MINISTER

ENVIRONMENTAL AFFAIRS

REPUBLIC OF SOUTH AFRICA

Reference: LSA 172942

APPEAL DECISION

APPEAL AGAINST THE DECISION NOT TO GRANT ENVIRONMENTAL AUTHORISATION TO EZULWINI MINING COMPANY (PTY) LTD IN RESPECT OF THE DECOMMISSIONING OF THE UNDERGROUND MINE WORKINGS AND ASSOCIATED CESSATION OF PUMPING OPERATIONS AT EZULWINI MINE SITUATED ON FARM JACHTFONTEIN 344, FARM KLIPGAT 700, FARM MODDERFONTEIN 345 AND FARM WATERPAN 292, REGISTRATION DIVISION IQ, WITHIN THE CITY OF RAND WEST LOCAL MUNICIPALITY, IN THE GAUTENG PROVINCE

1. INTRODUCTION

In terms of Regulation 20 (1) (b) of the Environmental Impact Assessment Regulations, 2014, published by Government Notice (GN) No. R.982 of 4 December 2014 (2014 EIA Regulations), regarding activities identified under section 24 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the Regional Manager: Mineral Regulation of the Department of Minerals Resources, Gauteng Regional Office (DMR) refused to grant an Environmental Authorisation (EA) to Ezulwini Mining Company (Pty) Ltd (hereinafter referred as the appellant), on 30 April 2018, in respect of decommissioning of the underground mine workings and associated cessation of pumping operations at

Ezulwini mine situated on farm Jachtfontein 344, farm Klipgat 700, farm Modderfontein 345 and farm Waterpan 292, registration division IQ, within the City of Rand West Local Municipality, in the Gauteng Province.

2. BACKGROUND AND APPEAL

2.1 On 12 October 2017, the appellant lodged an application for EA with the DMR for the proposed cessation of pumping of underground mine water and associated decommissioning of the underground workings at the above mentioned location. Receipt of this application was acknowledged by the DMR on 24 November 2017.

2.2 The appellant commissioned Jones & Wagner Engineering & Environmental Consultants (Pty) Ltd as an Environmental Assessment Practitioner (EAP) to conduct an Environmental Impact Assessment (EIA) for the abovementioned application. The Final Basic Assessment Report (BAR), Environmental Management Programme (EMPr) and Closure Plan were thereafter received by the DMR on 12 October 2017.

2.3 The appellant, now a subsidiary of Sibanye Gold Limited, owns and operates a gold and uranium mine located approximately 8 km south-east from the town Westonaria, in the Gauteng Province. The appellant's operation (also known as Cooke 4) is an underground mine which mined mostly gold ore and some uranium deposits. Drift and fill, conventional breast stoping and Bord, and Pillar mining are the mining methods that were applied at mine. Active mining of the gold bearing reef ceased in September 2016. Surface operations at the mine are continuing as ore from other operations are processed at the plant. The final BAR indicates that there is another potential for further mining of the underground resources which would be done through possible underground Extension area of Cooke 4.

2.4 In order to ensure safe working environment underground, the mine commenced with dewatering activities in 1986 after obtaining a permit to dewater the Gemsbokfontein West Dolomitic Compartment (Gemsbokfontein West sub-compartment). Water pumped from

the mine was then discharged into the Leeuspruit and Kleinwes Rietspruit via the Peter Wright Dam, which flows to the Vaal River.

2.5 According to final BAR, the current dewatering programme or even an accelerated dewatering programme is not economically nor environmentally beneficial. In motivating its application for EA, the appellant indicated that the continued pumping of this water from the workings has placed a substantial financial burden on the mine, to the point where mining is no longer profitable. Therefore the appellant intends to cease pumping, effectively terminating the underground mining operations of Ezulwini.

2.6 The final BAR further states that the project consists of an integrated process, a Water Use Licence Amendment Application (WULAA) report for the changes to the existing Water Use Licence associated with the cessation of pumping, being undertaken in terms of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) and that it will be a supporting document to the WULAA, which will be assessed by the Department of Water and Sanitation (DWS).

2.7 Upon perusal of the final BAR, the DMR was not satisfied that the appellant complied with the minimum requirements of the 2014 EIA Regulations. As a result thereof, the DMR refused to grant an EA to the appellant on 30 April 2018, based on the following grounds:

- The plugs and designs and their integrity have not been agreed to and accepted by the South Deep Mine which is connected to Ezulwini Mine workings and where mining activities are actively conducted at a lower elevation. The applicant (now the appellant) has failed to get a consent from the South Deep Mine despite been requested to do so and has indicated through a response letter dated 15 March 2018 that it is not possible to address the issues raised to the satisfaction of both parties. Therefore, the measures that are proposed to be put in place to ensure health and safety of the South Deep Mine could not be confirmed. No comments have been received from the Principal Inspector of Mines (PIOM) to confirm whether aspects of the Mine and Health Act, 1996 Act No. 29 of 1996) have been complied with and that

the proposed mitigation measures would be able to address the risks that could result from the proposed activities.

- The BAR indicates that there are still more plugs to be installed between Cooke 3 and Ezulwini operations and that de-watering will continue until such process is completed. The DMR cannot support or approve any closure or cessation of pumping of underground water until all necessary measures to mitigate the impacts on the neighbouring mines are in place.

- Aspects related to safety of the mine including that of the South Deep Mine could have not yet been confirmed by the Principal Inspector of Mines in terms of the Mine and Health Act 1996 (Act No. 29 of 1996).

- Although the appellant has provided proof of consultation with the Department of Water and Sanitation (DWS), comments from DWS were not included in the final BAR submitted regardless of the letter sent to the client on 15 February 2018. The comments from DWS would have enabled the Minister to make an informed decision as the as the activity applied for is an integrated application with an amendment for Water Use Application lodged with DWS. Therefore, the DMR cannot support or grant the EA in relation to the decommissioning and the removal of all infrastructure currently been used for pumping unless the DWS has confirmed compliance with the requirements of NWA to tis satisfaction. Furthermore, the decision in relation to pumping of underground mine water falls within the jurisdiction of DWS as s licence for pumping was obtained from DWS.

- The proposed cessation of pumping of underground water will impact negatively on the downstream users relied from the mine water for several years and no alternative arrangements/solutions have been sought with them.

- The Council for Geoscience (CGS) could not confirm if the proposed mitigation measures in relation to the integrity of the plugs installed between the South Deep Mine and Ezulwini Mine, seismicity, sinkholes would be sufficient to deal all the risks

associated with the proposed activities as the area affected by the activity is prone to seismicity and sinkholes.

- Despite allocating an amount of R 3 146 040 and R 3 729 242 for sinkholes and subsistence monitoring and rehabilitation, the applicant shifts the risks that could arise from the re-watering of the mine workings solely to the Far West Dolomitic Water Association without proving its existence, funds and capabilities to deal with such issues.

- The BAR indicates that there is another potential for further mining of the underground resources which would be done through possible underground Extension area of Cooke 4. Re-watering could potentially affect future mining associated with Ezulwini underground operation.

- The applicant has not fully investigated any feasible and reasonable alternatives but rather opted to only consider cessation of pumping and termination of underground workings because of financial loss.

- It is not clear as to how the appellant will give effect to section 24R (1) of NEMA which states that "*every holder, holder of an old order right and owner of the works remain responsible for any environmental liability, pollution or ecological degradation as a result of his or her operations to which such right, permit or environmental authorisation relates*" if the intention is to remove all the infrastructures which were used for pumping of underground water.

- There is no provision made for unforeseen circumstances, latent or residual impacts should pumping be required later once the pumping infrastructures have been demolished.

- It should be noted that comments from other state Departments more specifically the PIOM, Geoscience and the DWS are crucial in making a decision in the application as this activity is directly linked to closure as per requirements of section 43 of the MPRDA and activities related to Water Use Licence application. Therefore without

their comments, it could not be concluded if the project would not results in environmental pollution and degradation.

2.8 Subsequent to the aforesaid decision of the DMR, the Directorate: Appeals and Legal Review within the Department of Environmental Affairs (Appeals Directorate) thereafter received an appeal against the refusal of an EA from Warburton Attorneys, on behalf of the appellant, on 21 May 2018.

2.9 On 30 May 2018, Lucky Farms Partnership (first interested & affected party) (hereinafter referred to as the first I&AP), represented by Pepermans Legal Consulting, lodged responding statement against the appellant's appeal.

2.10 On 2 July 2018, South Deep Joint Venture (second interested & affected party) (hereinafter referred to as the second I&AP) lodged responding statement against the appellant's appeal.

2.11 The grounds of appeal were provided to the DMR, which submitted a responding statement thereto on 6 July 2018.

2.12 On 26 July 2018, the appellant through its attorney requested an appeal's meeting with the Appeals Directorate to discuss the technical aspects of the appeal and to allow for a question and answer session to address any queries that the Appeals Directorate may have regarding the appeal. This meeting was subsequently held on 7 August 2018.

3. DECISION

3.1 In reaching my decision on the appeal against the refusal of an EA, I have taken the following into consideration:

3.1.1 Information contained in the project file (GP 30/5/1/2/2 (38) MR);

3.1.2 The appellant's grounds of appeal, dated 21 May 2018 and submitted in a prescribed format on 23 May 2018;

3.1.3 Responding statement submitted by the first I&AP on 30 May 2018;

3.1.4 Responding statement submitted by the second I&AP on 2 July 2018;

3.1.5 Responding statement submitted by the DMR on 6 July 2018;

3.1.6 Minutes of the appeals meeting held on 7 August 2018;

3.1.7 Comments by DWS dated 15 June 2018, provided to the Appeals Directorate by the DMR on 27 February 2018;

3.1.8 Comments by the Inspector of Mines (IOM) dated 22 February 2018, provided to the Appeals Directorate by the DMR on 28 February 2019; and

3.1.9 Financial Provisions in terms of NEMA.

3.2 In terms of section 43 (6) of NEMA, I have the authority, after considering the appeal, to confirm, set aside or vary the decision, provision, or condition of the DMR, or to make any other appropriate decision.

3.3 Having considered the above mentioned information, particularly comments from DWS & IOM and in terms of section 43 (6) of NEMA, I have decided to set aside the decision of the DMR to refuse an EA and to remit the matter back to the DMR for further consultation and reconsideration.

3.4 In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the grounds of appeal or responding statements, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

3.5 Furthermore, should any party be dissatisfied with any aspect of my decision, it may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA).

4. THE REASONS FOR MY DECISION ARE AS FOLLOWS:

4.1 The appellant submits that the DMR's decision to issue a negative EA is incorrect and unreasonable. The appellant further submits that the DMR erred by taking irrelevant, and in certain instances factually or legally incorrect considerations into account and by not properly considering and/or not giving due weight to relevant considerations when issuing the negative authorisation.

4.2 In the appeal submission, the appellant sets out its overall response to the DMR's negative decision with specific reference to the DMR's failure to consider the content of the final BAR and appendices thereto. In this respect, the appellant makes reference to page 1 of the negative decision which states that the DMR is *"not satisfied with the information contained in the Basic Assessment Report"*. The appellant submits that the final BAR and its appendices fully comply with the prescribed minimum requirements set out in Appendix 1 to the 2014 EIA Regulations.

4.3 The appellant also submits that the DMR's view that the information contained in the final BAR is unsatisfactory or insufficient shows that the DMR has not properly considered the final BAR and the appendices thereto. In this regard, the appellant submits that the decision of the Regional Manager is not rationally connected to the information before the DMR.

4.4 The appellant submits, furthermore, that the DMR failed to comply with its peremptory duties in terms of section 24O of NEMA which sets out the criteria for decision-making. On this note, the appellant argues that the DMR failed to fully apply the principles as set out in section 2 of NEMA in its decision.

4.5 The appellant goes on to argue that the process followed by the DMR in considering its application is procedurally incorrect in that the DMR did not comply with the process-related requirements prescribed in the 2014 EIA Regulations. In this regard, the appellant submits that the DMR did not comply with the statutory timeframes. It is also the appellant's submission that the DMR did not consult and obtain comments on the

application from the relevant state departments within the statutory period of 30 days provided for such input, before making the decision.

4.6 The appellant submits, furthermore, that the DMR failed to take into account the content, findings and recommendations of the specialists. It is the appellant's submission that these specialist studies assessed the risks of the decommissioning of its mine and associated cessation of pumping and raised and recommended mitigation measures for consideration by the DMR as the competent authority. The appellant contends that it is noteworthy that the specialist studies supported the re-watering of its mine, provided that the recommended monitoring and mitigatory measures are adhered to.

4.7 The appellant submits that there was meticulous monitoring for many years following the start of dewatering, however there were challenges associated with dewatering. It is the appellant's submission that as re-watering will affect the same areas, the level of uncertainty about where impact will happen upon re-watering is in reality low. The appellant submits that the likelihood of new ground movement events materialising in areas not having been impacted by dewatering is small.

4.8 The appellant submits that it is the EAP's opinion that the proposed project should be authorised. This is mainly due to continued mining at Sibanye Gold and the appellant's operations being both unsustainable and uneconomical. In addition, the appellant submits that full cessation of pumping will allow the groundwater level to recover completely and the aquifer of the above-lying dolomitic compartment will recover to pre-mining conditions, benefitting surrounding landowners who use boreholes. The appellant submits that this recovery is thought to have the additional benefit of lower potential long-term dolomitic instability than the continuation of pumping or gradual cessation of pumping, due to the earlier recovery of the water table. It is the appellant's submission that the Wonderfonteinspruit, Kleinwes Rietspruit and the Leeuspruit will also return to near their pre-mining conditions in terms of water flow.

4.9 From the aforementioned submissions, the appellant contends that in failing to properly consider the specialist studies, the DMR failed to, and/or was unable to, properly

understand and consider the scientific and technical details of its application. It is furthermore submitted by the appellant that the DMR failed to properly consider the South Deep Mine Plug History, its Closure Alternatives Report and the information on financial provision as set out in the final BAR. The appellant therefore submits that the DMR's failure to properly consider *inter alia* the above-mentioned documents resulted in a failure to understand all of the facets of the proposed sustainable decommissioning application, as well as the practical and financial implications of the negative decision. In this respect, the appellant submits that it cannot be argued that there is a legal obligation on its part to pump water at a cost of R20 million per month indefinitely, and that it is prohibited in law from ever decommissioning an economically unviable mine. It is the appellant's submission that this would be unsustainable.

4.10 The appellant submits that the DMR's failure to properly consider the dire economic implications of an indefinite pumping of water from its mine shows that the DMR failed to apply the principles in section 2 of NEMA, in the assessment of its application, in non-compliance with section 24O(1)(a) of NEMA. In particular, the appellant submits that the DMR failed to apply section 2(4) (b) which states that *"Environmental management must be integrated, acknowledging that all the elements of the environment are linked and interrelated, and must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option"*.

4.11 The appellant submits that, in light of the potential safety risk for the second I&AP in re-watering, plugs between the second I&AP and the appellant were constructed and designed by the former, and have been in place since 2004. The appellant contends that the integrity of the plugs has been accepted by second I&AP as they have declared them safe. The appellant submits that final BAR states that *"All indications are that the plug and pillar design were accepted by the parties..."*. The appellant submits that the safety risk of these plugs has been assessed in SRK's specialist study under which study states that "well designed and constructed and the risk of failure is insignificant".

4.12 Further, the appellant submits that the design and testing of the South Deep plugs were overseen by an international review panel comprising of C. O. Brawner (Canada), Dr D. A. Bruce (USA) and Professor G. S. Littlejohn (UK). It is the appellant's submission that the second I&AP has stated that these plugs are "safe".

4.13 In addition, the appellant submits that the specialist studies thereto have comprehensively assessed the potential for safety risks regarding re-watering, including going so far as to obtain and attach South Deep Mine's own Mine Flood Evacuation Procedure and to the extent there is an increased inflow of water into South Deep Mine following the cessation of pumping at Ezulwini, and the second I&AP is able to safely pump these volumes. Moreover, the appellant submits that any increase in water inflow is expected to happen slowly over time, with the second I&AP's mine having ample time to monitor such and respond accordingly.

4.14 In responding to the grounds of appeal, the DMR submits that it notes the appellant's concerns but believes that the reasons given when refusing an EA are correct and reasonable as the decision was taken in consideration of the information submitted in support of the application. It is the DMR's emphasis that the decision made on the application was taken in consideration of the requirements of section 24 of NEMA.

4.15 The DMR further submits that the appellant has in its application been selective when applying section 2 of NEMA as it referred only to specific section in this submission. The DMR is of the opinion that section 2 of NEMA must be applied holistically. Furthermore, the appellant has in the application failed to consider the best practical environmental options as they only opted for one option which is to switch off the pumps and cease pumping of underground water.

4.16 The DMR submits that, although there are various applications proposed by the appellant, the appellant had in its application only referred to the intention to cease pumping holistically and did not prefer to apply various alternatives. Furthermore, DMR submits that it could not have considered the proposed alternatives when all relevant stakeholders, in particular DWS (mandated to deal with the water resources) did not comment on the BAR.

The DMR submits that it is important to note that the appellant was issued with an Integrated Water Use License (IWUL) in terms of NWA to undertake water use activities at Ezulwini mine including pumping of water from underground mine workings which is the subject of this application. It is therefore the DMR's submission that all information submitted in support of this application was taken into consideration when deciding on the application.

4.17 Furthermore, the DMR submits that all comments received before deciding on the application where considered, however, the DWS and the Inspector of Mines (IOM) were still considering the Final BAR. The DMR submits that the appellant is required to consult with I&APs including State Departments. Therefore it is the DMR's submission that in this case the appellant failed to obtain comments from the DWS before a decision was taken.

4.18 The DMR contends that the appellant does not have material evidence that the DMR did not comply with the requirements of section 24O (2A) of NEMA. The DMR submits that it has consulted with the relevant State Departments as required by section 24O of NEMA and also the IOM who is mandated to administer the Mine Health and Safety Act. Furthermore, the DMR submits that apart from adhering to the provision of section 24O of NEMA, there were several meetings held between the DMR and DWS as this application also affect the NWA and at some point the representatives from the appellant were present.

4.19 The DMR submits that apart from the consultation as required in terms of section 24O referred above and also by the appellant, it is a statuary requirement that the EAP consults with all stakeholders and attach their comments and the manner in which such comments have been addressed and incorporated in the environmental report/s. In this case, the DMR submits that the appellant failed to source comments from State Departments (mainly DWS) on the final BAR.

4.20 The DMR submits that it agrees with the appellant that the decision on the application was taken outside the statutory timeframes. However, it is important to note that the appellant requested an extension to submit information in support of the application on two occasions. In this regard, the DMR submits that it could have made a decision on the incomplete

information submitted by the appellant but had to exercise administrative justice by granting extensions as requested by the appellant. Furthermore, the DMR submits that it could not make a decision on the application without comments from the DWS. It is also the DMR's submission that it could not make a decision without a decision from DMR on an application by the appellant for amendment of IWULA more so if the IOM did not confirm whether aspects related to health and safety were fully covered. The DMR contends that it is important to note that the decision to cease pumping of water from underground mine workings lies with DWS as they have authorised such activity and the appellant is fully aware.

4.21 Moreover, the DMR contends that section 24N(6) of NEMA states that *"The Minister, the Minister responsible for mineral resources or an MEC may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way the Minister, the Minister responsible for mineral resources or the MEC may require"*. It is the DMR's submission that all the information requested would assist in decision making process and that the DMR is empowered to call for any information that is deemed necessary.

4.22 The DMR submits that when an application is received, it is empowered to ascertain compliance with the statutory requirements. It is the DMR's submission that when the appellant is requested to address issues of comments arising after the evaluation of the reports submitted, it implies that such issues are crucial to assist during the decision making process. The DMR contends that it is empowered to make decisions whichever way that it deems necessary and has never made reference to the content of either the final BAR or EIR in all previous decisions. The DMR submits that it is important to note that the decision made reference to the final BAR submitted by the appellant, which included EMPr.

4.23 The DMR submits that all recommendations of the specialist studies including recommendations for the granting of the EA by the EAP were carefully considered during the decision making process. It is the DMR's submission that the proposed project should not be given a positive EA until such time that compliance with aspects such as health and safety which needs to be confirmed by IOM and also compliance with water aspect as required in

terms of NWA are confirmed by DWS. It is again important to note that this is considered an integrated application which touches on both the mandate of the DMR and DWS as there is an IWUL issued by DWS and the same specialist studies would have been used for an application to amend IWUL. The DMR contends that, by cessation of pumping, it would be returning the environment especially water conditions to pre-mining state, however, it is important to note that the mine has been in existence for quite some time and the environment including the downstream water users have always been dependent on the current and existing situation. The DMR submits that this could be supported by comments received from I&APs especially downstream water users.

4.24 The DMR submits that it requested the appellant to seek consent from South Deep Mine regarding the plugs that have been installed between the two mines. However, the appellant in response thereof indicated that there is no legal mandate for the DMR to request that information. The DMR submits further that it considers inputs or consent from South Deep Mine vital as mining activities are still active and only South Deep mine would have to deal with the risks and/or consequences of cessation of pumping by the appellant. The DMR submits that South Deep's comments received on 30 November 2017 and the alternatives proposed by the appellant demonstrated a need for further consultation where a consent could be reached. It is the DMR's submission that South Deep in its comments indicated that *"the proposed methodology and supporting studies for closure of the Ezulwini underground workings have not demonstrated a sufficient reduction in the risk profile for plugs or pillar failure, nor are there any feasible mitigation proposed in such an event which holds potential catastrophic consequence of such event, including loss of life, loss of the South Deep Mine and all associated consequential damages, social and economical consequences"*.

4.25 Furthermore, the DMR submits that alternatives were clearly considered however, such alternatives could not be considered as the appellant failed to pursue or consider such alternatives but rather opted to decommission and cease pumping of underground water in entirety due to economic factors which is the only reason reiterated through the report. Furthermore, the DMR submits that it could not have granted an EA on alternatives to pumping unless the DWS which currently runs a parallel process in relation to amendment of IWUL submitted by the appellant has commented and supported such alternatives. It is the

DMR's submission that although it acknowledges that pumping can be conducted in perpetuity, the appellant's current financial provision does not cater for pumping of underground water as required in terms of NEMA and that has been confirmed by the appellant on numerous occasions. The DMR submits that section 24R(2) of NEMA states that *"When the Minister responsible for mineral resources issues a closure certificate, he or she must return such portion of the financial provision contemplated in section 24P as the Minister may deem appropriate to the holder concerned, but may retain a portion of such financial provision referred to in subsection (1) for any latent, residual or any other environmental impact, including the pumping of polluted or extraneous water, for a prescribed period after issuing a closure certificate".* The DMR contends that it is crucial to note that there won't be any financial provision to retain by the Minister for pumping of polluted or extraneous water should a need arise as the current financial provision does not cover for such.

4.26 The DMR contends that a separate closure plan for the work that still needs to be completed would have been considered if it was submitted. It is the DMR's submission that once the appellant has completed all the tasks as contemplated in the approved closure plan to the satisfaction of all relevant competent authorities, it can only consider the application for decommissioning and cessation of pumping of underground water.

4.27 The DMR indicates that acknowledges that public participation was conducted in accordance with the requirement of the 2014 EIA Regulation. It is important to note that the appellant is well aware of various I&APs who have for several years relied on the water from the Kleinwes Rietspruit to conduct their businesses. The DMR submits that appellant has further acknowledged that the proposed activity will negatively affect I&APs and job security. The DMR submits further that it is of the view that the appellant must before considering cessation of pumping activities from Ezulwini mine engage with the I&APs to an extent that alternatives solutions are sought in order to curb job losses that could be caused by the proposed activity.

4.28 Furthermore, the DMR submits that the final BAR indicated that the appellant's operations property is underlain by dolomite ground and thus inherently susceptible to dolomite related

ground movement. The final BAR further states that the dewatering of the mine has exacerbated ground movement susceptibility and that with cessation of pumping, recovery of the groundwater table may generate a new round of ground movement instability. It is therefore the DMR's submission that it deemed it necessary for Council of Geoscience (CGS) to comment on the submission especially specialist studies as they have specialists of various fields. The DMR contends that the CGS was, through the Government Task Team (GTT) on Mine Water Management, requested to review the risks associated with re-watering of the mine workings including risks of seismicity and all documentations were provided to them. It is the DMR's submission that although no formal comments were received from the CGS, it is important to note that the GTT was privy to the submissions and presentation made by the appellant, however, the GTT also could not support the application.

4.29 The DMR submits that section 9.2 of appendix C1 accompanying the final BAR indicates that the Far West Rand Dolomitic Water Association (FWRDWA) was previously involved in the management of compensation of the parties affected by the impacts caused by dewatering of the compartment in question and other compartment and also refer to the Dolomite Management Strategy established by such organisation. Furthermore, the DMR submits that section 10 of appendix 10 states that any obligation to repair the ground for Sibanye Gold/FWRDWA is related to the following:

- Mining license requirement as detailed under the MPRDA;
- Water Use License requirements in terms of NWA; and
- FWRDWA Constitution.

4.30 The DMR contends that from the interpretation of the above statement, it could mean that the appellant would not accept the responsibilities or risks that could be caused by the proposed activity if such risk or damages occurred on its mining right area, more so the surrounding residential areas.

4.31 Moreover, it is the DMR's contention that the appellant has in the final BAR referred to the proposed Cooke 4 Underground Extension area. In this regard, the DMR contends that this implies that there is still a resource that could be mined and the applicant has on several

occasions confirmed that Cooke 4 is connected to Cooke 3 underground and that there will be barrier pillar and plugs to be installed. It is therefore the DMR's further contention that the economic viability of the area referred to has just been indicated in the appeal, but nowhere in the final BAR.

4.32 The DMR submits that apart from alternative 4, all other alternatives proposed the South Deep Mine abstracts further 10 magalitres per day from its current mine workings. It is the DMR's submission that this emphasises a need for a consent by South Dee Mine on the proposed activity. The DMR further submits that compliance with aspects of health and safety was not confirmed by the IOM.

4.33 Furthermore, the DMR submits that the EMPr records that, in respect of the activity *"Changes in Ground Stability due to re-watering"*, the impact is negative. It is the DMR's submission that there will be damage to infrastructure as a result of both ground subsidence and sinkhole development. The DMR submits that one of the migratory measures proposed in the EMPr is *"Remedy by identifying areas of potential risk and limit further urban development"*. It is therefore the DMR's submission that the proposed migratory measure would in effect place restrictions on the owners of affected land from exercising their rights to develop their own land. In this regard, the DMR contends that the first I&AP is considering the possibility of establishing various infrastructure on its properties to the North of Ezulwini Mine including, *inter alia,* additional cold storage area and a filling station and retail store. It is the DMR's submission that should the project go ahead, the first I&AP would be prevented from exercising its lawful right to develop its properties and to grow its business, which would also ensure growth in employment opportunities. The DMR submits that the appellant should have anticipated that it would eventually need to cease pumping and yet it appears that the consequences of such cessation has never been adequately addressed by the appellant. It is therefore the DMR's submission that it would seem unreasonable for I&APs such as the first I&AP to now bear the burden.

4.34 The DMR indicates that the EMPr records a further mitigatory measure for the risks associated with ground subsidence and sinkhole formation, namely the remedy by

rehabilitation or purchase of property as per the Far West Rand Dolomitic Water Association arrangements. It is the DMR's submission that no further details in this regard are provided and further that there is no certainty that any losses experienced by Lucky Farms in relation to the occurrence of ground subsidence or sinkhole formation as a result of the proposed decommissioning will be adequately recouped by Lucky Farms. The DMR contends that the mitigations measures proposed by the appellant in respect of the risk of ground subsidence and sinkhole formation as a result of the proposed decommissioning does not mitigate the negative impacts associated herewith to acceptable levels.

4.35 The DMR submits that it considers the reasons given when refusing the EA as valid and in line with the legislative requirements. It is therefore the DMR's submission that the decision not to grant the EA be confirmed on the basis of its response to the grounds of appeal.

4.36 In response to the grounds of appeal, the first I&AP submits that use of the words "*inter alia*" by the appellant in the grounds of appeal denotes that the list of documents as is contained in paragraph 2 of the DMR's decision is not exhaustive and other documents not listed in such paragraph have been taken into consideration. Furthermore, the first I&AP submits that EMPr forms part of the final BAR, and therefore it can be assumed that the EMPr was duly taken into account. In this regard, the first I&AP disagrees with the allegation made by the appellant indicating that the DMR did not take into account the EMPr prior to reaching its decision to refuse an EA.

4.37 The first I&AP contends that, although the final BAR recognises the immense negative impacts the cessation of pumping of water at the Ezulwini Mine has on downstream farmers, the appellant offers no mitigatory measures to mitigate against these negative impacts. In this regard, the first I&AP concurs with the DMR's decision where is states that Paragraph 3.5 of the decision provides that "*the proposed cessation of pumping of underground water will negatively* [impact] *on the downstream users who relied from mine water for several years and no alternative arrangements/solutions have been sought with them.*"

4.38 The first I&AP submits that the above is furthermore confirmed in the EMPr which records in respect of the impact "*negative impact: Reduction in streamflow which has an impact on*

surface water users" for the activity "*cessation of pumping to the Kleinwes Rietspruit*" that "*there are no proposed mitigation measures for this activity to reduce the negative impact on surface water quantity*". The first I&AP states that, in the grounds of appeal, the appellant refers to the dictum "*...neighbours must bear with a reasonable level of nuisance...caused by normal use of their neighbours' land. Since [Malherbe] ...it has become trite to say that the reasonableness standard lies at the heart if South African neighbour law...*". In response to this point, the first I&AP submits that it is beyond comprehension how the use of the appellant's land in respect of the Ezulwini Mine to such an extent that the farming operations at its Southern farms will need to cease operations constitutes "*a reasonable level of nuisance*".

4.39 Furthermore, the first I&AP submits that the appellant quotes from the judgement *Ohlsson's Cape Breweries Ltd v Artesian Well-boring Company Ltd* 1919 CPD, as confirmed by the Appellate Division in *De Witt v Knierim* 1994 (1) SA 350 (A). In this regard, the first I&AP submits that, although the appellant records that the aforesaid decision has not been overturned, it is important to note that the decision was made in 1994 which was prior to NWA coming into effect. The first I&AP therefore submits that in terms of the NWA, all water is held in trust by the State and no private ownership of water is possible.

4.40 Therefore, in terms of the NWA, water must be equitably allocated and must furthermore be managed for the benefit of all users. The use of water in such a manner that other water users are completely deprived of water, which they are currently utilising, is contrary to the purpose of the NWA. It is therefore submitted by the first I&AP that the NWA supersedes the decision of the Appellate Division in *De Witt v Knierim* 1994 (1) SA 350 (A).

4.41 In addition, the first I&AP contends that throughout the NWA and associated notices, water use may not be excessive in relation to other water users. The first I&AP contends that NWA stipulates that the taking of water "*may only be taken at a rate that is not excessive in relation to the capacity of the water resource and the needs of other users*" (I&AP own emphasis). The first I&AP therefore submits that the appellant is not legally entitled to undertake water uses to such an extent that it completely takes away the water uses currently being undertaken by downstream users. The first I&AP contends that it is clear

from the final BAR and the EMPr that the proposed decommissioning will result in a decrease of the flow of the Kleinwes Rietspruit by around 99%.

4.42 Further, the first I&AP submits that it has 2 irrigation farms, one to the North of the Ezulwini Farm and one to the South. Each farm has 130 hectares of centre pivot irrigation for vegetable crops in rotation namely carrots, sweet corn, cauliflower, broccoli, green beans and cabbage. In this regard, the first I&AP states that it has been confirmed that if the proposed decommissioning occurs, the first I&AP would need to cease operations at the Southern farm due to the fact that there would be no viable water source available for the irrigation activities. On this note, the first I&AP argues that Southern farm is not on the dolomitic aquifer and it is not linked to the aquifer that would recharge as a result of the proposed decommissioning. It is also submitted that underground water on the Southern farm is weak and not enough for irrigation and at most can be used for domestic purposes.

4.43 Furthermore, the first I&AP states that the Northern farm also has a packing facility which is utilised to pack or process all vegetables from both the Northern farm and the Southern farm. The Southern farm's production keeps the packing or processing facility at full capacity and if that farm closes down, the packing or processing facility will only run at 50% which is not viable and will in all likelihood need to be closed as well.

4.44 Moreover, the first I&AP submits that it freezes vegetables from both farms, which facilities are situated at the Northern farm, and this business would not be viable if it did not have the constant flow of produce. Therefore, should the Southern farm cease operations, the freezing business would need to be shut down as it would no longer be feasible.

4.45 In light of the above, the I&AP submits that in the event that the proposed decommissioning is to occur, the Southern farm would cease operations and would result in the following negative socio-economic consequences:

- Loss of employment for permanent staff at the Southern farm of 14 people at a total salary of R76 600 per month;
- Loss of employment for seasonal staff of 40 people for 8 months at a total salary of R126 760 per month;

- Loss of employment for the staff at the packing/processing facility on the Northern farm of 38 factory staff at a total salary of R120 429.22 per month and 2 senior managers, 3 factory supervisors, 1 office clerk and 2 truck drivers at a total salary of R103 000 per month; and
- R22 million per annum loss for Lucky Farms from farm production for the Southern farm and an additional R30 million per annum due to the shutdown of the frozen vegetable business.

4.46 Further to the above, the first I&AP contends that in the event that the property upon which the Southern farm is situated can no longer be used as an irrigation farm, the value of the property would decrease, thereby having additional negative impacts on the economic factors of its Farms. In this regard it is argued that the property could be utilised for cattle farm grazing, however due to the fact that the size of the property is small, the extent of cattle grazing potential would be small as well.

4.47 In addition to the above, the first I&AP states that it is in the process of negotiating an empowerment transaction in terms of which 70% of its 2 farming operations to the North and to the South of the Ezulwini Mine will be sold to an empowerment entity. In the event that the Southern farm ceases operations, the aforesaid transaction will in all probability never come to fruition. It is therefore submitted that the proposed decommissioning has a further negative impact on socio-economic factors by preventing the empowerment transaction from being finalised.

4.48 The first I&AP submits that the proposed decommissioning has extensive negative impacts on socio-economic factors of Lucky Farms and yet no mitigation measures have been proposed by the appellant. In this regard, the I&AP submits that it made a suggestion to purchase the property situated adjacent to the Northern farm, which property is owned by the appellant, at a reduced price in compensation for the loss of the Southern farm. The first I&AP submits further that as a counter offer, the appellant offered a 10 year lease on such property. The first I&AP submits that it has signed the lease, but to date, the appellant has failed to counter sign the lease, despite countless follow ups. The first I&AP further

submits that the mitigatory measures relating to the aforesaid lease agreement has not been included in the EMPr.

4.49 The first I&AP further submits that, bearing in mind that no mitigation measures have been proposed by the appellant in respect of the negative impact on downstream users as a result of the proposed decommissioning, it cannot be held that such negative environmental impacts have been mitigated to acceptable levels. It is also submitted that the EMPr does not propose any mitigation measures in respect of the negative impact of the proposed decommissioning on downstream fauna and flora.

4.50 The first I&AP submits, furthermore, that other than providing for monitoring and sampling, the appellant does not propose any mitigation measures in respect of the following impacts as a result of the activity "*ccessation of pumping to the Kleinwes Rietspruit*":

- "*Negative impact: Change in extent and wetness regime of downstream wetlands potential loss of wetlands*;
- *Negative impact: Change from perennial and fast flowing to nonperennial with periods of no flow – Change in aquatic species composition*;
- *Negative impact: Change in vegetation structure and composition (secondary impacts discussed under geomorphology and water quality)*;
- *Negative impact: Change in plant species composition and structure may lead to exposed areas and a resultant increase in erosion and release of contaminated sediment stabilized by vegetation. This would result in a number of secondary impacts on the wetland geometry and the organisms utilizing the wetland*; and
- *Negative impact: Increase in the Uranium concentration due to decreased dilution effect*".

4.51 The first I&AP submits that the appellant in the grounds of appeal makes reference to the "*Report on the Evaluation of Options and Alternatives to the Closure of the Underground Workings at Ezulwini Mine 28 July 2017*" which records that "*cessation of pumping activities would be the preferable option, as it would result in the least cost to the company, minimising the impact of the profitability of the bigger group and therefore preserving jobs*

of other marginal operations...". The first I&AP submits that records implies that the appellant is of the view that the main factor to take into account in deciding whether to approve the proposed decommissioning or not is the financial burden placed on the appellant should the proposed decommissioning not be approved. The first I&AP denies this and submits that all socio-economic factors on both the appellant and all I&APs must be taken into account and weighed against each other in order to determine whether the decision to authorise the proposed decommissioning is reasonable or not. The I&AP submits that in light of the fact that the appellant has failed to propose any mitigation measures in respect of the detrimental impact the proposed decommissioning will have on the socio-economic factors on it and other downstream users, it would not be reasonable to approve the proposed decommissioning. It is submitted that the appellant must have known when it purchased the Ezulwini Mine that it would eventually need to cease pumping operations but it does not appear that the consequences of such cessation has ever been adequately addressed by the appellant. It is the I&AP's submission that it would not be reasonable to now expect it and other I&APs to just accept the dire consequences should the proposed decommissioning occur without the appellant offering any mitigatory measures whatsoever.

4.52 In response to the grounds of appeal, the second I&AP submits that the DMR did take into account relevant considerations and factually and legally correct considerations and properly considered and gave due weight to relevant considerations when it reached its decision not to grant an EA, in the context of the objection that it lodged to the approval of the EA in the final BAR comments. In this context, the second I&AP submits that the DMR's decision is rationally connected to the purpose of the empowering provision in section 24 of NEMA and is wholly justifiable and rationally connected to the information before the DMR.

4.53 The second I&AP contends that its health and safety of the employees and the potential sterilisation of a resource is a wholly rational objective basis justifying the connection made by the DMR and the material before it and the decision to refuse an EA.

4.54 The second I&AP further contends that failure to comply with the statutory timeframes does not render the decision unlawful or incorrect. Furthermore, it is submits that the appellant places emphasis in the grounds of appeal upon the DMR's failure to consult and obtain comments on the application from relevant State Departments and obtain these comments within the statutory period of 30 days. The second I&AP submits that to the extent that such comments were not obtained from relevant State Departments would, at worst, provide a justification for the appeal authority to take a decision to resubmit the EA application for reconsideration with an order to obtain comments from statutory bodies within that period of 30 days before making a new decision.

4.55 The second I&AP contends, furthermore, that the fact that there is statement from the DMR that the information contained in the final BAR is unsatisfactory and insufficient does not lead necessarily to the conclusion that the DMR has not properly considered the final BAR and the appendices thereto and failed to take into account the information required in compliance with section 24O (1) (b) (vi) of NEMA. In this regard, it is submitted that the DMR could well have considered such and in its view considered that the information is insufficient.

4.56 Regarding risks of decommissioning of Ezulwini Mine, the second I&AP makes reference to the Golder Technical Memorandum, "Golder Comments on the Sibanye Gold Limited Basic Assessment Report ("BAR") on the partial closure of Ezulwini mining complex operations" where numerous comments are raised questioning the accuracy of these assessments and risk conclusions. More specifically, in the final BAR, the impact associated with the plug integrity resulting in flow to South Deep and/or Cooke 3 leading to the risk to human life has been stated as "Very low." In this regard, reference is made to the Golder document, "Factor of Safety formulation of the barrier pillar and plugs between the South Deep and Sibanye underground mine workings".

4.57 In this regard, the second I&AP submits that the aforementioned report presents the Factor of Safety for various failure mechanisms associated with the design and construction of the plugs and concludes that when comparing the factors of safety of certain plug failure mechanisms against industry norms, the factors of safety in some instances are lower than what is required. Some of these failure modes are:

- Internal erosion (initiated by hydraulic fracture) arising from excess hydraulic gradient at the interface between rock and plug concrete; and
- Internal erosion (or hydraulic fracture) arising from excess hydraulic gradient along rock joints.

4.58 The second I&AP submits that above two mechanisms play an integral role in the integrity of the plugs to operate as required to prevent water ingress into its workings. It is therefore submitted that, by evaluating the impact associated with plug integrity as "Very low", the appellant fails to recognise these failure mechanisms that could potentially result in a large inrush of water thereby creating the potential consequence of loss of life and the potential sterilisation of a resource.

4.59 Further, the second I&AP submits that the final BAR states that the surface water system will be returned back closer to the pre-mining state and therefore re-watering is recommended. In this regard, the second I&AP states that its system has been operating in a specific state for several years thereby establishing ecological, aquatic and human dependence on the system as is. It therefore contends that it is incorrect to make the bold assertion that the "system" will return to its pre-mining state. Furthermore, the second I&AP submits that there were no plugs or voids present at the pre-mining state and consequently no potential for harm to a neighbouring mine and its employees. From a risk perspective, the entire "system" is different to the pre-mining state and this system will experience and respond to external and internal parameters that are not understood or properly described in the final BAR, including the risk of fluid induced seismicity.

4.60 Furthermore, the second I&AP submits that negative authorisation is not a peremptory requirement of the appellant to pump water at a cost of R20 000 000 per month indefinitely. In this regard, other alternatives can be considered which would be sustainable and would not have the effect of potentially affecting the lives of its employees underground and the potential sterilisation of a resource in the event of a catastrophic disaster.

4.61 The second I&AP submits that its plugs were designed according to the 1983 Chamber of Mines guidelines on plugs. However irrespective of this, it is important to evaluate as many potential failure mechanisms as possible, whether or not they were accommodated in the 1983 guidelines. It is therefore submitted that relevant plug guidelines and best practices that draw upon the decades of observation and practice for plugs requires evaluation of other critical mechanisms, including Hydraulic fracturing and Hydraulic jacking.

4.62 The second I&AP submits that investigations were done by its specialists in relation to the plugs and findings raised very serious questions about the potential for catastrophic hydro-fracturing and hydro-jacking at the plugs under full water heads and cannot be ignored by simply dismissing unsatisfactory results and speculating on expected good performance without rigorous analysis. It is submitted that the findings raises serious questions on the effectiveness of the grouting done for the South Deep plugs and leakage pathways that would be exploited under the much higher pressures of a full head.

4.63 Furthermore, the second I&AP submits that Golder's Report presents the Factor of Safety for various failure mechanisms associated with the design and construction of the plugs and barrier pillar and concludes that when comparing the factors of safety of certain failure mechanism against industry norms, the factors of safety in some instances are lower than what is required. In this regard, it is submitted that the appellant is legally obliged to continue pumping underground water considering the safety risk to its employees, to the extent that the DMR required DWS to provide comments after the submission of final BAR. The second I&AP reiterates that the failure to have obtained written comments from DWS after submission of the final BAR has no bearing on the ultimate decision which is based on justifiable reasons which are not impacted upon by virtue of the fact that DWS did not furnish written comments after the submission of the final BAR.

4.64 In evaluating the grounds of appeal by the appellant and responses thereto by the DMR, first and second I&APs, I take note that the essence of the appeal relates to the decision of the DMR to refuse an EA on the reasons set out in the refusal letter dated 30 April 2018. Due to the nature of this appeal decision, I do not deems it necessary to deliberate into the individual grounds of appeal as well as responses thereto.

4.65 I take note of the submission by the DMR that it could not make a decision on the application for EA without comments from the DWS. In this regard, the DMR submits that the proposed project should not be given a positive EA until such time that compliance with aspects such as health and safety which needs to be confirmed by IOM and also compliance with water aspect as required in terms of NWA are confirmed by DWS. The DMR goes on to argue that this is considered an integrated application which touches on both the mandate of the DMR and DWS as there is an IWUL issued by DWS and the same specialist studies would have been used for an application to amend IWUL. The DMR contends that the decision to cease pumping of water from underground mine workings lies with DWS as they have authorised such activity and the appellant is fully aware.

4.66 The information before me indicates that final BAR, EMPr and Closure Plan were submitted to the DMR on 12 October 2017 for decision making purposes. The information before me further indicates that comments from DWS and IOM were not available at the time of submitting the final BAR to the DMR. In this regard, I am advised by the DMR that comments from DWS and IOM were submitted after 12 October 2017 and therefore, same could not be considered when making a decision on the application for EA. In this regard, I take note of In this regard, I take note of regulation 3(4) of the 2014 EIA Regulations, which provides that "*When a State department is requested to comment in terms of these Regulations, such State department must submit its comments in writing within 30 days from the date on which it was requested to submit comments and if such State department fails to submit comments within such 30 days, it will be regarded that such State department has no comments*". In light thereof, I cannot find that the DMR erred reaching a decision on the application for EA without considering the comments from DWS and IOM since these comments were received outside the timeframes prescribed by regulation 3(4).

4.67 I am however of the view that such comments are crucial in making a decision in this application as this activity is directly linked to closure as per requirements of section 43 of the MPRDA and activities related to WUL application. My emphasis is that, without the aforementioned stakeholders comments, the DMR could not conclude if the proposed project would not results in environmental pollution and degradation.

4.68 I must stress that the appeal under section 43 of NEMA is a wide appeal involving a determination *de novo* where the decision in question is subjected to reconsideration on new or additional facts or information. It encompasses a complete re-hearing of and fresh determination on the merits of the matter with or without additional evidence or information. This implies that, when determining the appeal, I may have regard to all information relevant to the appeal, including information or evidence that only emerged after the decision of the DMR to refuse an EA to the appellant.

4.69 I take note of the comments referred to in paragraph 3.1.7 and 3.1.8 above, which were submitted by the DMR during the appeal process. I have perused the comments from DWS and noted that DWS does not support the cessation of pumping of the Ezulwini Mine based on the reasons set out in paragraph 1.1 to 1.13 thereof.

4.70 Furthermore, I take note of the comments by IOM that it has no objection Ezulwini Mining Company (Pty) Ltd to cede its pumping operations and associated decommissioning of the underground workings thereof, provided that it is presented with the Final BAR and EMPr. The IOM further states that all the affected stakeholders including Gold Fields and South Deep Gold Mine have to be consulted and give consent in writing thereto.

4.71 Due to the nature of the comments from DWS and IOM, I am of the view that it would be procedurally unfair and/or irregular to make a decision on the appeal without affording the appellant and registered I&APs an opportunity to respond or comment accordingly. This will lead to a miscarriage of justice. In this regard, I am guided by the decision of the Supreme Court of Appeal in *Cooper v First National Bank of SA Ltd 2001 3 SA 705 (SCA)*, which deals with the *audi alterem* principle. In this case, Marais JA held that the decision will be vitiated if the failure to afford the opportunity amounted to a failure of justice in the circumstances of a particular case in the sense that an opportunity to say something which could conceivably have brought a different result was denied.

4.72 It is against this background that I have decided uphold the appeal by the appellant and set aside the decision of the DMR to refuse an EA. The matter is remitted back to the DMR for further consultation and reconsideration.

4.73 Furthermore, the DMR must submit the comments referred to in paragraph 3.1.7 and 3.1.8 above to the appellant as well as registered I&APs for comments.

4.74 I have taken note of the contention by the DMR that the CGS was, through the Government Task Team (GTT) on Mine Water Management, requested to review the risks associated with re-watering of the mine workings including risks of seismicity and all documentations were provided to them. It is the DMR's submission that although no formal comments were received from the CGS, it is important to note that the GTT was privy to the submissions and presentation made by the appellant, however, the GTT also could not support the application. In this regard, I am of the view that it is crucial for the DMR to obtain comments from CGS in respect of the risks associated with the re-water of the mine workings.

4.75 I must mention that I have noted with concern the submission by the DMR that there won't be any financial provision to retain by the Minister for pumping of polluted or extraneous water should a need arise as the current financial provision does not cover for such. I am aware of section 24R (1), which provides that "*Every holder, holder of an old order right and owner of works remain responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of polluted or extraneous water, the management and sustainable closure thereof notwithstanding the issuing of a closure certificate by the Minister responsible for mineral resources in terms of the Mineral and Petroleum Resources Development Act, 2002, to the holder or owner concerned*".

4.76 Subsection (2) provides that "*When the Minister responsible for mineral resources issues a closure certificate, he or she must return such portion of the financial provision contemplated in section 24P as the Minister may deem appropriate to the holder concerned, but may retain a portion of such financial provision referred to in subsection (1) for any latent, residual or any other environmental impact, including the pumping of polluted or extraneous water, for a prescribed period after issuing a closure certificate*". In light thereof, I am of the view that the appellant should also address the issue of financial provision for any environmental liability, pollution or ecological degradation, the pumping and treatment of polluted or extraneous water, the management and sustainable closure thereof.

4.77 Any comments received from the appellant and I&APs must be incorporated into the final BAR to be submitted to the DMR for reconsideration prior to making a decision on the application for EA. In this regard, the timeframes prescribed by the 2014 EIA Regulations in respect of PPP and decision making must be adhere to.

MS N P MOKONYANE, MP
MINISTER OF ENVIRONMENTAL AFFAIRS
DATE: 06/03/2019