



Jones & Wagener

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The Acting Regional Manager
Mineral Development – Gauteng Region
Department of Mineral Resources
Private Bag X5
Braamfontein
2017

3 May, 2017

Our Ref: **F925**
Your Ref:

F925_LET_Rev1_gm_MvZ_CW_ReviewExtension_20170
503

Attention: Ms Mashudu Maduka

Dear Madam

REQUEST FOR EXTENSION OF PUBLIC REVIEW PERIOD ON CONSULTATION BAR: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CESSATION OF PUMPING AND ASSOCIATED CLOSURE OF THE UNDERGROUND WORKINGS OF SIBANYE'S EZULWINI COOKE 4 SHAFT

We refer to the Consultation BAR in the abovementioned application which was submitted to your Department on 31 March 2017 and circulated to I&APs for comment from 3 April 2017 to 7 May 2017.

South Deep Gold Mine (South Deep), an adjacent landowner and Interested and Affected Party (I&AP) in the Basic Assessment Environmental Authorisation application process for the proposed cessation of pumping and associated closure of the underground workings of Sibanye Gold Limited's (Sibanye) Ezulwini operations (Cooke 4 Shaft), has requested the extension of the public review period of the Consultation documentation (Consultation Basic Assessment Report, Draft Environmental Management Programme amendment and Draft Closure Plan) for the project. Please refer to **Appendix A** for a copy of the South Deep request letter, dated 24 April 2017.

South Deep has listed the complexity and scope of the closure application documents, as well as the need for South Deep to deliberate on technical alternatives regarding the plug and pillar stability issues, as the reasons for requesting an extension. Due to the reasons listed by South Deep, they have requested an extension of a further 30 days to the public review period (i.e. until 7 June 2017). In the interests of ensuring that I&APs are afforded a reasonable opportunity to comment, Jones & Wagener (Pty) Ltd (J&W), as the independent EAP, is willing to agree to an extension of the comment period. However, J&W is of the view that an extension of a further 14 (fourteen) days; i.e. until 21 May 2017 would constitute a reasonable extension of the comment period in the circumstances, rather than an extension of 30 days as requested by South Deep. An extension of the comment period for a further period of 14 days is proposed in light of the following circumstances:

1. Meetings were held between Sibanye and South Deep on 17 October 2016 and 21 November 2016, specifically pertaining to the proposed cessation of pumping at Sibanye Gold's Ezulwini operations. South Deep were formally notified of the proposed

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application by means of a Background Information Document on 23 November 2016, when the process commenced.

2. J&W, on request from South Deep, made the Draft Geotechnical Review Report and Draft Geohydrological Study available to South Deep prior to the public review period. These reports were provided to South Deep (on 1 March 2017 and 2 March 2017 respectively) for initial comment and review more than 30 days prior to other I&APs having access to these reports. These are the specialist reports that are of principal relevance to South Deep and therefore it is submitted that they have already had a reasonable opportunity to comment.
3. A number of options or alternatives have been modelled in the Geohydrological Study (which forms Appendix C.2 of the Consultation Basic Assessment Report) for termination or partial termination of the pumping of water from underground. However, the only feasible option is to terminate pumping completely, unless a third party is prepared to take over pumping and no such party has come forward with a viable plan to do so. The motivation for the alternatives is included in Section 3g of the Consultation Basic Assessment Report.
4. The plugs were installed by Placer Dome Western Areas Joint Venture in order to protect the South Deep mine from the proposed cessation of pumping operations in 2005. The history of the mines is detailed in Section 3d and historical documents referring to the plugs are included in Appendix B.1 of the Consultation Basic Assessment Report. South Deep, as part of the Placer Dome Western Areas Joint Venture, was therefore already in possession of detailed information on its plugs prior to Sibanye's announcement of their proposed re-watering of the Ezulwini Shaft in 2016.
5. The public review period has already been extended as required by Regulation 3(5) of GN R982 to provide for the public holidays which occurred during the comment period.

These points indicate that South Deep have had sufficient time and information to deliberate over technical alternatives and to prepare the Due Diligence Investigation they refer to in their correspondence of 24 April 2017. Such a Due Diligence Investigation is not a legal requirement and forms part of South Deep's own internal management processes and should not be allowed to compromise Sibanye's compliance with its statutorily required processes.

J&W therefore requests that the DMR confirms that it may extend the public comment period on the Consultation Basic Assessment Report for a 14 day period until 21 May 2017 and still remain in compliance with the procedural requirements of GN R982.

Should we not hear from you by 7 May 2017 then we will assume that the DMR, as the competent authority, is in agreement with the extension of the public comment period on the Consultation Basic Assessment Report for a 14 day period and all registered I&APs will be notified of the extension on 7 May 2017.

Please do not hesitate to contact Marius van Zyl (Tel: 082 880 1250; Email: vanzyl@jaws.co.za) or Gina Martin (Tel: 072 997 8935; Email: gina@jaws.co.za) should you require any further information in this regard.

Yours faithfully,



Marius van Zyl Pr Sci Nat 400171/87
for Jones & Wagener



Gina Martin

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APPENDIX A:
South Deep Request (24 April 2017)



GOLD FIELDS

**SOUTH DEEP GOLD MINE
(South Deep Joint Venture)***

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Monday, 24 April 2017

Jones & Wagener Engineering & Environmental Consultants
C/o Ms. Anelle Lotter

By e-mail: anelle@jaws.co.za

Dear Ms. Lotter,

**REGULATION 3 REQUEST FOR EXTENSION:
INTEGRATED ENVIRONMENTAL AUTHORISATION APPLICATION PROCESS FOR THE
PROPOSED CLOSURE OF UNDERGROUND WORKINGS OF EZULWINI OPERATIONS OF
SIBANYE GOLD**

- 1 We refer to the Integrated Environmental Authorisation Application Process for the proposed cessation of pumping and associated closure of the underground workings of the Ezulwini operations of Sibanye Gold, which commenced on 4 April 2017 ("the Process").
- 2 South Deep Gold Mine (an unincorporated joint venture between GFI Joint Venture Holdings (Pty) Limited and Gold Fields Operations Limited) ("South Deep") and as holder of a converted mining right (GP/220MR) adjacent to the Ezulwini operations of Sibanye Gold has registered as an Interested and Affected Party in the Process, and has commenced with perusal of the Process draft documentation uploaded by Jones and Wagner to its website on 3 April 2017.
- 3 The 30 day commenting period referred to in section 19(1)(a) of the National Environmental Management Act Regulation 982 ("NEMA Regs") is not peremptory and is merely a prescribed *minimum* period. Given the complexities of the matter, South Deep does not believe that adherence to a minimum period is appropriate. South Deep accordingly wishes to request that the public consultation timeframe be extended by a further 30 days, as is within

* South Deep Joint Venture is an unincorporated joint venture between GFI Joint Venture Holdings Proprietary Limited (Reg. No. 1998/023354/07) and South Deep Operations Limited (Reg. No. 1959/003209/06), both wholly-owned subsidiaries of Newshelf 899 Proprietary Limited (Reg. No. 2007/019941/07) a subsidiary of South Deep Limited (Reg. No. 1968/004880/06).

South Deep Operations Limited Directors: N J Holland[†] (Chairman), N A Chohan, N J Muller, L N Samuel
GFI Joint Venture Holdings Proprietary Limited Directors: N J Holland[†] (Chairman), N A Chohan, N J Muller, L N Samuel
[†]British

the discretion of the applicant. To be specific, South Deep wishes closing for public consultation to be extended from 7 May 2017 until 7 June 2017.

4 The exceptional circumstances which South Deep wishes to motivate for such a request include –

4.1 South Deep and its advisors have commenced perusing and commenting on the documents. However the complexity and involve of material to be reviewed makes it extremely difficult for detailed comments to be provided by 7 May 2017. This is exacerbated by various other documentation which has been made available by Jones & Wagener to South Deep and its advisors for purposes of the due diligence exercise in relation to the closure of the Ezulweni operations. In fact, as far as closure applications go South Deep is of the view that the range, complexity and scope of relevant factors are among the more complex that may be encountered in closure applications and a 30 day comment period will simply not suffice. South Deep's advisors need to prepare a report which South Deep needs to consider and vet in order for it to provide final comments;

4.2 as you are aware, the plug and pillar stability issues in relation to the closure have given rise to the possibility of high level technical alternatives which have arisen during the pre-BAR evaluation period. From our preliminary reading of the consultation BAR these alternatives have not been considered by you. In order to add real value to the process, these alternatives cannot be speculative on the part of South Deep and accordingly need to be subjected to diligent internal deliberation by South Deep before submission to you, to inform the process in a constructive fashion. This takes time and requires a time frame extension beyond the initial 30 day period.

5 We look forward to receiving your response to the above as a matter of urgency.

Yours faithfully,



ADRIAAN DE BEER
EXECUTIVE VICE-PRESIDENT: SOUTH AFRICA