



rural development
& land reform

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

MPUMALANGA PROVINCIAL SHARED SERVICE CENTRE
Private Bag X 11305, Nelspruit 1200 - Tel (013) 755 3499 Fax (013) 755 3529

REFERENCE: ET4/2/2/35
ENQUIRIES: M de Kock

Digby Wells & Associates (Pty) Ltd
P/B X 10046
Randburg
2195

Attention: Mr. J Hayes

Dear Sir

PROPOSED EVEREST NORTH PLATINUM MINE TO BE LOCATED ON PORTIONS 3 AND 7 OF THE FARM VYGENHOEK 10 JT, THABA CHWEU LOCAL MUNICIPALITY, MPUMALANGA.

Receipt of your letter dated 5 October 2011, addressed to the Acting Director-General is herewith acknowledged.

Please note that your letter was referred to the Mpumalanga Provincial Shared Service Centre (SSC) for a response.

The environmental process to be conducted is noted, and the following is brought to your attention:

The properties in question were acquired by the Regional Land Claims Commission (RLCC) for Restitution purposes, and are therefore under the custodianship of this Department. The Commission has completed the investigation, but the report still needs to be presented to all affected parties. Therefore, the State is currently representing the interest of the claimants, and it is not needed to involve the claimants at this stage.

In the light of this, you are requested to keep the SSC and RLCC up to date regarding your progress in this matter.

Hope you find this in order.

Yours faithfully

1 **ACTING CHIEF DIRECTOR: MPUMALANGA**
DATE: 3/11/2011

Mr K Mphake
Digby Wells Environmental
Private Bag X10046
RANDBURG
2125

Date:
15 November 2011

Enquiries:
Annelien Pretorius
Tel: 012 421 3046
Fax: 012 421 4793
Email: PretoANN@eskom.co.za

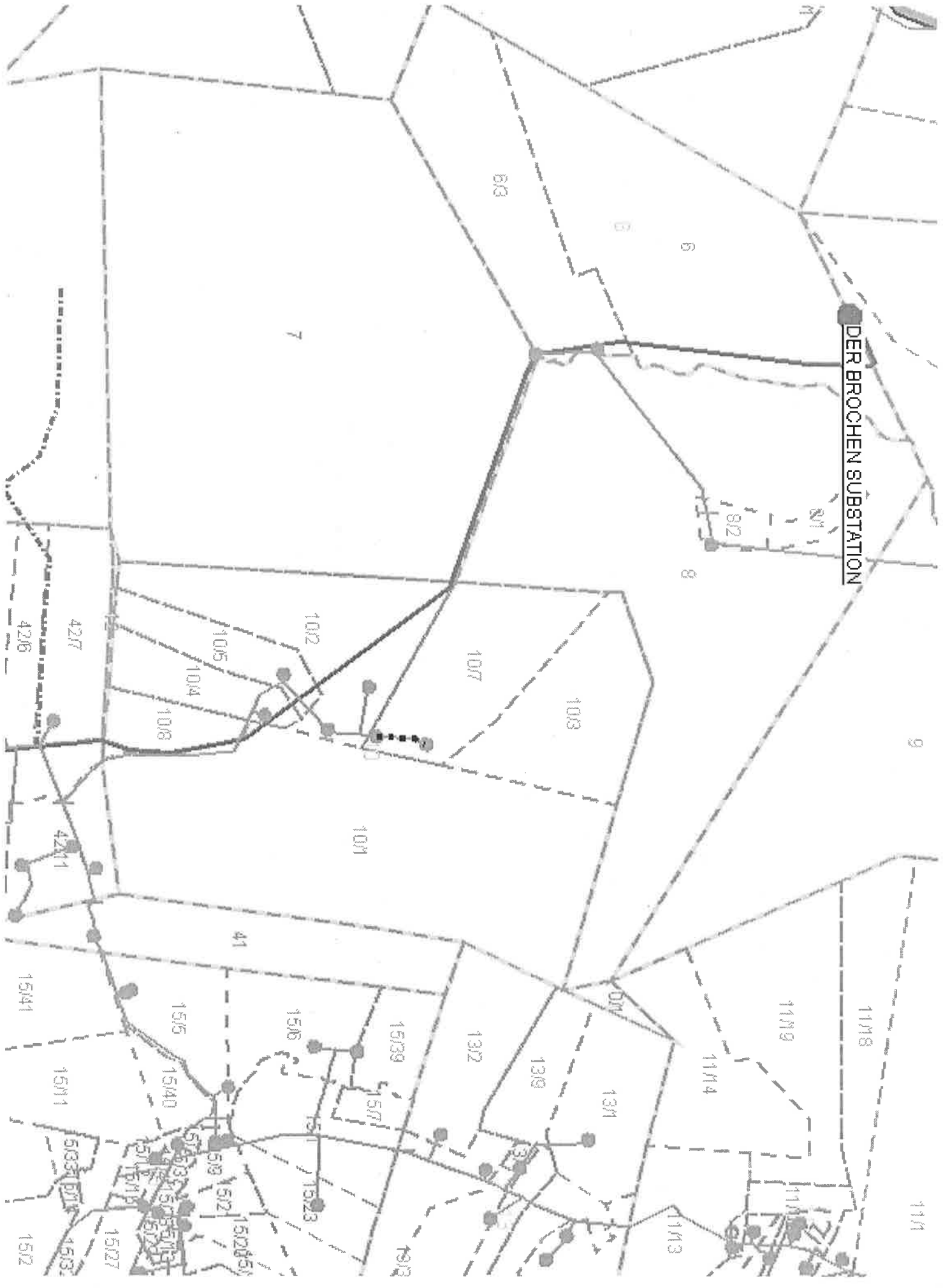
Dear Mr Mphake

EIA PROCESS FOR THE MINING RIGHT APPLICATION FOR PORTIONS 3 AND 7 OF THE FARM VYGENHOEK 10-JT
Eskom Ref: SO/18812 **Your Ref: MDEDET REF No: 17/2/3/E-100**

This application affects the existing Eskom Distribution Lydenburg – Rooikrans 22kV and Sub Transmission, Der Brochen – Steenberg 132kV powerlines, which traverses the above farm and the proposed mining area.

Eskom Distribution has in principle no objection to the above mentioned application provided the following conditions are adhered to and accepted in writing:-

1. There is a 9 metres and 15,5 metres building and tree restriction either side of the centre lines of the 22kV and 132kV powerlines respectively, which must be adhered to in all future development and or construction. No construction work may be executed closer than 9 and 15,5 metres from any of Eskom's structures and or supporting mechanisms or other than those which were agreed upon on site between the authorised representatives of Eskom and the applicant; Sylvania Platinum Ltd (Pty).
2. Eskom should receive an application for undermining and construction near their services from Sylvania Platinum Ltd (pty), upon which this office will then comment accordingly.
3. All work within Eskom's servitude areas will have to comply with the relevant Eskom earthing standards at the time of construction.
4. All work within Eskom Distribution reserve area and servitudes must be done in accordance with the requirements of the *Occupational Health and Safety Act No.85 of 1993 as amended*. Special attention must be given to the clearances between Eskom's conductors, structures, cables and electrical apparatus and the proposed work as stipulated by *Regulation R15 of the Electrical Installations Regulations* of the aforementioned Act or any other legal requirements.
5. Eskom can't guarantee the exact position of the underground electrical cables and therefore the applicant's site representatives must expose the cables by hand, in order to establish their location.





MDEDET: REF NO: 17/2//3/E-100

Van Niekerk, Jacques (Tubatse)

to:

'kabelo@digbywells.com'

2011/11/04 11:39 AM

Hide Details

From: "Van Niekerk, Jacques (Tubatse)" <Jacques.VanNiekerk@samancorCr.com>

To: "'kabelo@digbywells.com'" <kabelo@digbywells.com>

History: This message has been replied to.

6 Attachments



image001.jpg image002.jpg image003.jpg image004.jpg image005.jpg image006.jpg

Hi Kabelo,

Could you please register me as an I&A party for the proposed Everest North Platinum Mine Ref No: 17/2/3/E-100. See my contact details below on email signature.

Jacques Van Niekerk

SHEQ Specialist (Environment)

TUBATSE CHROME (PTY) LTD

samancor^{CR}

+27 13 230 8228 | +27 13 230 8360 | +27 82 327 4308 | Jacques.VanNiekerk@samancorCr.com

goGreen - Please consider the environment before printing this E-Mail

This message and any attachments may be confidential and may also be privileged or otherwise protected from disclosure. They are sent for the attention of the named addressee(s) only. If you are not the named addressee(s) please notify the sender immediately and destroy this message. In this case, you should not copy or distribute this message or attachments, use it for any purpose or disclose its contents to any other person. Opinions, conclusions and other information in this message that do not relate to the official business of my firm/company shall be understood as neither given nor endorsed by it.



Fw: affected party
Cheryl Kennard to: Kabelo Mphake

2011/11/29 10:31 AM

Hi Kabelo,

please help

Thanks Liza

----- Forwarded by Cheryl Kennard/dwa.co.za on 2011/11/29 10:30 AM -----

From: selina <selinamosotho@gmail.com>
To: info@digbywells.co.za
Date: 2011/11/28 05:17 PM
Subject: affected party

You received a message from selina<selinamosotho@gmail.com> by GMapFP component on www.digbywells.com

THE FARMERS EXECUTIVE TOGETHER WITH THE SGB EXECUTIVE FROM VYGENHOEK FARM BY MEANS OF YOU MINING AT THE COMMUNITY, HOW IS THE PEOPLE FROM THE COUMMINITY GOING TO PROFIT IN THE LONG RUN IN TERMS OF JOB CREATION AND DEVELOPMENT AND. INFRASTRUCTURE...THANK FOR TAKING THIS IN TO A CONSIDERATION.



TO: SYLVANIA RESOURCES LIMITED
YOUR REF: MR TERRY McCONNACHIE
CEO
CC: AQUARIUS PLATINUM (SOUTH AFRICA) (PROPRIETARY) LIMITED
TO: MR STUART MURRAY
CEO
TO: DIGBY WELLS & ASSOCIATES
YOUR REF: MR GRAHAM TRUSLER
CEO
CC: DEPARTMENT OF MINERAL RESOURCES
MR AUBREY TSHIVHADEKANO
REGIONAL MANAGER (MPUMALANGA)
OUR REF: MR L POSWA
CC: MR ALAN SENDZUL Fxinvest@andorra.ad
MR SAMUEL CHOMA samserokochoma@gmail.com
MR STEVE MAKO steve.mako@webmail.co.za
DATE: 08 FEBRUARY 2012
PER FAX: 011 673-0365
And
011 802-0990
And
011 789-9498
And
013 690-3288

RE: PUBLIC INFORMATION SHARING MEETING
VYGENHOEK 10JT –EVEREST NORTH PROJECT.

Dear Sirs,

We confirm that we act on behalf of the Pakaneng Choma Community (the "Community") and Mr Mokomotwane Simon Choma, in his capacity as the designated leader of the Community and the Claimant Applicant ("our Client") and we write this letter to you on the instructions of our Client.

Our Client wishes to state their *bona fides* intention and willingness to participate in an Interested and Affected ("I&AP") Consultation for Vygenhoek 10 JT and the ensuing public information sharing meeting

We have been instructed by our Client to request for a postponement of the proposed public information sharing meeting scheduled for 11th February 2012 as a result of non-receipt of documentation underlying the EIA and other key background documents which have been requested previously.

We have been further instructed by our Clients that there have been two informal meetings held which meetings purported to be consultations as envisaged in the applicable legislation and that to this end, our Client will in future, require consultations to be held with their legal representatives present thereat. As such, our Client will require sufficient time to organise that we be present for those consultations and will communicate a more suitable date for the consultation to take place.

We are instructed that our Client has through its own efforts managed to obtain parts of a draft scoping report compiled by Digby Wells and Associates (Pty) Ltd. ("Digby Wells") in November 2011. The latter report was required to be posted to Client, which we are instructed has not happened.

2nd Floor Norfolk House | Sandton Close 2 | Cnr 5th St & Norwich Close | Sandton | t: +27 11 763 8877 | f: +27 11 763 3354 | Postnet: Suite 128 | P/Bag X9 | Benmore 2010
e: info@poswainc.co.za | www.poswainc.co.za
Docax 32 Sandton Square

Directors: L. Poswa BA (LAW), LL.B, LL.M (UNJ), LL.M (UCL-LONDON); N. Gagjee, LL.B. (University of Pretoria)
Poswa Incorporated Reg no. 2009/020829/21

We have been further requested by our Clients to communicate the appropriate line of communication with regard to this matter. You are requested to send all correspondence directly via ourselves and to copy Mr Alan Sendzul Fxinvest@andorra.ad 2) Mr Steve Mako s.mako@webmail.co.za, and 3) Mr Sam Choma samserokochoma@gmail.com on all such communication.

Our Client has pointed out that it has identified numerous factual inaccuracies throughout the draft scoping report which must be remedied by Digby Wells as a matter of urgency.

In respect of the above, key concerns over the envisaged project remain:

- caution of the draft that subsequent transfer of surface rights to the Pakaneng will delay and restrict any future development on the project until negotiations between our Client and Sylvania have been completed;
- lack of evidence of a valid prospecting right;
- lack of servitude and access agreements and arrears to date;
- equity participation in the project;
- inability of Digby Wells to deal with technical and financial questions (in the absence of a Sylvania/Aquarius representative)
- sourcing of labour;
- lack of human resource development program;
- contribution towards socio-economic development of the area;
- envisaged impact of the mine on economic activities in local and sending communities;
- infrastructure and poverty eradication projects the mine plans to support;
- procurement progression plan;
- plan to avoid job losses and retrenchments;
- incorrect references to the Claimant Applicant's claim on the relevant portions of Vygenhoek 10JT;
- Third party transcripts from Land Claims officials inserted without our Client's validation.

Kindly revert to us as a matter of urgency confirming receipt of this communication and let us have your views on the postponement of the information sharing meeting.

Yours Faithfully,



Luyolo Poswa

Director

Poswa Incorporated



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MPUMALANGA

Private Bag x11259, Nelspruit, 1200. Prorom Building, Cnr Brown & Paul Kruger Street

Enq: Ms Marcia Malapane

Tel: 013 – 235 4206

Email: Malapanem@dwa.gov.za

Fax: 013 – 235 4745

☒ 16/2/7/B400/C926

Digby Wells Environmental

Private Bag X 10046

RANDBURG

2125

Your Ref: MDEDET 17/2/3/E-100

Attention: Kabelo Mphake

DRAFT SCOPING REPORT FOR THE PROPOSED EVEREST NORTH MINING PROJECT CONDUCTED BY SYLVANIA PLATINUM LTD (PTY)

Reference is made to the above-mentioned report.

The Applicant is requested to address the following issues of concern prior to any recommendations by the Department of Water Affairs (DWA):

1. The Applicant shall conduct a preliminary legal assessment to identify all the water use activities associated with this prospecting operation that will require authorisation by the DWA and shall note that in terms of section 22(1) of the National Water Act, 1998 (Act No. 36 of 1998), "a person may only use water-
 - (a) *without a licence-*
 - I. *If that water use is permissible under Schedule 1;*
 - II. *If that water use is permissible as a continuation of an existing lawful use (section 32); or*
 - III. *If that water use is permissible in terms of general authorisation issued under section 39;*
 - (b) *if the water use is authorised by a licence under this Act; or*
 - (c) *if the responsible authority has dispensed with a licence requirement under subsection (3)".*
2. Therefore any other water use related activities associated with this project that are not permissible as indicated on paragraph 1 above shall have to be authorized by the DWA prior to such water use activities taking place.
3. A pre-application consultation meeting with the DWA is also essential to guide on the water use authorisation requirements and water use identification relevant to the proposed mining activity.

4. **Page 15, section 3.4.3 use of waste rock for backfilling and rehabilitation**, Exemptions from complying Regulations of Government Notice 704 of 4 04 June 1999(GN 704):Please note that an application for exemption from complying with the requirements of GN 704 should be accompanied by amongst other things:
 - Motivation and reason for exemption;
 - Alternative proposal to the specific requirements of GN 704
 - Impact Assessment of Alternative proposal;
 - Management Plan associated with alternative proposal; and
 - Proposed performance assessment and monitoring techniques.
5. **Stormwater Management:** Adequate Stormwater management must be practiced to ensure that contaminants are not introduced into water resources during the developmental and operational phases of the proposed mining project. Please kindly refer to the DWA Best Practice Guideline G1: Stormwater Management for guidance in this regard.
6. **Use of Dirty Water Storage Dams, Tailings Dam, Waste Rock Dumps or any Waste Water Dam Infrastructures:** The Applicant shall note that in terms of section 21(g) of the National Water Act, 1998 (Act No. 36 of 1998), *"disposing of waste in a manner which may detrimentally impact on a water resource"*, is a water use activity that requires authorisation by the DWA unless if the use is permissible as outlined on paragraph 1 above.
7. **Dewatering and use of underground water**, The Applicant shall note that in terms of section 21(j) *" removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people "* and 21(a) *"taking water from a water resource,"* of the National Water Act, 1998 (Act No. 36 of 1998), are water use activities that requires authorisation by the DWA unless if the use is permissible as outlined on paragraph 1 above.
8. **Page 16, Section 3.4.8, Source of water for the project:** use of water from boreholes and underground it's a water use activity which have to be registered and authorised before commencement: The Applicant shall note that in terms of section 21(a) of the National Water Act, 1998 (Act No. 36 of 1998), *"taking water from a water resource"*, is a water use activity that requires authorisation by the DWA unless if the use is permissible as outlined on paragraph 1 above.
9. **Page 16, Section 3.4.8**, the applicant shall submit a signed copy of service agreement if water will be sourced from the Lebalelo Scheme and the De Hoop dam.
10. **Location of the project:** The Applicant shall note that in terms of regulation 4 of the Government Notice 704 of 04 June 1999: Restrictions on locality, *"No person in control of a mine or activity may-(b) except in relation to a matter contemplated in regulation 10, carry on any underground or opencast mining, prospecting or any other operation or activity under or within the 1:50 year flood-line or within a horizontal distance of 100 metres from any watercourse or estuary, whichever is the greatest"*. Therefore the Applicant shall demonstrate compliance with the stated regulation before commissioning of the prospecting operation.

11. **Sewage Treatment Plants**, The applicant shall provide information in terms of the type of the sewage treatment plant and the management of final effluent thereof. The applicant shall further note that the use of Septic Tank and French Drains requires authorisation by DWA in terms of section 21(g) of the National Water Act, 1998 (Act No. 36 of 1998), "*disposing of waste in a manner which may detrimentally impact on a water resource*", unless if the use is permissible as outlined on paragraph 1 above. Furthermore the discharge of sewage effluent into water resources will require authorisation by DWA in terms of section 21(f) of the National Water Act, 1998 (Act No.36 of 1998).The applicant is also advice to consider re-using of treated effluent back to the process as an option to reduce intake of raw water from boreholes and as part of best environmental management option..
12. **Land Claims**, the Applicant shall note that if there is any land claim issues regarding the mining project, a signed surface lease agreement with the land claimants must be submitted to DWA to proof that there is a provision to use the land for mining purposes.
13. **Page 15, Section 3.4.8 General waste management:** The general waste generated on site during the prospecting operation shall be stored, handled and transported to a permitted waste disposal site in such a manner as not to cause any nuisance or secondary pollution. Furthermore, the hazardous waste shall be disposed off at waste disposal site permitted to handle such waste materials.
14. **Storage of oil, diesel, hydraulic fluids and grease:** Reasonable measures shall be taken to avoid the pollution of ground and surface water resources due to the storage and use of these fluids. It is recommended that the storage areas for these fluids be bunded with cement and in such a manner that any spillages can be contained and reclaimed without causing any pollution to the ground and surface water resources.
15. The applicant shall further note that in terms of section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), it is stated that "*An owner of land, a person in control of land or a person who occupies or uses the land on which- (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which causes, has caused or is likely to cause pollution of a water resource must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring*". Therefore any pollution incident(s) originating from the prospecting operation shall be reported to the DWA Regional Office within 24 hours.

16. **Please Note:** The Mine Manager must at all times adhere to the requirements of the regulations on the use of water for mining and related activities aimed at the protection of water resources as promulgated under the Government Notice No. 704 and published in Government Gazette No. 20119 of June 1999.

Please do not hesitate to contact the DWA Regional Office should you have any queries.

Yours faithfully


ACTING REGIONAL HEAD: MPUMALANGA

DATE : 24/21.2012



Fw: Choma and Vygenhoek 10JT
Johan Hayes to: Anelle Lotter, Kabelo Mphake

2012/02/10 11:07 AM

FYI

Johan Hayes Manager: Integrated Services (Pri.Sci.Nat) Tel : +27 11 789 9495 Fax : +27 11 789 9498 Cell : +27 82 859 1932 johan@digbywells.com	 DIGBY WELLS ENVIRONMENTAL www.digbywells.com
---	---

● Sustainability ● Service ● Professionalism ● Positive Change ● Future Focused ● Integrity

----- Forwarded by Johan Hayes/dwa.co.za on 2012/02/10 11:07 AM -----

From: "Anton de Vos" <anton@sylvania.co.za>
To: "'Fxinvest'" <fxinvest@andorra.ad>
Cc: <albert@sylvania.co.za>, "Johan Hayes" <johan@digbywells.com>
Date: 2012/02/10 10:31 AM
Subject: FW: Choma and Vygenhoek 10JT

Dear Alan

I suggest you refer your concerns regarding the contents of the draft scoping report to the authors of the report, Digby Wells & Associates.

As you are aware the scoping report forms the basis for the Environmental Impact Assessment (EIA) that will follow. The purpose of the scoping report is to list areas that will be researched during the EIA. If any interested and affected party feels that there are certain areas that should be included in the specialist studies that will be conducted during the EIA, this must be communicated to Digby Wells..

Due notice of tomorrow's meeting was given and it will therefore proceed as planned. You were advised telephonically that the period to comment on the draft scoping report, will be extended with thirty days to give interested and affected parties more time to submit their comments. After this extended period a follow up meeting can be held.

Regards

Anton de Vos

Sylvania South Africa (Pty) Ltd
Tel : 011 673 1171
Fax : 011 673 0365
Mobile : 082 371 5932
anton@sylvania.co.za

From: Fxinvest [mailto:fxinvest@andorra.ad]
Sent: 10 February 2012 12:35 AM

To: anton@sylvania.co.za

Subject: Choma and Vygenhoek 10JT

Anton,

I think with minimal effort and a scan through the well documented archives it would be fairly easy to establish that Choma and Vygenhoek 10JT are synonymous. This is not reflected in the draft scoping report and is the source of the problem currently being experienced.

I am strongly of the opinion that most of the effort has been directed at concealing and even attempting to downplay the historical evidence stretching back to the 18th and 19th century.

What we are saying is that more time is required for us to examine your project maps (only received today) and to verify the artefacts and graves we have logged on GPS and as such the meeting on Saturday is premature and needs to be postponed as matter of urgency.

We are also unclear as to why the Regional Office of the Land Claims Commission (George Mathedimosa in particular) is considered to be an I &AP.

6.4 The Choma village complex

A village complex belonging to the Choma clan occurs on Vygenhoek. The village is composed of a main residential area located in close proximity to the

Project Area and smaller outlier sites spread away from the cultural historical landscape is mainly concentrated to the Vygenhoek 10JT.

The remains associated with the village complex are scarce and primarily consist of homesteads, enclosures for domestic animals and features such as stone walls and stone piles which are characteristic of the Kuka Project. Area. One of the graveyards associated with the complex is established in an enclosure and at least two other possible graveyards are located within the confines of two homesteads (*malapa*). Graveyards are also located away from the Choma cultural landscape and therefore outside the Project Area. At least two of the (four) graveyards outside the complex have affinities with the royal lineage of the Choma people.

PAKANENG CHOMA COMMUNITY

KHUBETSWANE, VILLAGE, | RAMOGWERANE, 1908 | GROBLERSDAL 0470
TEL: 078 6225301



SCOPING STUDY PROCESS AND MINUTES OF MEETINGS.

2.03.2012

Attention:

Mr Anton de Vos (Sylvania Resources Limited) anton@sylvania.co.za

Mr Anton Lubbe (Aquarius Platinum South Africa Limited) anton.lubbe@aquariussa.co.za

Mr Johan Hayes (Digby Wells and Associates Limited) johan@digbywells.com

We write to you as the Pakaneng Choma Community, its Community Trust and on behalf of Mokomotwane Simon (MS) Choma, the leader of the Community and his son Samuel Choma.

The above Community it is still not in possession of the full information which Sylvania Platinum undertook to deliver prior to the convening of any meeting at Boschfontein school on 11th February.

Furthermore we have received "draft minutes" of these events which we do not seem to accurately reflect verbal exchanges. We therefore can not consent to these minutes being included in any report in their present form.

The situation as represented by a member of the Pakaneng who took notes on 11th February is as follows:

- (1) Mr Samuel Choma (incorrectly referred to in your document as Simon Choma junior) assembled a full representation at Boschfontein farm of all the sub communities under the Pakaneng Choma ambit.
- (2) The community members were assembled from the "Pakaneng Lands" which are seven contiguous farms in a circumference around the Heritage Site known as the Choma Village Complex on Vygenhoek 10 JT which is the seat of the Choma Clan.

- (3) The members numbered several thousand in total and spoke through their leader M S Choma and his son Mr Samuel Choma.
- (4) Mr Samuel Choma's opening statement was to the effect that the Communities did not regard this gathering as a duly constituted meeting as Sylvania had been previously requested to provide information on the following:
 - a. Copy of the Aquarius prospecting right (received the following week) and all renewals to date, including the prospecting works program conducted in 2007 by Sylvania, destruction permits issue by SAHRA. (not yet received)
 - b. Documentation (stakeholder database and EIA) relating to the consultation process carried out by Aquarius in 2006/7 for its prospecting right works programme. The Community maintains it has never been consulted in accordance with the MPRDA regarding such application.
 - c. Heritage study conducted for Aquarius in 2006 by ASAPA accredited archaeologist Dr JCC Pistorius on Vygenhoek 10JT which details highly important graves and Heritage sites and which should have been disclosed to the Pakaneng and SAHRA as materially important information in 2007.
 - d. Physical delivery of the Draft scoping report on Everest North.
- (5) To date the Community has never been presented with a hard copy of the draft scoping report and was therefore not in a state of preparedness on the 11th February to evaluate it let alone raise key and critical issues regarding proposed invasive mining on their ancestral lands.
- (6) This above fact was communicated to Digby Wells on the 31st of January at Khubetswane Village as well as Sylvania in the final week of January yet it insisted on forcing a meeting contrary to the spirit of the consultation process as envisaged by the MPRDA and despite acknowledgement by Sylvania that the 2006/7 Aquarius consultation was "flawed" and an undertaking that the process would be correctly handled this time around.
- (7) The point made by Samuel Choma regarding the destruction of graves in contravention of National Heritage Resources Act of 1999 (Act 25) during the drill programme has been known to Sylvania since 2008 and was to have have been dealt with prior to the meeting.
- (8) During the meeting, the health and safety officer was obliged to explain to the Community the procedure and reporting process for such an incident and what had been done. As this never occurred, we will be lodging through our attorneys a formal complaint in writing with SARHA .
- (9) We object to the validity of the Attendance Register of the 11th February on the basis that it appears not to have been compiled at the meeting locality and appears to have been randomly compiled to give the impression of a valid meeting.

We object to the inclusion of the words Public Participation Meeting being used for such meeting.

We object to inclusion of the Attendance Register for an alleged consultation at Khubetswane Village on January 31, again, with comments as there was in fact no attendance register and the participants were never informed that their discussions were to be included in the draft scoping report.

Such comments need to be detailed in a further meeting with advisors present as they cover technical issues such as;
migrant labour content of the project;
sourcing of labour;
human resource development;
comments made by land Affairs and Thaba Chweu Municipality as acting on behalf of the Pakaneng;
refusal to include the Pakaneng as participants in the Social and Labour Plan.

Yours Sincerely.

Alan Sendzul.

A handwritten signature in black ink, appearing to be the name 'Alan Sendzul' written in a stylized, cursive script.

Cc: Mr Samuel Choma
Mr M S Choma
Mr Steve Mako

Mr K Mphake
Digby Wells Environmental
Private Bag X10046
RANDBURG
2125

Date:
15 November 2011

Enquiries:
Annelien Pretorius
Tel: 012 421 3046
Fax: 012 421 4793
Email: PretoANN@eskom.co.za

Dear Mr Mphake

EIA PROCESS FOR THE MINING RIGHT APPLICATION FOR PORTIONS 3 AND 7 OF THE FARM VYGENHOEK 10-JT

Eskom Ref: SO/18812

Your Ref: MDEDET REF No: 17/2/3/E-100

This application affects the existing Eskom Distribution Lydenburg – Rooikrans 22kV and Sub Transmission, Der Brochen – Steenberg 132kV powerlines, which traverses the above farm and the proposed mining area.

Eskom Distribution has in principle no objection to the above mentioned application provided the following conditions are adhered to and accepted in writing:-

1. There is a 9 metres and 15,5 metres building and tree restriction either side of the centre lines of the 22kV and 132kV powerlines respectively, which must be adhered to in all future development and or construction. No construction work may be executed closer than 9 and 15,5 metres from any of Eskom's structures and or supporting mechanisms or other than those which were agreed upon on site between the authorised representatives of Eskom and the applicant; Sylvania Platinum Ltd (Pty).
2. Eskom should receive an application for undermining and construction near their services from Sylvania Platinum Ltd (pty), upon which this office will then comment accordingly.
3. All work within Eskom's servitude areas will have to comply with the relevant Eskom earthing standards at the time of construction.
4. All work within Eskom Distribution reserve area and servitudes must be done in accordance with the requirements of the *Occupational Health and Safety Act No.85 of 1993 as amended*. Special attention must be given to the clearances between Eskom's conductors, structures, cables and electrical apparatus and the proposed work as stipulated by *Regulation R15 of the Electrical Installations Regulations* of the aforementioned Act or any other legal requirements.
5. Eskom can't guarantee the exact position of the underground electrical cables and therefore the applicant's site representatives must expose the cables by hand, in order to establish their location.

6. The Applicants and Eskom's cables must be placed in sleeves encased in concrete across the width of the servitude, at the applicant's expense where frequent excavations occur in the cable area.
7. Eskom Distribution shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the area where Eskom Distribution has its services, by the applicant, his/her agent, contractors, employees, successors in title and assigns. The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Distribution services or apparatus or otherwise. The applicant's attention is drawn to section 27(3) of the *Electricity Act 1987, (Act 41 of 1987, as amended in 1994), Section 27(3)*, which stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus.
8. No mechanical equipment, including mechanical excavators, high lifting machinery and drilling equipment, shall be used within Eskom's reserve area, or within close proximity of Eskom's services and equipment, without prior permission written permission having been granted by Eskom. If such permission is granted the applicant must give at least ten working days prior notice of the commencement of any work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued.
9. Eskom Distribution shall at all times have unobstructed access to and egress from its services.
10. No work shall commence unless Eskom has received the applicant's written acceptance of the conditions specified in the final letter of consent.
11. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Please note: Where an electrical outage is required, at least fourteen working days is required for arrangement.
12. Any third party servitudes encroaching on Eskom servitudes shall have to be registered against the property at the applicant's own cost.
13. Wherever any pipe crosses the Eskom services, the edge of the excavation shall not come within 10 metres of the Eskom services and structures. Any angles crossing should preferably be from 45° degrees to 90°.
14. Cathodic protection must be installed to prevent corrosion of the pipe.
15. Pipeline markers to be situated at 30 metre intervals and where the pipeline is crossing Eskom's servitude, the pipeline must be clearly marked.
16. The effective management and handling of waste is of crucial importance. No dumping shall be allowed within Eskom Distribution Servitudes. All unwanted waste (gaseous, liquid or solids) should be disposed of at a registered waste disposal site as stipulated under Section 20 of the Environmental Conservation Act (Act 73 of 1989). The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom as a result of non-compliance will be charged to the applicant.
17. The use of explosives of any type within 500 metres of Eskom's services, shall only occur with Eskom's previous written permission. If such permission is granted the applicant must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process.
18. Any development, which necessitates the relocation of our services, will be to the account of the developer. If you decide on the option of relocation of the existing powerlines, the Customer Services, Regional Key Customer Executive (08600 37566) should be contacted in connection with costs.

19. Eskom will recover costs from the applicant where any damages of Eskom assets and or any penalties suffered by Eskom occur. The Applicant shall also accept costs if:

- Eskom pylons subside or are damaged as a result of blasting activities.
- Eskom has to incur any costs to comply with statutory requirements because of the applicants or applicant's contractor work or the presence of the equipment or plant in the reserve area. Such proven costs shall be refunded on demand.

Should the applicant or his contractor damage any of Eskom services during commencement of any work whatsoever, then Eskom's 24 hour Contact Centre Tel: 086 000 1414/08600 37566 must be dialled immediately to report the incident.

We thank you and hope you will find the above in order. Should you have technical queries on the Eskom standards and specifications please feel free to phone our Network Services Department, Chief Engineer, Mr Kris Rozmiarek at Tel: 013 693 3144 or email Rozmiak@eskom.co.za

Yours faithfully



Louise Human
LAND DEVELOPMENT MANAGER



TO: SYLVANIA RESOURCES LIMITED
YOUR REF: MR TERRY McCONNACHIE
CEO

CC: AQUARIUS PLATINUM (SOUTH AFRICA) (PROPRIETARY) LIMITED
TO: MR STUART MURRAY
CEO

TO: DIGBY WELLS & ASSOCIATES
YOUR REF: MR GRAHAM TRUSLER
CEO

CC: DEPARTMENT OF MINERAL RESOURCES
MR AUBREY TSHIVHADEKANO
REGIONAL MANAGER (MPUMALANGA)

OUR REF: MR L POSWA

CC: MR ALAN SENDZUL Fxinvest@andorra.ad
MR SAMUEL CHOMA samserokochoma@gmail.com
MR STEVE MAKO steve.mako@webmail.co.za

DATE: 08 FEBRUARY 2012

PER FAX: 011 673-0365
And
011 802-0990
And
011 789-9498
And
013 690-3288

RE: PUBLIC INFORMATION SHARING MEETING
VYGENHOEK 10JT –EVEREST NORTH PROJECT.

Dear Sirs,

We confirm that we act on behalf of the Pakaneng Choma Community (the "Community") and Mr Mokomotwane Simon Choma, in his capacity as the designated leader of the Community and the Claimant Applicant ("our Client") and we write this letter to you on the instructions of our Client.

Our Client wishes to state their *bona fides* intention and willingness to participate in an Interested and Affected ("I&AP") Consultation for Vygenhoek 10 JT and the ensuing public information sharing meeting

We have been instructed by our Client to request for a postponement of the proposed public information sharing meeting scheduled for 11th February 2012 as a result of non-receipt of documentation underlying the EIA and other key background documents which have been requested previously.

We have been further instructed by our Clients that there have been two informal meetings held which meetings purported to be consultations as envisaged in the applicable legislation and that to this end, our Client will in future, require consultations to be held with their legal representatives present thereat. As such, our Client will require sufficient time to organise that we be present for those consultations and will communicate a more suitable date for the consultation to take place.

We are instructed that our Client has through its own efforts managed to obtain parts of a draft scoping report compiled by Digby Wells and Associates (Pty) Ltd. ("Digby Wells") in November 2011. The latter report was required to be posted to Client, which we are instructed has not happened.

2nd Floor Norfolk House | Sandton Close 2 | Cnr 5th St & Norwich Close | Sandton | t: +27 11 763 8877 | f: +27 11 763 3354 | Postnet-Sulle 128 | P/Bag X9 | Benmore 2010
 e: info@poswa-inc.co.za | www.poswa-inc.co.za
 Decem 32 Sandton Square

Directors: I. Poswa BA (LAW), LLB, LLM (UNSW), LL.M (UCL-LONDON); M. Gagee, LLB (University of Pretoria)
 Poswa Incorporated Reg no. 2009/020829/21

forward
+
attached

freely
available

3

We have been further requested by our Clients to communicate the appropriate line of communication with regard to this matter. You are requested to send all correspondence directly via ourselves and to copy Mr Alan Sendzul Exinvest@andorra.ad 2) Mr Steve Mako s.mako@webmail.co.za, and 3) Mr Sam Choma samserokochoma@gmail.com on all such communication.

See letter dated 7/1/12 and 18/1

Our Client has pointed out that it has identified numerous factual inaccuracies throughout the draft scoping report which must be remedied by Digby Wells as a matter of urgency.

In respect of the above, key concerns over the envisaged project remain:

- caution of the draft that subsequent transfer of surface rights to the Pakaneng will delay and restrict any future development on the project until negotiations between our Client and Sylvania have been completed;
- lack of evidence of a valid prospecting right;
- lack of servitude and access agreements and arrears to date;
- equity participation in the project;
- inability of Digby Wells to deal with technical and financial questions (in the absence of a Sylvania/Aquarius representative)
- sourcing of labour;
- lack of human resource development program;
- contribution towards socio-economic development of the area;
- envisaged impact of the mine on economic activities in local and sending communities;
- infrastructure and poverty eradication projects the mine plans to support;
- procurement progression plan;
- plan to avoid job losses and retrenchments;
- incorrect references to the Claimant Applicant's claim on the relevant portions of Vygenhoek 10JT;
- Third party transcripts from Land Claims officials inserted without our Client's validation.

2nd Floor Norfolk House | Sandton Close 2 | Cnr 5th St & Norwich Close | Sandton | t: +27 11 783 8877 | f: +27 11 783 3354 | Postnet-Suite 126 | P/Bag X9 | Benmore 2010
 e: info@poswa.co.za | www.poswa.co.za
 Drexel 32 Sandton Square

Directors: L. Poswa BA (LAW), LLB, LLM (UND), LLM (OCL-LONDON), N. Gagjee, LLB. (University of Pretoria)
 Poswa Incorporated Reg no. 2009/020529/21

Kindly revert to us as a matter of urgency confirming receipt of this communication and let us have your views on the postponement of the information sharing meeting.

Yours Faithfully,



Luyolo Poswa

Director

Poswa Incorporated



**SOUTH AFRICAN HERITAGE
RESOURCES AGENCY**

111 HARRINGTON STREET, CAPE TOWN, 8000
PO BOX 4637, CAPE TOWN, 8000
TEL: (021) 462 4502 FAX: (021) 462 4509

DATE: 26 March 2012
ENQUIRIES: Mr. Phillip Hine
Archaeology, Palaeontology and Meteorite Unit
E-mail: phine@sahra.org.za
Web site: www.sahra.org.za

YOUR REF: *MDEDET 17/2/3/E-100*
OUR REF: 9/2/236/0032

Kabelo Maphake
Digby Wells and Associates
Private Bag X 10046
Randburg
2125

Dear Madam,

PROPOSED EVEREST NORTH PLATINUM MINE LOCATED IN THE THABA CHWEU LOCAL MUNICIPALITY NEAR LYDENBURG MPUMALANGA PROVINCE MDEDET REF NO: 17/2/3/E-100. NOTIFICATION OF THE EXTENSION OF THE AVAILABILITY OF THE DRAFT ENVIRONMENTAL SCOPING REPORT FOR PUBLIC REVIEW AND COMMENT.

Thank you for your invitation to comment on the above proposed development. SAHRA APM notes that three previous Archaeological Impact Assessments have been conducted in the area. These include projects on neighboring farms such as Der Brochen and Mareesburg. More specific, an assessment was conducted in 2006 on the farm Vygenhoek 10JT and Mareesburg 8JT as part of the EMP for the Everest North Platinum Mine, by Dr. Julius Pistorius. SAHRA has no record of the EMP or the Heritage Report that was conducted for this project.

However, the Draft Scoping Report indicated the area to be archaeologically sensitive. According to the Report sixty-seven archaeological sites were identified, of which twenty-nine are located within the project area. These sites include:

- Extensive Choma Village, from the historical period, including cattle enclosures, stone walls, stone cairns and graveyards.
- Further graveyards situated outside and around the Choma village and other graves unrelated to the Choma Village.

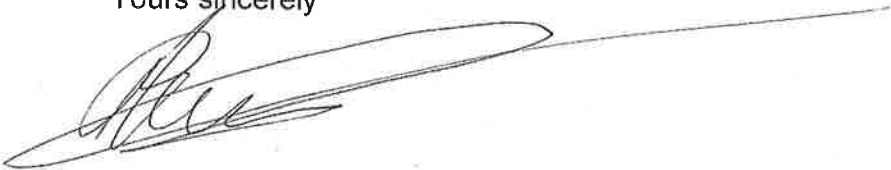
Since high densities of archaeological sites occur in the area, SAHRA APM Unit recommends that a new Heritage Impact Assessment must be conducted for this project. This new assessment must re-evaluate the heritage resources identified in the Pistorius (2006) Impact Assessment. Existing and newly identified burial grounds and graves must also be properly assessed. It is important that the significance of the sites be stated. It is further recommended that a broad based stakeholder consultation process be undertaken.

The developer must ensure that a Palaeontological study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary.

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewscapes must also be assessed.

Very many thanks for your co-operation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PP Colette Scheermeyer', with a long horizontal flourish extending to the right.

PP Colette Scheermeyer

SAHRA: Archaeology, Palaeontology and Meteorite Unit
For: CHIEF EXECUTIVE OFFICER

Copy: PHRA Mpumalanga Office