROVIDED
		 <p>Figure 1: Management zones around the proposed site.</p>
3.	It is part of our law that the potential impact of a development on the sense of place of an area must be considered.	A VIA was undertaken for this project specifically to address this comment. Please refer to Appendix D1 for the full report.

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4.	<p>The literature, which are referenced in the above-mentioned Assessment, does not include the DWS' Determination of Resources Quality Objectives and Numerical Limits Report in the Mokolo, Matlabas, Crocodile West and Marico Catchment in the Limpopo North West Water Management Area.</p> <p>We hereby call upon the Applicant or its EAP to report on its current compliance with the above RQOs, the impact of its proposed TSF on the RQOs and its mitigation and management measures to comply with the abovementioned RQOs.</p>	<p>In terms of the GN 662 of 2019 "Determination of Water Resource Classes and Resource Quality Objectives for Mokolo, Matlabas, Crocodile (West) and Marico Catchments" the project is located within Resource Unit 5-7.</p> <p>Please refer to the September 2020 quarterly water quality report in Appendix D6 which includes the RQO. Going forward, BPM will include the RQO in the quarterly monitoring report that is submitted to DHSWS.</p>
5.	<p>The FSE furthermore requests that the Applicant presents its Application for the Amendment of its Water Use Licence to the Elands/Hex's Catchment Management Forum (CMF) to allow for participation by stakeholders within the CMF.</p>	<p>BPM is part of the Elands/Hex's Catchment Management Forum (CMF). BPM contacted the chairman (Mr. Ananias Mogoboya Mamabolo) enquiring if there will be any future meetings of the forum in 2020. Mr Mamabolo suggested that the EAP provide the link with the draft report to the forum members to provide comment. This was done on 12 November 2020. No comments from forum members have been received to date.</p>
6	<p>We support the recommendation by Airshed Planning Professionals that an air quality management plan and not merely an air quality monitoring plan be adopted.</p>	<p>BMP will utilise the air quality management plan as developed by Airshed for this amendment project report as a basis for their internal AQMP.</p>
7	<p>Are we correct in our inference from this statement that both Wesizwe Platinum Ltd as owner of the Bakubung Mine and Bakubung Minerals (Pty) Ltd as holder of the mining right will be responsible in terms of s 28 and s 34 of the NEMA for the duty of care and remediation of environmental damage. Please advise.</p>	<p>This is correct</p>

NO.	ISSUE	RESPONSE PROVIDED
80	We strongly recommend that a Forum be established which will allow interested and affected parties to raise their concerns and grievances with the Applicant with the objective to address and resolve environmental concerns.	A Stakeholder Engagement Forum (SEF) has been established and consists of businesses and stakeholders to the mine. The SEF meet quarterly. BMP will include environmental matters as a specific agenda point going forward. At the September 2020 SEF meeting, this amendment project was presented to the forum. Please refer to the minutes and attendance register of the September 2020 SEF attached.

20 November 2020

Letter received from Fasken Attorneys on behalf of Bakubung Ba Ratheo Traditional Community, their client on 20 November 2020. Refer to Appendix C3 for the full letter.

NO.	ISSUE	RESPONSE PROVIDED
1	Introduction	
1.1	We have been instructed by Bakubung Ba Ratheo Traditional Community ("the Community"/"our client") to review and comment on the Draft Report in relation to the amendment of the Bakubung Platinum Mine ("BPM") Environmental Authorisation and Waste Management Licence ("the Draft Report").	Noted
1.2	Bakubung Minerals (Pty) Ltd is the owner of Bakubung Platinum Mine ("BPM"), currently operating on the farm Frischgewaagd 96JQ (Portions 3, 4 and 11). Bakubung Minerals (Pty) Ltd holds the mining right for BPM.	This is correct. The mining right includes the following farms: The Remaining Extent of Portion1, Portions 3, 4, 6, 7 and the Remaining Extent of the Farm Ledig 909 JQ And a Certain Portion of the Remaining Extent of the Farm Mimosa 81 JQ.
1.3	Knight Piésold ("the EAP") has been appointed by Bakubung Minerals (Pty) Ltd to amend the existing approved Environmental Authorisation (EA) and Waste Management Licence granted in 2017 – (NW/30/5/1/2/3/2/1/(339) EM) of the BPM. The mine is located near Ledig, 2km south of the Pilanesberg Game Reserve and Sun City in the North West Province.	This is correct. The exact distance between BPM to the Pilanesberg Game Reserve and Sun City is 2,6 km at the closest point.
1.4	Mining activities at BPM are in respect of Platinum Group Elements, i.e., platinum, palladium, rhodium, and gold, with copper and nickel as by-products. The mine falls within the Rustenburg and Moses Kotane Local Municipalities of the Bojanala District Municipality.	No response required.
1.5	This letter serves as our client's comments in respect of the Draft Report. Please take note that we do not regard this reply as our final opportunity to engage as an interested and affected party and reserve the right to comment at a later stage.	Noted. The updated EA and WML amendment report will be made available for another round of public review.
2.	Proposed Changes in the Amendment Application	
2.1	The Amendment Application is based on BPM's intention to re-optimize the mining process in order to make its operations financially viable. The mine capacity was authorised for 3 MT/annum, but BPM wishes to approach	No response required.

NO.	ISSUE	RESPONSE PROVIDED
	this capacity in a phased approach – 1 Mt/annum (immediate) and 2 MT/annum, by 2024.	
2.2	<p>The specific changes to the project which form part of the proposed amendment are as follows:</p> <p>2.2.1 capacity change from 3 MT/annum to 1 MT/annum and 2 MT/annum;</p> <p>2.2.2 construction of an additional Tailings Storage Facility ("TSF") on Frischgewaagd Farm; and</p> <p>2.2.3 change of liner for the stock pad area.</p>	No response required.
3.	Social Impact of the Proposed Amendment	
	<i>Community Interest and Public Participation</i>	
3.1	In terms of the Draft Report, the project is located in Ward 28 of the Moses Kotane Local Municipality that falls under the Bojanala Platinum District Municipality in the North West Province. The area is under the traditional authority of our client. It is worth noting that the area is predominantly rural with predominantly traditional land ownership.	No response required.
3.2	In addition, the Draft Report provides that Setswana is the home language of most residents in the study area and that there are differences in the language profiles of the different wards, with some wards having a relatively large proportion of people with isiZulu as a home language.	No response required.
3.3	It is submitted that, in keeping with the principle of public participation, it is important that affected communities be consulted and engaged in an accessible and understandable way, in order to allow them to make meaningful contributions to the Public Participation Process. Although the Draft Report indicates that notices were posted and stakeholder engagement forums were held in relation to the proposed amendment application, the Draft Report does not specify whether the affected communities were engaged in languages understandable to them. It is crucial for a meaningful Public Participation Process that I&APs are informed of any and all information which may affect their interests in a manner understandable to them.	<p>Local languages were considered in the following ways in the public participation process.</p> <ul style="list-style-type: none"> • Site Notices: A2-site notices were placed at 1.) Ledig Supermarket, 2.) Banana General Dealer 3.) Leo Cash and Carry, 4) Menati Cash and Carry 5) Obadiah General Dealer and 6) BPM Main Entrance. The site notices contained information on the nature of the activity, the application process, as well as details of the EAP. The site notices were provided in both English and Setswana. • Newspaper advertisement: A newspaper advertisement was placed in The Rustenburg Herald on 6 May 2020. Further advertisements were placed in the Rustenburg Herald on 14 October 2020 and in Platinum weekly on 16 October 2020 in English. For the second round of public review, the advertisements will also be translated into Setswana and placed in Rustenburg Herald and Platinum Weekly.

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		<ul style="list-style-type: none"> Stakeholder engagement forum: Knight Piésold presented the project to the members of the stakeholder engagement forum on 22 September 2020. The attendees participated in the meeting in their languages of choice and were responded to in their respective languages.
	<i>Socio-Economic Impact</i>	
3.4	<p>The Draft Report provides that the construction, operation, and closure of the new TSF will have a definite and permanent impact on the natural topography of the area, which in turn will create a visual impact. The anticipated visual impact will have an adverse effect on one of the main economic sectors in the area, i.e., tourism, which will detrimentally affect a community that is already economically weak, and poverty stricken. Any detractor from efforts to strengthen and support the socio-economic sustenance of the community without substituting such efforts with a better alternative economic source will be detrimental to the community.</p>	<p>A Specialist Visual Impact Assessment (VIA) for the proposed amendments has been undertaken and the full report is available in Appendix D1.</p> <p>The line of sight/ viewshed analysis, indicates that the proposed project will not be visible from the sensitive tourist location such as Sun City and other lodges within the Pilanesberg. This is due to the location of these facilities within the Pilanesberg and the fact that the mountains screen the view towards the proposed Project site. Other tourist facilities such as the Kingdom Resort falls outside the Zone of Potential Influence and the proposed Project will form part of the background view for receptors located in the resort.</p> <p>During construction, the significance of visual impact will be low but will change to moderate as the Project enters the operational phase and the TSF begins to protrude above the horizon/ vegetation line. The significance of the Project's visual impact will remain moderate throughout the operational phase and will not only contribute to the negative cumulative impact on the visual resource/ scenic quality of the study area but will also contribute to the overall negative visual impact of the mining activities within the greater area.</p>
3.5	<p>The Draft Report goes on to state that the proposed TSF is within the boundaries of an existing mine on an area previously earmarked for a solar power station. However, it is submitted that the visual impact of a solar power station tends to be worse than the visual impact of a mine or TSF. The argument that this in turn reduces the magnitude of the impact to moderate is inadequate and not sustainable.</p>	<p>Refer to response in No. 3.4. The VIA has been undertaken for the specific amendments to the mine.</p>
	<i>Degradation of Community Cohesion</i>	
4.	<p>The Draft Report has highlighted that there has been a long-standing issue of local tensions in the community relating to the spending of royalties. There is a risk that such tensions may be exacerbated in the proposed amendment application. This could lead communities to resort to violent protests if they are of the view that they are not heard, which</p>	<p>The Social Impact Assessment (SIA) has been revised to better contextualise the relationship between the mine and the community. The revised SIA is available in Appendix D8. It better highlights the mechanisms already in place to mitigate and manage social impacts.</p> <p>Section 5.2 of SIA details all the mitigation measures proposed to address</p>

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	could place lives in danger and lead to damaged property. Apart from suggesting that emergency procedures be put in place by the mine, the Draft Report does not propose ways in which such tensions can be resolved or avoided indefinitely in the future. It is submitted that this is an issue which the Applicant should prioritise, reflect on and address more comprehensively in the Final Report.	existing, cumulative, Covid-19 related, and impacts specifically related to this amendment process.
4.2	It is important to note that section 48(1)(a) of the National Environmental Management: Protected Areas Act 57 of 2003 ("NEMPAA"), provides that "despite other legislation, no person may conduct commercial prospecting or mining activities in a special nature reserve or nature reserve; or (b) in a protected environment without the written permission of the Minister".	The project is not located within a NEMPAA. Refer to Figure 4. The project is located within the approved mining rights area of BPM and is surrounded by existing and planned mining infrastructure/facilities. The site is thus embedded within an active mining operation, with its attendant activities and disturbances.
4.3	Unless the EAP or Applicant is able to present clear evidence that the relevant Ministerial permission from the Minister of Environment, Forestry and Fisheries has been obtained, it is submitted that the Application should be withdrawn by the EAP or Applicant to the extent that the project will affect such nature reserves.	
4.4	It is submitted that the proposed changes set out in the Draft Report are detrimental to terrestrial biodiversity. According to the North West Biodiversity Sector Plan, 2015, the mine as well as the new TSF site are primarily located on Critical Biodiversity Area 2 ("CBA 2"). In terms of the Sector Plan, Critical Biodiversity Areas are areas of the landscape that need to be maintained in a natural or near-natural state in order to ensure the continued existence and functioning of species and ecosystems and the delivery of ecosystem services. In other words, if these areas are not maintained in a natural or near natural state then biodiversity targets cannot be met.	<p>A Terrestrial Ecology study has been undertaken specifically for this amendment process and provides a more detailed assessment of the site and potential impacts. Refer to Appendix D4.</p> <p>A review of aerial imagery suggests that the CBA delineations are partly inaccurate at the landscape scale, as certain areas that have been mapped as CBA2 are in fact, transformed by mining and cultivation and are thus characterised by either no vegetation (permanently transformed) or secondary vegetation.</p> <p>The Specialist has found that 60.6% of the proposed TSF footprint comprises Marikana Thornveld and 39.2% comprises Secondary Vegetation, some of which is highly disturbed and dominated by alien vegetation. Despite being mapped as CBA2, areas of highly disturbed vegetation are of little conservation value.</p>
4.5	According to the Draft Report, the TSF area is proposed on a site that was previously assessed for the placement of a solar plant in the 2016 EIA. This site was found to comprise comprises 35.8% Mixed Woodland & Thicket, 8.4% Acacia mellifera Bushland & Thicket and 55.8% secondary	Although 19.12 ha of Marikana Thornveld will be lost, the site is within an existing mine area, and is largely surrounded by existing mining infrastructure and

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	vegetation. Therefore, approximately 54% of the site is of high biodiversity conservation value. It is submitted that such biodiversity is threatened by the proposed amendment application.	disturbances and is therefore considered unlikely that this will threaten biodiversity conservation at a provincial level. Several mitigation measures are recommended to manage impacts associated habitat loss and modification of Marikana Thornveld and Secondary Vegetation. Select mitigation measures are stated below in the response to Issue No. 4.6.
	<i>Loss of Vegetation Types</i>	
4.6	The Draft Report provides that there will be a clearing of approximately 30 ha of Marikana Thornveld, which is a vulnerable vegetation type, within an area mapped as a CBA 2, and this is rated as an impact of high severity for both the unmitigated and mitigated scenarios.	The Terrestrial Ecology study indicates that approximately 19.12 ha of the proposed TSF footprint is Marikana Thornveld. The remaining approximately 12.4 ha comprises Secondary Vegetation, some of which is highly degraded and dominated by alien weedy vegetation. The loss of Marikana Thornveld is rated an impact of high significance before and after mitigation. However, the loss of Secondary Vegetation is rated an impact of moderate significance after mitigation. It is noted that the proposed site is almost enclosed by existing mine infrastructure, including entrance roads, rock dumps, security fences, electrical substations, and a planned concentrator plant. It is suggested that impacts on terrestrial ecology will be managed through, amongst others, the following recommended mitigation measures: <ul style="list-style-type: none"> • Limiting the extent of vegetation clearing to the absolute minimum area required for construction • All disturbed areas should be stabilised, rehabilitated, and revegetated using flora species common in Marikana Thornveld. • Active alien invasive species control should be implemented in all disturbed areas • The open undeveloped natural habitat located to the south of the study area (i.e., between the new entrance road and Elands River) should be set aside as a no-go natural corridor. No development or any form of disturbance should be permitted in this area.
	<i>Surface Water Pollution and Loss of Watercourse Habitats</i>	
4.7	The Draft Report provides that the construction of surface infrastructure on the mining area could impact on the watercourse habitat. There is also a risk of increase of surface water runoff from stockpiles, hardened surfaces and areas cleared of vegetation could lead to the deposition of sediment and increase erosion within the watercourses. This could cause the ecological and hydrological integrity of the	Surface water impacts will be managed through specific mitigation measures as follows: <ul style="list-style-type: none"> • Disallow any infrastructure within the wetlands or within a 30 m buffer from any watercourse (including a wetland) • Demarcate the wetland areas during construction to ensure that no construction activities occur within these areas • Develop a watercourse rehabilitation plan for impacts not successfully

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	watercourses to be altered.	<p>mitigated</p> <ul style="list-style-type: none"> • Develop and implement a stormwater management system to attenuate flood peak events • Prevent stormwater outflows from entering directly into watercourses. Instead ensure that flows are attenuated before release. • Designate a re-fuelling area and disallow refuelling within close proximity to any watercourse. • Store hazardous materials in a hazardous material zone with a bunded area. • Develop and implement an alien vegetation control plan to limit and manage the spread of alien vegetation within watercourses.
	<i>Soil and land capability</i>	
4.8	<p>The Draft Report provides that stripping and stockpiling of soil for the construction and operation of the TSF will take place, which will result in the following impact to the soil:</p> <p>4.8.1 loss of the original spatial distribution of natural soil forms and horizon sequences which cannot be reconstructed similarly during the rehabilitation process</p> <p>4.8.2 loss of original topography and drainage pattern</p> <p>4.8.3 loss of original soil depth and soil volume</p> <p>4.8.4 loss of original fertility and organic carbon content; and</p> <p>4.8.5 compaction during rehabilitation which will adversely affect root development and effective soil depth.</p>	No response required.
4.9	<p>The Draft Report states further that the impact of soil loss during all phases is rated as high significance before mitigation and moderate significance after mitigation. It is submitted that, despite the mitigation of the impact of soil loss to moderate, the security of land and land use entitlements of the community will be adversely affected as they will no longer be able to cultivate the land and use it for agricultural purposes. The removal of the topsoil will cause the existing arable and grazing land capability to cease completely.</p>	<p>The land capability at the additional TSF site is primarily grazing, with some marginal areas of arable land. The area has not been utilised by the community for cultivation in the past.</p> <p>BPM has a lease agreement with the landowner, the Bakubung Ba Ratheo Traditional Community for which they receive financial compensation.</p> <p>Upon closure of the Frischgewaagd TSF, the area will be rehabilitated to minimise and mitigate the impacts caused by mining activities and restore the land back to a satisfactory standard. No off-site impacts on land use / soil is expected.</p>
4.10	<p>We note that the Draft Report provides that the new TSF is not currently being utilized for agricultural activities and was earmarked for mining infrastructure. However, if this is considered in the context that in the Moses Kotane Local</p>	<p>The proposed amendments are required in order for the mine to continue within the current Mining Right. It is part of a “survival plan” for the mine and does not relate to an expansion or increase of revenue in any way. The survival of the mine will sustain the employment and economic opportunities that it currently</p>

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	Municipality, the large portion of households are under the food poverty line or in very close proximity of the poverty line, and that the intensity of poverty has increased more than in the surrounding areas, it is submitted that the proposed amendment does not serve the socio-economic interests of the community or their <u>entitlement</u> to use the land to its fullest potential for their sustenance.	provides the local community.
4.11	It is submitted that the risk of soil contamination by hydrocarbon spillages during construction or operational activities on the mine, or because of a liner or infrastructure leakage, erases any prospects of the use of land to eradicate the challenge of poverty which currently confronts the community.	The TSF design report is being updated to ensure full compliance with the strict requirements of the DHSWS civil engineering. The risk of liner leakage or failure will be minimised. The land is an existing mine and the additional TSF is at the centre thereof. The area is suitable only for grazing and will be rehabilitated to a satisfactory standard upon closure. The TSF footprint is approximately 30 ha, which will not be available for grazing in the future.
5.1	In conclusion, we submit that the Draft Report fails to stipulate how the abovementioned risks will be adequately addressed and mitigated. Based on the afore going, our client objects to the proposed amendment application.	We have endeavoured to clarify any uncertainties in this response letter and address shortcomings from our original report in the updated amendment report. We hope and trust that your original objection registered will be retracted.

24 April 2021

Letter received from the FSE 24 April 2021. Refer to Appendix C3 for the full letter

	ISSUE	RESPONSE PROVIDED
1	BOJANALA PLATINUM DISTRICT ENVIRONMENTAL MANAGEMENT FRAMEWORK (BPD EMF)	
1.1	<p>Zone H refers to the Magaliesburg Protected Environment. Zone H is not relevant to the application. What is relevant, however, is the following: Does the proposed development fall within Zone C, namely the Development Zone III (Mining) or Zone E (on page 122 in the BDM EMF referred to as Zone F), namely the Biodiversity Zone or Zone F (on page 123 in the BDM EMF referred to as Zone G), namely the Sensitive Topography Zone?</p> <p>Please confirm whether the subjoined provincial legislation and environmental management instruments were considered by the Applicant/EAP in this Application?</p> <ol style="list-style-type: none"> 1. The North West Provincial Development Plan 2030 2. The North West Provincial Rebranding, Reposition and Renewal Strategy 3. The North West Province Environmental Outlook 4. The North West Province Biodiversity Sector Plan 5. The North West Province Air Quality Management Plan 6. The North West Province Integrated Waste Management Plan 7. The North West Provincial Spatial Development Framework 8. The North West/Bojanala District Municipality Climate Change Vulnerability Assessment 	<p>Although an Environmental Management Framework (EMF) is a valuable planning tool for new developments, the 2018 Bojanala EMF postdates the granting of the mining right in 2009 (NW 30/5/1/2/2/339 MR). Notwithstanding this, the North West Department of Economic Development, Environment, Conservation and Tourism (DEDECT) web-based EMF report was created and included as Appendix A2 to the amendment report. In this report the percentages of each zone in relation to the farm portion is provided.</p> <p>The amendments are proposed within the approved mining right area and constitute a footprint size of approximately 30 ha. The proposed footprint area for the new TSF and evaporation dams was previously assessed and authorised as the development footprint for a solar plant for the mine. The amendments proposed in this document forms part of a survival plan for the mine to continue to operate despite the current economic challenges.</p> <p>The environmental and social impacts associated with the Bakubung Platinum Mine's (BPMs) mining activities have therefore previously been assessed and approved through the 2008 and 2016 EIA processes, respectively. The inclusion of the TSF and evaporation dams would result in changes to the previously assessed impacts. Accordingly, the Department of Mineral Resources and Energy (DMRE) deemed a Regulation 31 Amendment process in terms of The National Environmental Management Act (NEMA) relevant to the proposed project during the pre-application phase in September 2019.</p> <p>The new TSF and evaporation dams do however constitute listed activities, which is highlighted in Section 1.3 of the amended document.</p> <p>The amendment application was prepared to address the following requirements in accordance with Section 32(1)(a) of the NEMA EIA</p>

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		<p>Regulations:</p> <ul style="list-style-type: none"> • An assessment of all impacts related to the proposed change • Advantages and disadvantages associated with the proposed change • Measures to ensure avoidance, management and mitigation of impacts associated with such proposed change • Public Participation <p>A Section has been added to the amendment report to advise on the applicability and/or alignment of each of the documents referred to here. The Air Quality Impact Assessment (AQIA) and Noise Impact Assessment Reports were also updated to report on the applicability of management plans. Refer to Appendix D2 and D3.</p>
2.	WASTE, CUMULATIVE IMPACTS AND SUSTAINABLE FUTURE LAND USE	
2.1	<p>As early as 1987, the US Environmental Protection Agency recognised that <i>“...problems related to mining waste may be rated as second only to global warming and stratospheric ozone depletion in terms of ecological risk. The release to the environment of mining waste can result in profound, generally irreversible destruction of ecosystems.”</i></p> <p>The FSE expresses concern regarding the significant number of existing mining operations and mining and prospecting applications within the Bojanala District Municipality and the risk to future sustainable land use and livelihood opportunities within the area.</p> <p>It should be noted that platinum is a non-renewable resource and although, South Africa’s Bushveld Complex hosts approximately 80% of PGM-bearing ore the mining of platinum or the PGMs is finite. In terms of Section 24 of the Bill of Rights of the Constitution of the Republic of South Africa, <i>“everyone has the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”</i> (Emphasis added.)</p> <p>It follows hence that the present over-exploitation of BGMs will adversely impact future generations, that is, both their right to an environmental that is not harmful to health and well-being and their right to the</p>	<p>We take note of the concerns expressed by FSE.</p> <p>Wesizwe Platinum’s Environmental Policy recognises that it has an opportunity to play an important role in promoting and protecting the environment for future generations and to help secure the long-term sustainability of communities and natural resources. Refer to full policy attached.boo</p> <p>In this regard, the BPM is committed to comply with the environmental legislation pertaining to its general operations, and in this amendment application process specifically.</p> <p>Please refer also to the approved Social and Labour Plan (SLP) booklet or the mine, in which their social and livelihood commitments are reported on. Refer to Appendix A4.</p> <p>Furthermore, the attached 2020 Integrated Report reports on BPMs Human Resources projects and programmes in line with SLP commitments. Refer to Appendix A3.</p>

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	<p>extraction and use of mineral resources.</p> <p>Section 24 of the Constitution calls for inter and intra generational equity. One of the stated fundamental principles of the MPRDA is to give effect to s 24 of the Constitution. The Minister of Mineral Resources and Energy is specifically tasked to ensure the sustainable development of South Africa's mineral resources.</p> <p>The MPRDA states that this should be achieved '<i>by ensuring that the nation's mineral and petroleum resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development</i>'.</p> <p>Sustainable Development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.</p>	
3.	CLOSURE	
3.1	<p>We infer from Appendix D ("Mine Overall EMP") that the TSF will be closed with approved closure design; the landscape will be profiled to ensure the area is rehabilitated as close to its natural state as possible; closure planning will incorporate measures to achieve future land use; stockpiles, tailings, rock dumps will be rehabilitated after mining ceases; the land will be returned to a grazing land use after decommissioning and the wilderness feel to the area will be promoted.</p>	<p>The mitigation measures provided in Appendix D (which is now Appendix E) is intended to provide an integration of the management actions from the Bakubung's approved EMPs:</p> <ul style="list-style-type: none"> • Original mine EMP dated 2008 as compiled by TWP; and • Amendment EMP dated 2016 as compiled by SLR. <p>A NEMA Section 32(1)(a) amendment process was followed for this project to specifically address the change in planned infrastructure on the previously assessed and approved impacted footprint areas.</p> <p>To avoid confusion, Appendix E has been renamed to "Integrated Management Actions Table".</p>
3.2	<p>In accordance with applicable legislative requirements for mine closure, the holder of a mining right must ensure that the closure of a mining operation incorporates a process which must start at the commencement of the operation and continue throughout the life of the operation. MPRD regulation 56 prescribes:</p> <ul style="list-style-type: none"> • Risks pertaining to environmental impacts must be quantified and managed proactively, which includes the gathering of relevant information throughout the life of a mining operation in accordance with the provisions of the National Environmental Management Act (NEMA), 1998, the Financial Provision Regulations, 2015 and the 	<p>Because a S32(1)(a) amendment process was followed, the approved conceptual closure plan of BPM is still considered relevant. The closure objectives and rehabilitation measures of this plan remain the same and has been summarised in Section 9 of the amendment report. As agreed with the DMRE during the pre-application phase, the changes to the closure costs were to be provided.</p> <p>The mine is required to submit their annual closure liability assessment to the DMRE and needs to comply with GN 1147 by 19 June 2021 (or by 19 June 2022) if the proposed GN 371 is published. GN 371 was in draft at</p>

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	<p>Environmental Impact Assessment (EIA) Regulations, 2014.</p> <ul style="list-style-type: none"> Residual and possible latent environmental impacts are identified and quantified in accordance with the provisions of the NEMA, the Financial Provision Regulations and the EIA Regulations. The land is rehabilitated, as far as is practicable, to its natural state, or to a predetermined and agreed standard or land use which conforms with the concept of sustainable development; in accordance with the provisions of the NEMA, the Financial Provision Regulations and the EIA Regulations. 	<p>the time of writing this response.</p> <p>Although not yet in the prescribed format of GN 1147, BPM annually submits their financial liability assessment to the DMRE in terms of the 2004 DMRE Quantum Guideline.</p>
3.3	<p>The EMP must include, in terms of the MPRD Regulation 61 inter alia a description of the closure objectives and how these relate to the mine operation and its environmental and social setting and must identify the key objectives for mine closure to guide the project design, development and management of environmental impacts in accordance with the NEMA and the EIA Regulations, 2014; provide proposed closure costs in accordance with the NEMA and the Financial Provision Regulations, 2015.</p> <p>Regulation 62 prescribes that a closure plan must include a summary of the regulatory requirements and conditions for closure negotiated and documented in the (EMPr or the EMP) environmental authorisation, as the case may be; a summary of the results of the environmental risk report and details of the identified residual and latent impacts, in accordance with the NEMA and the EIA Regulations, 2014; a summary of the results of progressive rehabilitation, in accordance with the NEA and the EIA Regulations, 2014; a summary of the results of progressive rehabilitation, in accordance with the NEMA and the EIA Regulations; details of a proposed closure cost and financial provision for monitoring, maintenance and post closure management in accordance with the NEMA and the Financial Provision Regulations.</p>	<p>Refer to response in 3.2</p>
3.4	<p>We are of the opinion that the Mine Overall EMP (Appendix D) does not give adequate effect to the above-mentioned Regulations. Furthermore, we find no evidence that Interested and Affected Parties were involved in the agreements regarding future land use of the affected areas and thus in the decisions regarding the establishment of objectives for such future land use. We are merely informed in the Mine Overall EMP that the future land use will be grazing.</p>	<p>Please refer to response in 3.1 regarding the purpose of Appendix D (now Appendix E).</p> <p>BPM is an existing mining rights holder of an operational mine. The final land use of grazing was determined as part of the original mining right application (as approved in 2008) and subsequent amendments (as approved in 2016) which entailed their own specialist studies and detailed</p>

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		stakeholder engagement process.
3.5	It also begs the question whether the rehabilitated land will be able to sustain grazing. Such sustainability involves soil fertility and having enough standing grass. It will require soil testing and correcting soil nutrient deficiencies, selecting species adapted to the specific area, implementing the correct seeding method and rate, implementing a weed control program, and using proper management to maintain a productive stand.	This aspect will be investigated for the purpose of producing the set of documents required by GN 1147. BPM is required to comply with GN 1147 by 19 June 2021 (or 19 June 2022 if GN 371 is published). Compliance with GN 1147 relates to the mine as a whole.
4.	BAKUBUNG TAILINGS STORAGE FACILITY DESIGN REPORT	
4.1	<p>I, on behalf of the FSE, am not adequately qualified to comment on the TSF Design Report except to submit that a containment barrier system comprising of both filter protected drains and low permeability liners are only visible in the short term until covered. The drains and liners pertaining to the proposed new TSF will be required to perform effectively after initial use and will be inaccessible for the operating period and subsequent service life of decades.</p> <p>Furthermore, a sound design alone does not provide assurance of pollution prevention due to the potential detrimental influences during construction and operation.</p>	<p>The Class C barrier system proposed for the TSF intercepts seepage and drains it towards the evaporation dams during the operational phase and life of the facility. The performance of the drains and barrier system will therefore continue to function for the life of the facility.</p> <p>Different leakage scenarios to the barrier system were modelled as part of the geohydrological study.</p> <p>A Construction Quality Assurance (CQA) Plan was developed for this design and included as Appendix F.</p>
4.2	<p>Kindly advise whether the TSF Design and infrastructure performance was reviewed by the DWS' Chief Directorate Engineering Services and whether a record of the Engineering review from the Regional Office, who has its own Chief Engineer, is available.</p> <p>The DWS' Chief Directorate: Mine Water Management is responsible for the chemistry of the waste risk assessment in the water quality management aspect. Please advise whether the DWS' Chief Directorate: Mine Water Management was involved in the process since the Comments and Response Report and Appendix C1 ("Proof of PP") do not record any comments from the DWS.</p>	<p>The TSF Design Report and appendices were submitted to the Department of Human Settlements, Water and Sanitation (DHSWS) Engineering for their input prior to the public review process of the amendment report. The comments received were incorporated into the design report, which was then made available for public review, and re-submitted to DHSWS. Latest comments from the DHSWS Engineering were pending at the time of writing this response.</p>
5.	ECOLOGICAL INFRASTRUCTURE	
5.1	We infer from the Final Draft Report that the Application is for a new TSF and associated infrastructure and that the water uses to be applied for are: 21 (g): Evaporation Pond associated with the TSF, 21 (g): New TSF, 21 (c) & (i) for activities (TSF, evaporation pond) within 500m of a wetland. Exemption in terms of GN 704 is not required.	Agreed

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5.2	<p>It follows hence that the proposed activities (construction of a new TSF and associated infrastructure) will involve the disposal of “<i>waste in a manner which may detrimentally impact on a water resource</i>”; “<i>impede or divert the flow of water in a watercourse</i>”; and “<i>alter the bed, banks, course or characteristics of a watercourse</i>”. This will result in a loss of watercourse habitat, deposition and erosion of water courses and surface water pollution, and possible groundwater pollution for liner leakages.</p>	<p>The impacts from the Aquatic Ecology and Wetlands study have been revised. Because the proposed TSF and evaporation dams are outside the wetland buffer area, the impact of habitat loss has been removed. The impacts of sediment mobilisation, surface water pollution and encroachment of alien invasive species have all been assessed and rated by the specialist. After mitigation, all impacts are expected to be of either medium or low significance.</p> <p>Similarly, the geohydrological specialist study rated the potential impact of spills and/or contamination as moderate before mitigation and low after mitigation.</p>
5.1	<p>We respectfully request the decision makers to take into consideration the following:</p> <p>In terms of the National water and Sanitation Master Plan “South Africa has lost over 50% of its wetlands, and of the remaining 3.2 million hectares, that is one third are already in a poor ecological condition.” The proposed actions for the protection and restoration of ecological infrastructure by 2020 and 2021 are “declare strategic water source areas and critical groundwater recharge areas and aquatic ecosystems recognised as threatened or sensitive as protected areas; “review and promulgate aggressive restrictions within the legislation to restore and protect ecological infrastructure”.</p> <p>According to the North West Biodiversity Sector Plan (NW DEDECT, 2015), much of the surrounding landscape (excluding transformed areas mostly associated with Ledig community and other mines), are designated Critical Biodiversity Area Category 2 (CBA 2).</p> <p>Critical Biodiversity Areas are portions of land that need to be maintained in a natural or semi-natural state in order to ensure the continued existence and functioning of species and ecosystems, and the delivery of ecosystem services (NW DEDECT, 2015). In summary, areas designated as CBA 2 usually comprise land with a combination of the following traits:</p> <ul style="list-style-type: none"> • Ecosystems and species fully or largely intact and undisturbed • Areas of intermediate irreplaceability (i.e., some flexibility with regard 	<p>The Aquatic and Wetland Study (Appendix D4) shows that the proposed amendments will occur outside of demarcated buffer zones.</p> <p>A Terrestrial Ecology study was undertaken (Appendix D4) to assess the impact that the amendment will have on the terrestrial ecology. It should again be noted that the footprint area earmarked for the proposed TSF and evaporation dams, were previously assessed and authorised for a solar plant (NW 30/5/1/2/2/339 EM). The impact on the terrestrial ecology in terms of habitat loss due to the footprint clearance has therefore already been assessed and approved.</p> <p>The Terrestrial Ecologist noted that: A review of aerial imagery suggests that the CBA delineations are partly inaccurate at the landscape scale, as certain areas that have been mapped as CBA2 are in fact, transformed by mining and cultivation and are thus characterised by either no vegetation (permanently transformed) or secondary vegetation.</p> <p>The Specialist has found that 60.6% of the proposed TSF footprint comprises Marikana Thornveld and 39.2% comprises Secondary Vegetation, some of which is highly disturbed and dominated by alien vegetation. Despite being mapped as CBA2, areas of highly disturbed vegetation are of little conservation value.</p> <p>Although 19.12 ha of Marikana Thornveld will be lost, the site is within an existing mine area, and is largely surrounded by existing mining infrastructure and disturbances and is therefore considered unlikely that</p>

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	<p>to meeting biodiversity targets)</p> <ul style="list-style-type: none"> Biodiversity features that are approaching but have not surpassed their limits of acceptable change. <p>The criteria resulting in the CBA 2 designation for the study area by the Consultant is that the land is regarded as 'Natural Corridor Linkage' and 'Natural Protected Area Buffer' (within 2,6 km of the Pilanesberg Game Reserve).</p> <p>In terms of the Mining and Biodiversity Guideline Critical Biodiversity Areas for equivalent areas from provincial spatial biodiversity plans mining is considered as the highest risk and the implications for mining are detailed as follows:</p> <p>"Environmental screening, environmental impact assessment and their associated specialist studies should focus on confirming the presence and significance of these biodiversity features, and to provide site-specific basis on which to apply the mitigation hierarchy to inform regulatory decision-making for mining, water use licences, and environmental authorisations.</p> <p>"If they are confirmed, the likelihood of a fatal flaw for new mining projects is very high because of the significance of the biodiversity features in these areas and the associated ecosystem services. These areas are viewed as necessary to ensure protection of biodiversity, environmental sustainability, and human well-being.</p> <p>"An EIA should include the strategic assessment of optimum sustainable land use for a particular area and will determine the significance of the impact on biodiversity. This assessment should fully take into account the environmental sensitivity of the area, the overall environmental and socio-economic costs and benefits of mining, as well as the potential strategic importance of the minerals to the country.</p> <p>"Authorisations may well not be granted. If granted the authorisation may set limits on allowed activities and impacts and may specify biodiversity offsets that would be written into licence agreements and/or authorisations."</p>	<p>this will threaten biodiversity conservation at a provincial level.</p> <p>Several mitigation measures are recommended to manage impacts associated habitat loss and modification of Marikana Thornveld and Secondary Vegetation.</p> <p>In reference to the citation from the Mining and Biodiversity Guideline regarding applications for new mining projects, it should be noted that this project is an amendment of an existing mining right and not a new mining project. The amendments are proposed within the approved mining right area and constitute a footprint size of approximately 30 ha. The proposed footprint area for the new TSF and evaporation dams was previously assessed and authorised as the development footprint for a solar plant for the mine (NW 30/5/1/2/3/2/1/ (339) EM.</p>
6.	VISUAL / SENSE OF PLACE	
6.1	<p>We are informed that "The TSF will increase in height. Security lights will be installed." Alteration to the visual quality of the study area due to the physical presence, scale and size of the new TSF. The project becomes</p>	<p>A second site visit was undertaken by the Visual Specialist, and areas such as Sun City, Pilanesberg, Bakubung Bush Lodge and Kingdom Resort was considered. Photos were taken from areas where a possibility</p>

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	more visible for people travelling along the R565 and the R556 as well as residents from Ledig. Mitigation measures are possible but will not be able to hide/screen the proposed activities completely since the upper levels of the TSF will break the tree horizon, which makes it more visible.	exist that the project will be visible. Those tourist destinations are located within the Pilanesberg and are shielded from the project, which is one of the reasons they were excluded from the Zone of Potential Influence. Refer to Appendix D1 for the Visual Study with additional photos added.
6.2	We are furthermore informed that the proposed new TSF and associated infrastructure are approximately 27 ha and it is 2.6 km from the Pilanesberg National Park, a protected area, a recognised Important Bird Area, a popular and important eco-tourism destination, with numerous recreational camps, lodges, and hotel facilities. We are also informed that “due to active conservation efforts, the Pilanesberg Game Reserve is likely to have retained a full mammal assemblage, which includes a number of large megafauna and species of conservation concern”.	The dimensions of the proposed TSF and distance to Pilanesberg Game Reserve is correct. It is however not a national park as stated. Most of the land between Pilanesberg and the proposed TSF is modified by the urban residences of Ledig. The project is not expected to have any impact on the avifauna of the game reserve.
6.3	According to the Draft Final Report, as a formal protected area, characterised by diverse habitats and an intact fauna assemblage, Pilanesberg Game Reserve is vitally important in biodiversity conservation in the North West Province. Areas of undeveloped natural and semi-natural habitat that surround the reserve play a vital role supporting and buffering the ecological processes within the reserve. Amongst other traits, habitat patches in the surrounding landscape are likely to act as movement and dispersal corridors or ‘steppingstones’ for certain fauna and flora.	Noted
6.4	The proposed TSF will contain 7.6 million tons of tailings and its height will be + 48 meters.	The height will be ±50 metres.
6.5	The Draft Final Report acknowledges that the development will result in habitat loss and modification. The impact is assessed as being high with and without mitigation measures. Anthropogenic disturbances, such as mining, have caused large-scale transformation and disturbance of habitats in the broader landscape, and this has negatively affected the abundance and diversity of mammals. These habitat and faunal losses and modifications also affect the visual appeal of the area. These impacts were not included in Greentree Environmental Consulting’s Report.	<p>It should again be noted that the footprint area earmarked for the proposed TSF and evaporation dams were previously assessed and authorised for a solar plant.</p> <p>The visual study considers habitat loss as part of the construction activities and it is therefore assessed as part of the construction phase. This typically includes site establishment, clearance of vegetation, the erection of a fence and the site camp. This is also addressed as part of the mitigation measures to remove as little vegetation as possible.</p> <p>The Terrestrial Specialist notes that although 19.12 ha of Marikana Thornveld will be lost, the site is within an existing mine area, and is largely surrounded by existing mining infrastructure and disturbances and is therefore considered unlikely that this will threaten biodiversity</p>

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		conservation at a provincial level.
6.6	We are informed by Greentree Environmental Consulting that: "The extent of the study area is determined by the zone of potential influence, which in this study relates to a radius of 5,0km around the Project site. At 5,0km and beyond the Project would recede into background views and or be screened by existing buildings, vegetation or infrastructure." We understand this to be an assumption.	This is based on research but also looking at the type of topography located in the area. The foreground view is limited to 0.8km, the middle-ground view can be anything from 0.8km to 5km and depending on the vegetation cover and topography it can be up to 8km. Beyond 5km the view is normally considered background views and this could be up to 16km, but one again it depends on the landscape character of the area. The Zone of Potential Influence is normally based on the background view limits and takes the type of topography also into consideration.
6.7	According to this assumption Sun City and the lodges and camping sites within the Pilanesberg Game Reserve fall outside the zone of potential influence. We hereby respectfully request that Greentree Environmental Consulting substantiates this assumption since we are informed by the consultant that while people visiting the tourist attractions, such as Sun City and the lodges within the Pilanesberg will not have a view of the proposed project while staying at the facilities, <i>"the proposed project will become visible when they travel on the local roads such as the R556 and the R565 or if the viewers/ receptors are on elevated areas such as hiking trails that are facing the project site."</i>	Views from Sun City/ Lost City is screened by the mountain (Pilanesberg). The Bakubung Bush Lodge and Pilanesberg is also screened by the mountain (Pilanesberg), refer to view 8, Figure 5, which is a photo taken of Bakubung Bush Lodge illustrating the fact that the lodge is behind the mountain. You can however see the Bakubung Mine when travelling between the Bakubung Bush Lodge and Sun City/ Lost City, refer to view 9, Figure 5. Also note that the site will be visible from elevated areas that has a view towards the south. Kwa Maritane Lodge is also located behind a mountain (Pilanesberg – Chakise) and there will be no view from the lodge. Refer to view 6, Figure 3, this view is the last view you get of the mining area before the road disappears behind the mountain. Kingdom Resort falls in a slight depression and in this case the topography as well as the vegetation surrounding the resort assists in screening the Bakubung Mine from the resort. The resort does however have a clear view of the mining activities located to the south of the resort. During winter months there might be glimpses towards the Bakubung Mine but it will be screened and will only be visible from the western boundary of the resort. The accommodation facilities are all fenced/ screened in order to create privacy, this also aids in screening the surrounding land use from the resort.
6.8	We therefore dissent from the statement that <i>"the proposed project will however have a low effect on sensitive viewers such as people visiting Sun City and other tourist facilities within the Pilanesberg since the proposed project will not be visible from these areas"</i> .	Refer to response in 6.7

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6.9	<p>Greentree Environmental Consulting referred to the National Environmental Management Act (Act 107 of 1998), EIA Regulations; the National Heritage Resources Act (25 of 1999); the Western Cape Department of Environmental Affairs & Development Planning: Guideline for Involving Visual and Aesthetic Specialists in EIA Processes Edition 1 (CSIR, 2005) in the evaluation of the visual quality and management, the scenic quality of the area and the reaction of observers to the visual resource.</p> <p>The FSE is of the considered opinion that the guideline for involving visual and aesthetic specialists in EIA processes for the Western Cape does not provide a satisfactory visual analysis process. A guideline document that provides a valuable step-by-step evaluation process is Manual H-8410-1 – Visual Resource Inventory, a system developed by the U.S. Department of the Interior – Bureau of Land Management in the US of America. The process provides five framework steps, namely Scenic Quality Analysis (landform, vegetation, water, colour, adjacent scenery, scarcity and cultural modifications); Sensitivity Level Analysis; the impact of distance on visual values; deciding on the management of the visual value of the area and rehabilitation.</p>	<p>Different methodologies exist for undertaking visual assessments. With exception for the WC guideline document and NEMA Regulations, no further legal requirements are relevant that must be considered when undertaking a visual assessment. The Manual H-8410-1 is therefore not a legal requirement.</p> <p>The methodology that was used to assess the visual impact is based on the Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute with the Institute of Environmental Management and Assessment, 2002) as well as the Methodology and Approach written by Graham Young. It therefore takes the following into consideration:</p> <ul style="list-style-type: none"> • Visual Resource Value or Scenic Quality • Sensitivity of the Visual Receptor • Visual Intrusion – which in this case was divided into Visual Absorption Capacity and Landscape Integrity • Visibility and Visual Exposure • Mitigation or Management Measures are given based on the outcomes and site visit • The criteria used to determine the significance of the impact was given by the EAP
6.10	<p>The Consultant argues that since the area is already compromised by mining related activities and existing mines such as the Bafokeng Maseve Mine, the existing Bakubung Platinum Mine and the Bafokeng Rasimone Platinum Mine, an additional mining related visual intrusion will have little impact (...<i>“the landscape integrity becomes highly compatible due to the existing land uses and sense of place created by these activities”</i>). The FSE respectfully dissents. The accumulated impact of the existing mines and the proposed new TSF with security lights and associated infrastructure will exacerbate the degradation of the visual resources and values of the area.</p>	<p>The landscape has already been compromised and the project becomes compatible with the existing land use, especially when viewing it within the context of the study area and the surrounding landscape. The new TSF will also not change the sense of place as it will form part of the sense of place that is currently created by the combination of the mining activities, settlements as well as tourism.</p> <p>It is agreed that the new TSF and associated infrastructure will contribute to the cumulative impact the mining activities have on the visual resource or scenic quality of the area.</p>
6.11	<p>This is acknowledged, however, by the Consultant in its Report (page 35), namely <i>“The separate effects of such individual components or developments may not be significant, but together they may create an unacceptable degree of adverse effect on visual receptors within their combined visual envelopes.”</i></p>	Agreed
7.	DUST	
7.1	The proposed new TSF and associated infrastructure falls within the	Agreed and noted

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	Waterberg/Bojanala Air Priority Area. An air quality management plan (AQMP) was prepared for the area. The FSE is a member of the Bojanala Platinum Implementation Task Team.	
7.2	According to the DEFF's proposed Regulations for the Implementing and Enforcing Priority Air Quality Management Plans, the air quality in the area does not meet the National Air Quality Standards (NAAWS) due to the ineffective implementation of the AQMP. According to the DEFF's Chief Directorate: Air Quality Management: <i>"Major polluters don't consider AQMP as a legal document that can be enforced."</i>	Noted. The North West AQMP (2015) has been included in the revised Air Quality Impact Assessment (AQIA) (Appendix D2).
7.3	<p>It is evident from the statistics in the Final Draft Report that the Application is for a new TSF and associated infrastructure, that the Bakubung Platinum Mine contributes to the non-compliance with the AQMP. We are informed that the South National Dust Control Regulations limit for residential areas of 600 mg/m²/d was exceeded by the Mine at the following residential sites:</p> <ul style="list-style-type: none"> • Bakgofa Primary School – October 2008 • Bakgofa Primary School – July 2009 • Lekwadi Section – November 2012 • Lekwadi Section – December 2014 • Lekwadi Section – October 2015 • Khayaletu High School – September 2018 <p>The SA NDCR limit for non-residential areas of 1 200 mg/m²/d was exceeded by the Mine at the following non-residential sites:</p> <ul style="list-style-type: none"> • Explosives magazine – January 2012 • Tailings North – January 2012 • Tailings Dam – July 2012 • Tailings North – November 2012 	Agreed, these were included in the AQIA (Appendix D2). The AQIA also states that: <i>"Although there were exceedances of the limits, the operations dustfall rates shown by the sampling complies in terms of the NDCR as there were no exceedances of more than two times per year at a site or for consecutive months at a site."</i>
7.5	Since the construction of a new TSF will logically increase the risks and impacts of dust fallout, we express little confidence in the Mine's ability to mitigate the risks and impacts, if it currently exceeds the SA NDC limits for both residential and non-residential areas and is failing in its current reduction interventions.	<p>As stated above and in the AQIA (Section 7.3), the mine does not exceed the NDCR.</p> <p>Furthermore, the impact of the proposed TSF on human health and nuisance dust are rated as low before and after mitigation.</p>
7.6	We also express concern that the Bakubung Platinum Mine as a member of the Bojanala Platinum IIT failed to contribute to the Bojanala Annual Implementation Plan. In substantiation, please see attached hereunder.	The BPM have requested to be included Bojanala Platinum Implementation Task Team. Email can be provided upon request.
8.	MITIGATION MEASURES: CONCERNS REGARDING INEFFECTIVE	

	ISSUE	RESPONSE PROVIDED
	IMPLEMENTATION AND ENFORCEMENT	
8.1	<p>We are informed that <i>“The assessment of the proposed project presents the potential for significant negative impacts to occur (in the unmitigated scenario in particular) on the bio-physical, cultural, and socio-economic environments both on the project sites and in the surrounding area. With mitigation, these potential impacts can be prevented or reduced to acceptable levels.</i></p> <p><i>It follows that, provided the EMP is effectively implemented, there is no environmental, social, or economic reason why the project should not proceed.”</i> (Emphasis added.)</p>	Agreed
8.2	<p>The approval of the Application therefore calls for the implementation of the proposed mitigation and management measures and the diligent enforcement by the DMRE and the DWS of the non-compliances by Bakubung Platinum Mine of its EMP and the WUL in terms of the NEMA and the NWA.</p>	<p>BPM implements the EMPr/WUL management plans and associated EA and WUL conditions. To ensure compliance, BPM currently undertakes the following audits:</p> <ul style="list-style-type: none"> • Annual EMPr audits / Performance Assessment Reviews (PARs) • Annual reviews of closure costs • Annual Water Use Licence (WUL) Audits <p>BPM currently undertakes the following monitoring:</p> <ul style="list-style-type: none"> • Monthly surface and groundwater • Monthly dust fallout • Bi-annual aquatic biomonitoring. <p>BMP submits the audit and monitoring reports to the relevant authorities.</p>
8.3	<p>It is relevant to here refer to the South African Human Rights Commission’s (SAHRC) findings and directives pursuant to its National Hearing on the Underlying Socio-Economic Impacts of Mining Affected Communities in South Africa. The Commission found that the existing sanctions for non-compliance with environmental laws and regulations are inadequate and do not address, nor disincentivise, systemic non-compliance in the sector.</p> <p>The SAHRC directed the DMR to inter alia:</p> <ul style="list-style-type: none"> • <i>“Address internal capacity constraints so that it can effectively ensure that the mining application process complies with all relevant laws and policies across all spheres and department of government;</i> 	Noted

	ISSUE	RESPONSE PROVIDED
	<ul style="list-style-type: none"> • <i>The DMR must consider introducing a policy or legislative amendment to impose sanctions in instances of non-compliance by mining companies.</i> • <i>Sanctions could include the suspension or cancellation of mining licences, possible imposition of community service and/or fines for persons responsible for ensuring compliance; public exposure of non-compliant companies and possible criminal sanctions for serious breaches."</i> <p>With reference to the DWS, the SAHRC found that <i>"there is an immediate need for WULs to incorporate more stringent measures to better protect communities' water rights and the environment. In this respect, internal (self-regulating) and external auditing (by the DWS) in consultation with communities, civil society, mining companies and other stakeholders is required..."</i></p> <p>In the absence of the DMRE's and the DWS' implementation of the SAHRC's directives, the FSE expresses little confidence in the enforcement of the Bakubung Platinum Mine's failure to effectively implement the mitigation and management measures in terms of its EMP and WUL's terms and conditions.</p> <p>The capacity constraints within the DMRE and the DWS have resulted in the externalisation of their duties to mining affected communities and civil society. We refer in this regard to the judgement of Judge Spilg in the Uzani Environmental v BP Southern Africa (Pty) Ltd matter, namely:</p> <p><i>"NEMA not only requires a transparent administration but recognised the contribution that can be made to the protection of the environment by a vigilant and committed public which has most to lose...Securing protection is therefore no longer the exclusive preserve of those engaged in these activities, nor of an opaque administration or an under-capacitated and potentially inhibited law enforcement agency which cannot claim the number of successful convictions one would have expected despite clear evidence of historic degradation to our environment."</i></p>	
9.	CONCLUSION	

	ISSUE	RESPONSE PROVIDED
9.1	We apologise for typographical errors.	Noted
9.2	We hereby reserve the right to augment our comments.	Noted
8.3	We furthermore respectfully request that our submission be included – unabridged – in the Comments and Response Report and that the Applicant and its EAP - Knight Piésold (Pty) Ltd - supply us with their responses to our comments.	Noted. This letter as well as the original letter from FSE is included in Appendix C3. A response letter will be provided.

26 April 2021

Letter received from FASKEN Attorneys on behalf of their client, Bakubung Ba Ratheo dated 26 April 2021. Refer to Appendix C3 for the full letter.

NO.	ISSUE	RESPONSE PROVIDED
1	Introduction	
1.1	<p>We refer to:</p> <ul style="list-style-type: none"> our letter dated 23 November 2020 to Knight Piésold (Pty) Ltd (the “EAP”); your letter dated 24 February 2021 in response to our comments of 23 November 2020 on the draft report relating to the application for amendment of Bakubung Platinum Mine’s (“BPM” or the “Applicant”) Environmental Authorisation and Waste Management Licence (NW/30/5/1/2/3/2/1/(339) EM) (the “Draft Amendment Report”); and your email dated 19 March 2021 notifying interested and affected parties (“I&APs”) about the public review of the final draft amendment report issued on 23 March 2021 (the “Final Draft Amendment Report”). 	No response required.
1.2	We act on behalf of Bakubung Ba Ratheo Traditional Community (“our client”).	No response required.
1.3	On 23 November 2020, we filed comments on behalf of our client in respect of the Draft Amendment Report with the EAP, to which the EAP responded with its letter dated 24 February 2021 (the “EAP’s Response”).	No response required.
1.4	On 19 March 2021, we received notification by email from the EAP advising that the Final Draft Amendment Report will be available for public review from 23 March to 24 April 2021 on its website.	No response required.
1.5	Although the EAP’s Response has addressed certain issues raised in our letter dated 23 November 2020, it is submitted that the EAP’s Response and the Final Draft Amendment Report have not fully and satisfactorily provided clarity on some issues pertaining to the amendment application.	Noted
1.6	Below, we set out our comments in relation to the EAP’s Response and the Final Draft Amendment Report. Please take note that we do not intend replying in detail to each and every response set out in the EAP’s Response, nor do we regard this reply as our final opportunity to engage	Noted

NO.	ISSUE	RESPONSE PROVIDED
	as an I&AP.	
2.	Reply to the EAP's Response and Comments on the Final Draft Amendment Report	
	<i>Community Interest and Public Participation</i>	
2.1	We understand from the EAP's Response and Appendix C1 (Proof of Public Participation) of the Final Draft Amendment Report ("Appendix C1") that site notices containing information of the nature of the activity, the application process and the details of the EAP were placed at various strategic sites in both English and Setswana. Although photographs of the site notices are contained in Appendix C1, it is difficult to determine whether the required information was indeed contained in the site notices and whether such information was provided in both English and Setswana because the content of each notice is illegible on the photograph.	Noted. Close-up photos of some of the site notices has been added to Appendix C1 to see the three (3) languages used in the site notices.
2.2	Furthermore, although the newspaper advertisements placed in the Rustenburg Herald and Platinum Weekly rightly state the nature and location of the activity to which the application relates; where further information on the application can be obtained; and the manner in which and the person to whom representations in respect of the application may be made, we note that the advertisements have omitted to specify whether basic assessment or scoping and environmental impact reporting procedures are being applied to the application as required by regulation 41 (3)(b)(i) of the Environmental Impact Assessment Regulations, 2014, under the National Environmental Management Act 107 of 1998.	Noted. The environmental and social impacts associated with BPM's mining activities have previously been assessed and approved through the 2008 and 2016 EIA processes, respectively. The inclusion of the TSF and evaporation dams would result in changes to the previously assessed impacts. Accordingly, the Department of Mineral Resources and Energy (DMRE) deemed a Regulation 31 Amendment process in terms of The National Environmental Management Act (NEMA) relevant to the proposed project during the pre-application phase in September 2019. As such, neither a Basic Assessment nor a Scoping or EIA process was followed, rather an amendment process as prescribed in S32(1)(a) of the EIA Regulations.
	<i>Socio-Economic Impact</i>	
2.3	We understand from the EAP's Response and Appendix D1 (Final Visual Impact Assessment Report) of the Final Draft Amendment Report ("Appendix D1") that the proposed project will not be visible to people visiting the tourist attractions, such as Sun City and the lodges within the Pilanesberg while staying at the facilities. However, the proposed project will become visible to people travelling on the local roads such as the R556 and the R565 or to viewers on elevated areas such as hiking trails that are facing the project site.	A second site visit was undertaken by the Visual Specialist, and areas such as Sun City, Pilanesberg, Bakubung Bush Lodge and Kingdom Resort was considered. Photos were taken from areas where a possibility exist that the project will be visible. Those tourist destinations are located within the Pilanesberg and are shielded from the project, which is one of the reasons they were excluded from the Zone of Potential Influence. Refer to Appendix D1 for the Visual Study with additional photos added which confirms the findings of the initial visual assessment.

NO.	ISSUE	RESPONSE PROVIDED
2.4	We also understand that the proposed project will be marginally visible to viewers located at the Kingdom Resort mainly due to the distance between the proposed project and the resort, but also due to dense vegetation and the possibility of buildings blocking or screening views within the Kingdom Resort.	<p>Views from Sun City/ Lost City is screened by the mountain (Pilanesberg). The Bakubung Bush Lodge and Pilanesberg is also screened by the mountain (Pilanesberg), refer to view 8, Figure 5, which is a photo taken of Bakubung Bush Lodge illustrating the fact that the lodge is behind the mountain. You can however see the Bakubung Mine when travelling between the Bakubung Bush Lodge and Sun City/ Lost City, refer to view 9, Figure 5. Also note that the site will be visible from elevated areas that has a view towards the south.</p> <p>Kwa Maritane Lodge is also located behind a mountain (Pilanesberg – Chakise) and there will be no view from the lodge. Refer to view 6, Figure 3, for a view of the mining area before the road disappears behind the mountain.</p> <p>Kingdom Resort falls in a slight depression and in this case the topography as well as the vegetation surrounding the resort assists in screening the Bakubung Mine from the resort. The resort does however have a clear view of the mining activities located to the south of the resort. During winter months there might be glimpses towards the Bakubung Mine but it will be screened and will only be visible from the western boundary of the resort. The accommodation facilities are all fenced/ screened in order to create privacy, this also aids in screening the surrounding land use from the resort.</p>
	The proposed project will be highly visible for residents residing in Ledig but will be marginally visible from Chaneng and Phatsima which are located just on the border of the Zone of Potential Visual Influence.	This is correct
2.5	Appendix D1 proposes mitigation measures for the visual impact of the proposed project. However, we note from Appendix D1 that the mitigation measures will be viable during the first phases of construction and become less effective as the Tailings Storage Facility expands. This is mainly due to the scale and height of the project components. Has the EAP or the Applicant considered any measures to address or manage the effects of the impact as the mitigation measures become less effective during the operational phase?	Other than the mitigation measures proposed in Appendix D1 and as summarised in Table 37 of the amendment report, no further mitigation measures can be applied.
	<i>Degradation of Community Cohesion/Social Impact)</i>	Responses in this section was provided by the Stakeholder Relations team from BPM.

NO.	ISSUE	RESPONSE PROVIDED
2.6	We note that Appendix D8 (Social Impact Assessment) of the Final Draft Amendment Report ("Appendix D8") identifies social impacts specific to the amendment of the Environmental Authorisation ("EA") and Waste Management Licence ("WML") of BPM, as well as the proposed mitigation measures relating to these impacts. In particular, we note that there is a grievance mechanism which is already in place to assist in documenting evidence of community and mine interactions. The grievance mechanism is also meant to assist the mine to track grievance issues and to help the community see what action the mine has taken.	No response required.
2.7	How will the Applicant ensure that the grievance mechanism is community friendly, taking into account that the community members communicate in different languages (English, Afrikaans, Setswana and isiZulu) and that the high levels of illiteracy among certain groups in the community will mean that written communication will often not be the most appropriate means of communication? Has the EAP or the Applicant considered alternative means other than written complaints by community members and written reports by the mine, e.g., stakeholder engagement meetings, which are culturally appropriate but also account for the prevailing risk of the COVID-19 pandemic?	The BPM's complaints & compliments policy procedure is very flexible and allows for direct engagement in the form of but not limited to the following: Stakeholders Engagement Forums; Community Meetings, investor relations, various authorities, EIA application processes and other meetings that the company engages its interested and affected parties. The issue of language and level of literacy has not been a barrier when it comes to dealing with complaints and grievances as the policy allows for both written; verbal or telephonic logging of complaints.
2.8	Appendix D8 has also identified economic impact and skills development as a positive impact that the proposed project will have on the community. To ensure that the economic impact and skills development is sustainable, Appendix D8 proposes that skills development plans must be focused on skills that the mine needs and that are also transferable. It also recommends that support must be given to people after the training to ensure that their newly acquired skills can be implemented.	No response required.
2.9	In order to demonstrate the feasibility of this proposed measure, is the EAP or the Applicant in a position to provide us with evidence of people being successfully trained and earning a living from the skills acquired during the training, e.g., previous Social and Labour Plan Training Reports?	<p>The Company developed an integrated report as part of its annual reporting commitments. This integrated report is subjected to an assurance audit by external auditors. All activities including training, bursaries, internship programs are holistically reported against the targets as detailed in the SLP.</p> <p>Further to this, seeing that there is a much need for technical training on the core business of the mine, the company has also resolved to submit a request for amendment of its current SLP to DMRE, through</p>

NO.	ISSUE	RESPONSE PROVIDED
		Section 102 of the MPRDA, to change the targeted numbers on potable skills and replace them with technical training. The audited integrated report is available to all stakeholders on the Company website.
2.10	We also note from Appendix D8 that in order to promote the economic impact of the proposed project, BPM should ensure that a fair number of secondary economic opportunities are given to local contractors and that services and goods must be procured locally as far as reasonably possible. This measure is to be undertaken during the construction, operation, decommission, closure and rehabilitation phases. Has the Applicant successfully concluded any service provider agreements with local contractors for the construction and operation phases preceding the EA and WML amendment application in order to demonstrate that this arrangement is feasible and will be impactful to the local community?	<p>Refer to response in 2.9</p> <p>BPM is still in its construction/development stage and as such is not generating any income yet, as this will only be realised once the mine is fully operational. The proposed amendments forms part of a survival plan for the mine to continue develop and start operations despite the current economic challenges.</p> <p>Despite being a project with no source of income but solely operating on loans, the Mine invested over R280m on Social and Labour Plan (SLP) commitments since 2008 to date.</p>
2.11	Further to the social impacts associated with the proposed project, Appendix D8 sets out the existing impacts which may also apply to the development of the new Tailings Storage Facility. We understand from Appendix D8 that there is limited access to social infrastructure such as, inter alia, schools in the study area. Has the EAP or the Applicant considered the effects of and possible mitigation measures for the limited access to schooling infrastructure for the local community, especially since the mine requires a National Senior Certificate as a minimum qualification for certain positions? How has the Applicant sought to address high levels of illiteracy in the community, oversupply of unskilled labour and scarcity of skilled labourers in BPM's Social and Labour Plan? Are there any reports which show skills development achieved by the Applicant thus far in order to demonstrate that skills development and positive economic impact is plausible during the proposed project?	<p>Refer to response in 2.9 and 2.10.</p> <p>The overall expenditure on education support and infrastructure upliftment project for the 2008 – 2013 period was R12 149 221, and R4 737 718 for the 2014 – 2018 period. In addition, the current SLP provides for an additional R8 300 000.00 to be allocated towards the community school infrastructure project.</p> <p>The education support programme undertaken by BPM was aimed at improvement of literacy and numeracy development in schools by appointing a service provider namely READ Trust. The READ Trust involved 37 teachers and 1408 learners in Grade R to 3 in all Ledig Schools for the 2008 – 2013 period, with an expanded focus on intermediate phase (GR 4-7) in the Ledig Schools and the foundation phase programme to one primary school in Phatsima during the 2014 -2018 period.</p> <p>Based on the current SLP commitments, the Department of Education will provide detailed scope and technical team to work with BPM team in managing the education support project.</p> <p>BPM has implemented portable skills programs since 2013 aimed at</p>

NO.	ISSUE	RESPONSE PROVIDED
		uplifting community members with skills to ensure self-sustainability. Learnerships are being offered in various core disciplines such as Mining Operations, Electrical, Fitting and Turning, Boiler making.
2.12	<p>We understand from the Final Draft Amendment Report that the majority of residents within the North West province obtain water from the municipal networks (73.6 %), while 15 % obtain water from boreholes and 4.5 % from water tankers and the remainder from other sources. We note from Appendix D8 that an existing environmental impact of the mine with social dimensions is the slight decline in borehole levels and water quality. Given the influx in population which may partially be attributed to new employment opportunities from the proposed project, it is anticipated that the existing water quality and availability may worsen. What mitigation measures has the Applicant considered for the decline in borehole levels and water quality noted in Appendix D8?</p>	<p>Long-term water quality monitoring undertaken by the mine, indicates that there is not a decrease in water quality, or depreciation of water levels because of the mine. Refer to Appendix D6.</p> <p>In terms of the influx of people, this will be limited. The project will ensure job security for currently employed people, as they will be able to continue with their current jobs. The new activities at the mine will create 86 new jobs and 1055 construction jobs, and BPM targets 30% local employment. Therefore, much of the workforce will already reside in the area.</p> <p>BPM in consultation with Moses Kotane Local Municipality (MKLM) is developing a bulk water infrastructure project as part of its SLP commitments. The project will improve the quality of lives of the community and contribute towards the achievement of the constitutional right to access to water. More than 30 000 community members are expected to benefit from the water infrastructure project.</p>
	<i>Surface Water Pollution and Loss of Watercourse Habitats</i>	
2.13	<p>We note the specific mitigation measures from the EAP's Response to manage surface water impacts including, amongst others, the development of a watercourse rehabilitation plan for impacts not successfully mitigated, the development and implementation of a stormwater management system to attenuate flood peak events and the storage of hazardous materials in a hazardous material zone with a bunded area.</p>	No response required.
2.14	<p>We understand from Appendix D5 (Baseline Aquatic Ecology Assessment) of the Final Draft Amendment Report ("Appendix D5") that four impacts have been deemed to be applicable during construction, operation and closure phase, namely:</p> <ul style="list-style-type: none"> • loss of watercourse habitat. • sediment mobilisation: deposition and erosion in watercourses; • surface water pollution; and • encroachment of alien species into watercourse. 	<p>The impacts from the Aquatic Ecology and Wetlands study have been revised. Because the proposed TSF and evaporation dams are outside the wetland buffer area, the impact of habitat loss has been removed. The impacts of sediment mobilisation, surface water pollution and encroachment of alien invasive species have all been assessed and rated by the specialist. After mitigation, all impacts are expected to be of either medium or low significance.</p>

NO.	ISSUE	RESPONSE PROVIDED
2.15	The control measures proposed in Appendix D5 in respect of the above impacts include, amongst others, management of sediment and surface water run-off to ensure that no sediment build up occurs within the aquatic ecosystems; implementation of stormwater management plan and measure; monitoring during high rainfall events and quarterly inspection of the Tailings Storage Facility.	No response required.
2.16	We understand from Appendix D5 that, in the specialist's opinion, the abovementioned impacts can be reduced to acceptable levels if the appropriate mitigation measures are implemented. We note from Appendix D5 that the construction of the new Tailings Storage Facility that falls within 500m of delineated wetlands will trigger section 21 (c): impeding or diverting the flow of water in a watercourse and 21 (i): altering bed, banks, course, or characteristics of a watercourse water uses under the National Water Act 36 of 1998, which, in the specialist's opinion, may receive a General Authorisation by the Department of Human Settlement, Water and Sanitation.	The aquatic specialist has determined that the risks associated with the amendment project are low after mitigation measures and could be generally authorised. However, because an Integrated Water Use Licence Application (IWULA) is required for the amendment project, the 21(c) and (i) water use applications will be included herein.
2.17	Regarding the Surface Water Quality data for December 2020, we note from the Final Draft Amendment Report that the Wesizwe Bakubung Water Use Licence guidelines, 2010, as well as the General Authorization Limits were complied with in terms of the majority of variables measured, with the exception of pH. The water quality of the pollution control dam (Mine Water Pond – SW4) could be classified as marginal for domestic use according to the Water Research Commission Quality of Domestic Water Supplies, 1998, classification system. Nutrients were low and were within the acceptable limits. The River Quality Objectives ("RQO") limits were exceeded in terms of pH and Sodium at the pollution control dam (Mine Water Pond – SW4). Also, the Elands River upstream of mine (SW1), the Elands River midstream along mine (SW2) and Elands River downstream from mine (SW3) were recorded as dry on the day of sampling.	No response required.
2.18	Regarding the recorded Groundwater Quality data for December 2020, we note from the Final Draft Amendment Report that the physical water quality for most of the groundwater localities could be described as neutral, saline and very hard. All the groundwater localities exceeded the SANS 241-1:2015 drinking water standards in terms of at least one variable, the most being	No response required.

NO.	ISSUE	RESPONSE PROVIDED
	<p>turbidity. Analyzed nutrients were low and were within acceptable limits. All sampled localities were dominated by the bicarbonate anion while most were dominated by the magnesium cation, and the total coliforms counts were detected at Borehole on Frischgewaagd, down gradient (FBH01D and FBH02D).</p>	
	<i>Soil and Land Capability)</i>	
2.19	<p>We reiterate that despite the mitigation of the impact of soil loss to moderate, the security of land and land use entitlements of the community will be adversely affected as they will no longer be able to cultivate the land and use it for agricultural purposes. The removal of the topsoil will cause the existing arable and grazing land capability to deteriorate. Despite the rehabilitation that will be conducted upon closure of the Frischgewaagd Tailings Storage Facility to minimise and mitigate the impacts caused by mining activities, the land capability will not be restored to its previous condition for future use by the community.</p>	<p>Please refer to the land capability map in Figure 25. The area earmarked for the TSF and evaporation dams are 30,88 ha. Of this area only 2,56 ha is suitable for growing crops (arable), and 28,32 is suitable for grazing.</p> <p>The footprint area applicable to this proposed project has not been utilised by the community for cultivation in the past.</p> <p>BPM has a lease agreement with the landowner, the Bakubung Ba Ratheo Traditional Community for which they receive financial compensation.</p> <p>Upon closure of the Frischgewaagd TSF, the area will be rehabilitated to minimise and mitigate the impacts caused by mining activities and restore the land back to a satisfactory standard. No off-site impacts on land use / soil is expected.</p> <p>The soil mitigation measures are contained in Table 37 of the amendment report.</p> <p>When BPM entered into surface lease agreement with Bakubung Ba Ratheo Traditional Authority, a consideration was made by BPM to acquire a farm with the purpose to nurture community-based farmers. BPM conducted a feasibility study for crop and livestock farming at Zwartkoppies Farm in order to contribute to broader poverty eradication and job creation initiatives through agriculture. Four (4) co-operatives owned by community members from Ledig, Phatsima and Mahobieskraal were established, including training and infrastructure established. In addition, monthly stipends were provided for all members of the co-operatives at the farm and purchasing of about 58 cattle for livestock co-operative and</p>

NO.	ISSUE	RESPONSE PROVIDED
		establishing of structures for crop and livestock co-operatives. BPM has spent R26,049,432.00 for the project for the period 2012 to 2018.
2.20	We understand from Appendix B (Tailings Storage Facility Design Report) of the Final Draft Amendment Report ("Appendix B") that there are three possible phases where groundwater contamination can occur at the new Tailings Storage Facility, namely construction, operation and decommissioning phase.	No response required.
2.21	<p>We note the mitigation measures set out in Appendix B in respect of the possible impacts, which include the following:</p> <ul style="list-style-type: none"> • Care should be taken to minimise contamination during the construction of the Tailings Storage Facility and its associated services. Fuel and storage and service areas should be bunded to minimise groundwater contamination. • The Tailings Storage Facility and its pollution control dams should be lined with a Class C or GLB-liner. • Potential leakage from infrastructure such as transfer pipe systems and pump station should be minimised. Pipes should be routed above ground in order to detect and limit leaks. • Groundwater monitoring points should be installed in order to monitor the groundwater quality at the Tailings Storage Facility as well as the pollution control dams. • If contamination is detected, contamination interception measures should be put in place. This should consist of, but not be limited to, interception trenches (if the groundwater level is shallow enough) or interception boreholes. The water intercepted by these measures should be treated to the RQO of the Elands River before being released into the environment. 	No response required.
3.	Conclusion	
3.1	In conclusion, we submit that although the EAP's Response and the Final Draft Amendment Report have attempted to address some of issues raised in our letter of 23 November 2020, we respectfully submit that there are certain issues pertinent to the Applicant's amendment application which remain unresolved and unclear, as discussed above.	In this response we have endeavoured to clarify and resolve any remaining issued raised.
3.2	On this basis, we respectfully submit that the EAP and/or Applicant provides feedback in respect of the foregoing issues as requested above.	
3.3	Our client's rights are reserved.	

30 April 2021

Letter received from Aldine Armstrong Attorneys on behalf of the Kingdom Development Company (Pty) Limited, known as the Kingdom Resort, their client dated 30 April 2021. Refer to Appendix C3 for the full letter.

NO.	ISSUE	RESPONSE PROVIDED
	We are instructed by the Kingdom Development Company (Pty) Limited, known as the Kingdom Resort (The Kingdom Resort) to lodge objections to the amendment of the Environmental Authorisation and Water Use Licence issued to Bakubung Platinum Mine and the construction of the tailings storage facility situated in the magisterial district of Rustenburg, and Moses Kotane district, North West Province: RI 301- 00509/11.	Noted
	The Kingdom Resort was established in 2008 and became fully operational in 2013. The annual number of guests is approximately 140 000 persons based on 2019 figures. Our client is a significant tourist facility 8km north-east of the study area. The objections arise out of a detailed consideration of the Final Basic Assessment Report and the accompanying specialist reports.	Noted. Please note that the amendment report is not a Basic Assessment report, but an Amendment Report in terms of Section 32 of the EIA Regulations.
1	First objection: The construction of the tailings storage facility will negatively impact the visual character of the study area and will alter the “sense of place” for sensitive viewers.	
1.1	The Bakubung Platinum mine is situated in a rural area where the dominant economic sector is tourism. There are a number of tourist attractions in the surrounding area including the Kingdom Resort, Sun City, and various lodges situated within the Pilanesberg.	A second site visit was undertaken by the Visual Specialist, and areas such as Sun City, Pilanesberg, Bakubung Bush Lodge and Kingdom Resort was considered. Photos were taken from areas where a possibility exist that the project will be visible. Those tourist destinations are located within the Pilanesberg and are shielded from the project, which is one of the reasons they were excluded from the Zone of Potential Influence. Refer to Appendix D1 for the Visual Study with additional photos added.
1.2	The common landscape has a positive character with natural features such as mountains, woodlands, rivers, and vegetation typical of a Savanna Biome, and is sensitive to change which could be harmful if dealt with inappropriately.	This is also true but needs to be read in conjunction with the rest of the report and the conclusion. Yes, the landscape of the area has a positive character but it has also been compromised by mining activities. The landscape can therefore absorb a certain degree of disturbance but if that is exceeded it will contribute negatively to the overall scenic quality of the area.
1.3	Visual receptors towards the north, east, and south-west of the study area experience a pastoral sense of place created by the natural landscape of the area. Tourist attractions such as Sun City, the Kingdom Resort, and lodges and camping areas within the Pilanesberg mountains and game reserve are located north and north-east of the study area.	This is correct but once again it must be read in conjunction with the rest of the report and the conclusion.

NO.	ISSUE	RESPONSE PROVIDED
1.4	Tourists visiting the tourist attractions have been identified as having a high potential for sensitivity to the visual receptors or high susceptibility to changes in the study area and surrounding area.	This is correct but once gain it must be read in conjunction with the rest of the report and the conclusion.
1.5	Mitigation measures will be implemented during each phase of the mine, however, due to the scale and height of the tailings storage facility, they will become less effective over the years as the height of the facility increases.	This is correct.
1.6	When considering the visual impact of the project, each factor cannot be considered individually. Factors of visibility, scenic quality, and sense of place must be viewed as indivisible elements which contribute to the high negative impact of the project overall. It must also be considered that the project will enter various phases of life and that the implementation of each phase, particularly the operational phase, will contribute to the cumulative negative impact on the aesthetics of the landscape and its sense of place.	<p>The visual impact was not considered to be high negative, and it was concluded that the impact will be moderate negative. The main reasons are as follow:</p> <ul style="list-style-type: none"> • There will be no change to the sense of place of the area • The new TSF will not be uncharacteristic to the area • The new TSF will either be partially visible or not be visible from the tourist attractions (including the tourist roads) • The new TSF will be intrusive to residents staying in Ledig, especially the once on the south-eastern boundary. <p>The project will contribute to the cumulative impact the mining industry has on the scenic quality of the area.</p>
2.	Second objection: Bakubung Platinum Mine's amendment to the Environmental Authorisation and Water Use Licence is contrary to the National Environmental Management Act 107 of 1998 (NEMA) and will have significant, irreversible consequences for the terrestrial biodiversity of the study area and surrounding landscapes.	
2.1	Section 2 of NEMA states that development must be environmentally sustainable and must consider the following: <i>"That the disturbance of ecosystems and loss of biodiversity are avoided, or where they cannot be altogether avoided, must be minimised and remedied".</i>	<p>The Terrestrial Ecology study indicates that approximately 19.12 ha of the proposed TSF footprint is Marikana Thornveld. The remaining approximately 12.4 ha comprises Secondary Vegetation, some of which is highly degraded and dominated by alien weedy vegetation. The loss of Marikana Thornveld is rated an impact of high significance before and after mitigation. However, the loss of Secondary Vegetation is rated an impact of moderate significance after mitigation.</p> <p>The ecologist noted that: A review of aerial imagery suggests that the CBA delineations are partly inaccurate at the landscape scale, as certain areas that have been mapped as CBA2 are in fact, transformed by mining and cultivation and are thus characterised by either no vegetation (permanently transformed) or secondary vegetation. The ecologist has found that 60.6% of the proposed TSF footprint comprises Marikana Thornveld and 39.2% comprises Secondary Vegetation, some of which is highly disturbed and</p>

NO.	ISSUE	RESPONSE PROVIDED
		<p>dominated by alien vegetation. Despite being mapped as CBA2, areas of highly disturbed vegetation are of little conservation value.</p> <p>It is noted that the proposed site is almost enclosed by existing mine infrastructure, including entrance roads, rock dumps, security fences, electrical substations, and a planned concentrator plant. It is suggested that impacts on terrestrial ecology will be managed through, amongst others, the following recommended mitigation measures:</p> <ul style="list-style-type: none"> • Limiting the extent of vegetation clearing to the absolute minimum area required for construction • All disturbed areas should be stabilised, rehabilitated and revegetated using flora species common in Marikana Thornveld. • Active alien invasive species control should be implemented in all disturbed areas • The open undeveloped natural habitat located to the south of the study area (i.e., between the new entrance road and Elands River) should be set aside as a no-go natural corridor. No development or any form of disturbance should be permitted in this area.
2.2	The Pilanesberg Game Reserve is formally protected conservation area located 2,6km north of the study area. The reserve encompasses a billion-year-old eroded volcano and is recognised as an Important Bird Area. The reserve is home to numerous globally and regionally threatened birds and is an important conservation area and eco-tourism destination.	No response required
2.3	The study area has been determined to be similar to the Marikana Thornveld in both the dominant species and general structure and has been categorised as a vulnerable ecosystem.	Refer to response in 2.1
2.4	The North West Biodiversity Sector Plan has designated the study area as a Critical Biodiversity Area Category 2 (CBA 2). To ensure the continued existence and functioning of ecosystems and species in Critical Biodiversity Areas, the land needs to be maintained in a natural or semi-natural state.	Refer to response in 2.1
2.5	A significant percentage of the existing vegetation will need to be cleared for the construction of the Tailings Storage Facility. Prior to the implementation of mitigation measures, the habitat loss or modification of biodiversity of the Marikana Thornveld is of high significant importance. The nature of the proposed project will make it difficult to mitigate the impacts of the loss and modification significantly and effectively.	Refer to response in 2.1

NO.	ISSUE	RESPONSE PROVIDED
2.6	Mitigation measures implemented by way of rehabilitation during the decommissioning and closure of the Tailings Storage Facility will only ensure some reversibility of the impacts. Despite mitigation, the negative impact of the habitat loss and alteration of biodiversity of the Marikana Thornveld will still be rated of high significant importance.	Refer to response in 2.1
2.7	Ecosystems and other ecological processes operate on a broad scale and alterations in one sector can affect the overall functions. Developments on one site may negatively impact the broader landscape, and the remaining natural and semi-natural landscapes are depended upon to buffer and support the ecosystem.	Refer to response in 2.1
2.8	The cumulative impact of the alteration and loss of biodiversity and the disturbance of ecosystems may strain the remaining landscape's ability to act as a buffer and support, which could compromise the integrity of the ecological dynamics within the reserve.	Refer to response in 2.1
3.	Third objection: The Social Impact Assessment has underestimated the cumulative existing and future negative impacts and failed to accurately weigh them against benefits of the proposed project.	
3.1	<p>Bakubung Platinum Mine has stated that the positive impacts of the project will include:</p> <ul style="list-style-type: none"> • At least 30% local employment. • Job security for those who are already employed, the economic benefits of which will be experienced on a wider level. • Increased spending power. • The use of local suppliers and service providers. • The introduction of skills development programmes to develop transferable skills for people within the community which can be used outside of mining. 	No response required.
3.2	The assessment has concluded that there are no fatal flaws to prevent the project from proceeding.	<p>The project entails an amendment to an existing, operational mine. The most significant change being the addition of a Tailings Storage Facility (TSF) with a footprint of 22 ha, and final height of 50 m. The additional TSF is proposed between the authorised plant area and authorised TSF area, within the mining right area.</p> <p>The amendment will have environmental and social impacts which is detailed in the amendment report. Mitigation and Management Measures are proposed. However, no fatal flaws have been identified.</p>
3.3	There is a history of tension and mistrust and there is a strong possibility of	The SIA noted that the local municipalities and the Bakubung Ba

NO.	ISSUE	RESPONSE PROVIDED
	violent local conflict. This may impact tourist attractions in the surrounding areas as tourists and employees may be concerned about their safety travelling through the area.	Ratheo Traditional Authority, together with all other stakeholders, have a relatively stable working relationship. Despite this, some parties report that the relationships can sometimes be apprehensive due to historical mistrust between some members of the community and the tribal authority. The source of the tension is generally attributed to the differences about the management of funds that belongs to the community. As such the tension and potential for conflict is already present without consideration of the proposed project.
3.4	The community has put forth realistic expectations, but it has been determined that the extent to which these expectations can be met is limited.	Agreed. Comment sourced from Social Impact Assessment (SIA) section 5.2.3.1.
3.5	The community has high rates of illiteracy which has resulted in an oversupply of unskilled labour. The project would inevitably require the recruitment of employees from outside the community, putting further strain on community relations and cementing mistrust.	Agreed. BPM has implemented portable skills programs since 2013 aimed at uplifting community members with skills to ensure self-sustainability. Learnerships are being offered in various core disciplines such as Mining Operations, Electrical, Fitting and Turning, Boiler making.
3.6	The assessment has stated the recruitment of a workforce outside the community “will not cause significant impact other than natural in- and out-migration”.	No response required.
3.7	Natural in-migration is known to trigger an increase in the so-called “four m’s: “men, money, mixing, and movement”: <ul style="list-style-type: none"> • The mixing of groups of people with more money and differing value systems and community members may cause socio-economic disparities and civil unrest. • The influx of people i.e. “men” may introduce elements which are harmful to poor communities. With the movement of labourers and suppliers in and out of the community there are increased possibilities for the prostitution of young, vulnerable girls and teenage pregnancies. • The mixing of low and high disease prevalent groups provides ideal circumstances for the spread of HIV and other sexually transmitted diseases. Other contributing factors for the spread of disease include substance abuse, sexual and gender-based violence, migratory labour, poverty, and income disparities. 	Mitigation measures to address the issue is detailed in the SIA and included herewith for ease of reference: Toolbox talks should include talks about the impact of promiscuous behaviour. BPM should develop an in-house infectious diseases strategy to address health issues within the workforce and align the strategy with a community HIV strategy implemented by a non-profit organisation. Local schools and communities living in traditional areas close to the project must be included in the strategy. The strategy should include voluntary counselling and testing and training of peer educators. A workforce code of conduct should be developed to maximise positive employee behaviour in the local community, and optimise integration
3.8	The project is expected to be of benefit to the local economy for the life of the mine. However, the vulnerable groups which make up this community will bear the burden of these detrimental social impacts for years to come and	Mitigation measures to address the issue is detailed in the SIA and included herewith for ease of reference: BPM must continue to implement their grievance mechanism and

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	well past the life of the mine.	ensure that it is community-friendly. BPM must continue to address and keep record of community grievances. BPM must continue to keep a grievance register. It is important to have documented evidence of community/mine interactions. This will assist the mine to track the issues, and the community to see what actions the mine has taken.
3.9	In considering these social impacts, the need and desirability and potential benefits of the project cannot be seen as outweighing the harm that will be done to the community.	The amendments are proposed within the approved mining right area and constitute a footprint size of approximately 30 ha. The proposed footprint area for the new TSF and evaporation dams was previously assessed and authorised as the development footprint for a solar plant for the mine. The amendments proposed in this document forms part of a survival plan for the mine to start operations despite the current economic challenges. The environmental and social impacts associated with the Bakubung Platinum Mine's (BPMs) mining activities have therefore previously been assessed and approved through the 2008 and 2016 EIA processes, respectively.
4.	Conclusion	
4.1	The above demonstrates that there is harmful and irreversible damage to the sense of place and landscape integrity, local and surrounding biodiversity and the local communities that will arise from the ongoing operation of the mine and the proposed amendment of the Environmental Authorisation and Water Use Licence and the construction of the proposed tailings storage facility.	Refer to response in 3.9 As the SIA points out, there is a history of mistrust and tensions attributable to historical transactions and reported litigations between the traditional authority and some members of the community, these have also been widely reported as allegations of misuse of funds and related issues. This tension and potential for conflict is already present without consideration of the proposed project.
4.2	The negative cumulative visual and environmental impacts arising from the proposed amendment and subsequent construction of the proposed tailings storage facility cannot be mitigated in any significant way. Any mitigation measures implemented by Bakubung Platinum Mine to reduce the negative visual impact of the tailings storage facility will become less effective over the time as the height of the facility increases.	Agreed
4.3	Harmful changes made to the environment are long-lasting and have the potential to be irreversible, and rehabilitation can only ensure some reversibility of these changes. Additionally, ecosystems exist and work on a scale that extends beyond the site/study area. Changes in ecological processes and biodiversity in one area can have a knock-on effect and cause ecological processes and biodiversity in the broader landscape to take strain.	Refer to comments made in 4.1 In addition, the ecologist noted that: A review of aerial imagery suggests that the CBA delineations are partly inaccurate at the landscape scale, as certain areas that have been mapped as CBA2 are in fact, transformed by mining and cultivation and are thus characterised by either no vegetation (permanently transformed) or

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	Mitigation measures that are limited to the site/study area will have no significant impact on the overall negative environmental impact	secondary vegetation. The ecologist has found that 60.6% of the proposed TSF footprint comprises Marikana Thornveld and 39.2% comprises Secondary Vegetation, some of which is highly disturbed and dominated by alien vegetation. Despite being mapped as CBA2, areas of highly disturbed vegetation are of little conservation value.
4.4	The positive impacts of the project, which are primarily economic, have been overestimated and do not outweigh the long-lasting impacts on the community and surrounding environment.	<p>Refer to response in 3.9 BPM is still in its construction/development stage and as such is not generating any income yet, as this will only be realised once the mine is fully operational. The proposed amendments forms part of a survival plan for the mine to continue develop and start operations despite the current economic challenges. Despite being a project with no source of income but solely operating on loans, BPM has invested over R280m on its SLP commitments since 2008 to date.</p> <p>The proposed project further aligns with the National Development Plan (NDP) goals in terms of the mining industry as it will ensure job security for the current workforce, as they will be assured of continued employment. In addition, the proposed project will also create 86 new jobs and 1 055 construction jobs (BMP has targets of at least 30 % local employment).</p> <p>BPM will continue to implement their skills development programmes which will allow more people to benefit from the skills development programmes as the mine develops. The people will obtain transferable skills which will put them at a better position to be able to have opportunities that will allow them to contribute to the local economy.</p>

