



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name: Ezulwini Mining Company (Pty) Ltd

Address: Libanon Business Park
1 Hospital Street
Libanon
Westonaria

Phone: Grant Stuart (011 278 9600)
Catherine Warburton (011 447 6848)

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Email: Grant Stuart (Grant.Stuart@sibanvestillwater.com)
Catherine Warburton (catherine@warburtons.co.za)

Project Information

Project name: Decommissioning of the underground mine workings and associated cessation of pumping operations at Ezulwini Mine

Authorisation register number as on environmental authorisation: DMR Reference: GP 30/5/1/2/2 (38) MR

Authorisation date as on environmental authorisation: 30 April 2018

IMPORTANT! Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*
- *The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not*

as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.

- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

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1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
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If on behalf of a community or organisation, please provide proof of mandate to do so.

This appeal is being submitted by Warburton Attorneys on behalf of the Appellant, Ezulwini Mining Company (Pty) Ltd. Warburton Attorneys is the Appellant's duly appointed legal representative in this matter which appointment was made by Mr Grant Stuart who was duly authorised and empowered to make such appointment in terms of a Power of Attorney granted to him. A copy of the Power of Attorney is attached hereto as Annexure 1.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
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Please provide reasons:

The appeal is against the decision of the Regional Manager of the Department of Mineral Resources (DMR) to not grant an environmental authorisation for the decommissioning of the underground mine workings and associated cessation of pumping operations at Ezulwini Mine.

3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

<input checked="" type="radio"/> Yes	<input type="radio"/> No
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Please provide reasons:

While the basis for the appeal is more fully set out in the Appellant's appeal document attached hereto, in summary, this appeal is based, inter alia, on facts and information that was not taken into account by the Regional Manager of the DMR when reaching the decision to refuse to grant the Appellant an environmental authorisation for the decommissioning of the underground mine workings and associated cessation of pumping operations at Ezulwini Mine.

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

<input type="radio"/> Yes	<input type="radio"/> No
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Please provide reasons:

Not applicable as this appeal is lodged by the applicant against a negative decision by the Regional Manager of the DMR. Please refer to the attached appeal document for further information in this regard.

5. Are you fundamentally opposed to any development activity on the site?

<input type="radio"/> Yes	<input type="radio"/> No
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Please provide reasons:

Not applicable as this appeal is lodged by the applicant against a negative decision by the Regional Manager of the DMR. Please refer to the attached appeal document for further information in this regard.

6. Do you have an objection in principle against the development?

Yes	No
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Please provide reasons:

Not applicable, please refer to the attached appeal document for further information in this regard.

7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

<input checked="" type="radio"/> Yes	<input type="radio"/> No
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If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.

Limited new information has been included in this appeal. Certain of the new information which has been included, was made available after the submission of the Final Basic Assessment Report to the Regional Manager of the DMR and relates to certain activities undertaken by the environmental consultant after the submission of such report. Such activities and information include those which have a particular bearing on the grounds of appeal in relation to Reason 3.6 in the attached appeal document. In addition, certain information has been included to prove the continued existence of the Far West Rand Dolomitic Water Association, the existence of which was brought into question by the Regional Manager in Reason 3.7.

8. DECLARATION:

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

A handwritten signature in black ink, appearing to read "A. Subramanian", is written over a horizontal line.

ON BEHALF OF THE APPELLANT

DATE: 21 May 2018

POWER OF ATTORNEY

We, the undersigned, Wayne Robinson, Executive Director and Cain Farrel, Company Secretary of Ezulwini Mining Company Proprietary Limited ("the Company") Registration number 2004/028640/07, and duly authorised in terms of the attached resolution taken by the said company do hereby, for and on behalf of the Company authorise and empower, Mr Grant Michael Stuart, in his capacity as Senior Vice President: Environment to submit and sign the relevant documents which may be necessary to give effect to the application to the Regional Manager: Gauteng of the Department of Mineral Resources to make a decision on the Basic Assessment Report. To appoint Warburton Attorneys Inc to represent the Company in the aforesaid and in general to do everything necessary to give effect to the said purposes; and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever the said attorney and agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at Vestonaria on this 13th day of April 2018 in the presence of the undersigned witnesses:

SIGNED:

WITNESSES:



Wayne Robinson
(Executive Director)

1.





Cain Farrel
(Company Secretary)

2.



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EZULWINI MINING COMPANY PROPRIETARY LIMITED
(Registration number 2004/028640/07)
("The Company")

CERTIFIED COPY OF THE RESOLUTION OF DIRECTORS PASSED ON 10 NOVEMBER 2018

SIGNATURE OF DOCUMENTS ON BEHALF OF THE COMPANY

RESOLVED:

- (i) that all powers of attorney, guarantees, bonds, deeds, contracts, general banking facility arrangements and other documents be signed on behalf of the Company by any one Director of the Company for the time being and by the Company Secretary; and
- (ii) that the Company Secretary for the time being be hereby authorized to certify extracts from minutes of meetings of Directors, of Committees of the Board, or of the Members of the Company, and to certify copies of written resolutions or extracts therefrom of the Directors, or of the Committees of the Board or of Members.

Certified a true copy



Cain Farrell
Company Secretary
13 April 2018

