

APPENDIX A: EXISTING AUTHORISATIONS



Department of Agriculture, Conservation & Environment

My Ref: EIA 410/2005 NW

Tel: (014) 597 3597/8

Fax: (014) 592 3553

Enquiries: Steven Mukhola

Boynton Investments (Pty) Ltd
P. O. Box 65294
ERASMUSRAND
0165

Tel: (012) 665 4360

Fax: (012) 665 0878

Attention: Dr. Paul Woolrich

Dear Sir

AUTHORISATION FOR THE CONSTRUCTION OF CONCENTRATOR PLANT, ROADS, POWER LINES, RIVER DIVERSION, SEWAGE PLANT, ABSTRACTION OF GROUND WATER FOR BULK SUPPLY, PIPELINES, FUEL AND OIL STORAGE AND HANDLING IN PILANESBERG PLATINUM MINE ON THE FARM TUSCHENKOMST 135 JP, WITKLEIFONTEIN 136 JP, ROODERAND 46 JQ, RUIGHOEK 169 JP, GROENFONTEIN 138 JP, VOGELSTRUISNEK 173 JP AND, ZANDSPRUIT 168 JP, PORTION 1 OF ROODERAND 46 JQ, WILGESPRUIT 2 JQ, PORTION 2 OF ROODERAND 46 JQ AND THE REMAINING EXTENT OF CYFERKUIL 1 JQ, MOSES KOTANE LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for authorisation in terms of Section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of the scheduled process listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1956 (Act No.45 of 1965), (listed activity 9 in Schedule 1 of GN.R 1182 of September, as amended) in terms of Section 21 of the said Act refers.

This Department has evaluated the Environmental Impact Report dated 26 April 2007 for the proposed change of land use for the establishment of construction of concentrator plant, roads, power lines, river diversion, sewage plant, abstraction of ground water for bulk supply, pipelines, fuel and oil storage and handling in Pilanesberg platinum mine on the farm Tuschenkomst 135 JP, Witkleifontein 136 JP, Rooderand 46 JQ, Ruighoek 169 JP, Groenfontein 138 JP, Vogelstruisnek 173 JP and, Zandspruit 168 JP, Portion 1 of Rooderand 46 JQ, Wilgespruit 2 JQ, Portion 2 of Rooderand 46 JQ and the remaining extent of Cyferkuil 1 JQ, Moses Kotane Local Municipality, North West Province.



In terms of Section 22 (3) and by virtue of the power delegated by the Minister in terms of Section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Chief Director: Environmental Services of the Department of Agriculture, Conservation and Environment authorises:

The Scheduled process listed as item 60 in Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No.45 of 1965), vanadium processes (listed activity 9 in Schedule 1 of Government Notice R1182 of 5 September 1997, as amended) refers to the proposed change of land use for the establishment of an administrative block and construction of concentrator plant, roads, power lines, river diversion, sewage plant, abstraction of ground water for bulk supply, pipelines, fuel and oil storage and handling in Pilansberg platinum mine on the farm Tuschenkomst 135 JP, Witkleifontein 136 JP, Rooderand 46 JQ, Ruighoek 169 JP, Groenfontein 138 JP, Vogelstruisnek 173 JP and, Zandspruit 168 JP, Portion 1 of Rooderand 46 JQ, Wilgespruit 2 JQ, Portion 2 of Rooderand 46 JQ and the remaining extent of Cyferkuil 1 JQ, Moses Kotane Local Municipality, North West Province.

Enclosed, please find the Record of Decision and the conditions under which your application is authorised.

Formal appeals regarding the authorisation can be directed to the MEC for Department of Agriculture, Conservation and Environment, North West Province. Such an appeal must be lodged within 30 days from the date of this authorisation.

Yours faithfully



Mr. Tshepo Moremi
Chief Director: Environmental Services
North West Department of Agriculture, Conservation and Environment
Date: 24/07/07

Cc: *Metago Environmental Engineers*
Mr. Brandon Stobart
Tel: (011) 467 0945
Fax: (011) 467 0978

Department of Water Affairs and Forestry
North West Regional Manager:-Mr C. M Lobakeng
Tel: (018) 383 3270
Fax: (018) 384 0913/392 2998

RECORD OF DECISION

DECISION IN TERMS OF SECTION 22(3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R 1183 OF 5 SEPTEMBER 1997, AS AMENDED.

1. **REFERENCE NUMBER: EIA 410/2005 NW**
2. **BRIEF DESCRIPTION OF ACTIVITY:**

Boynton proposed to establish a platinum mine. Key associated activities include opencast pits, overburden and topsoil stockpiles, a road transportation network including the possible diversion of existing roads, a concentrator plant, mine residue disposal facilities, water management infrastructure, workshops with fuel and oil storage facilities, an explosive magazine, a sewage plant, change of existing land use, power lines, pipe lines, and the possible diversion of non-perennial streams.

The main aim of the proposed project is to exploit the following:

- Portion 3 of Rooderand 46 JQ: platinum group metals, gold, nickel, copper, cobalt, chrome and other metals associated therewith;
- Portions 1-4, 6, 9 and 15 of Ruighoek 169 JP: all minerals excluding chrome;
- Tuschenkomst 135 JP: platinum group metals, gold, nickel, copper, cobalt and other associated therewith; and
- Portion 1 and RE of Witkleifontein 136 JP: all minerals.

- 3 **LOCATION:**

North West Province, to the north and west of the Pilanesberg Game Reserve, on the farms Tuschenkomst 135 JP, Witkleifontein 136 JP, Rooderand 46 JQ, Ruighoek 169 JP, Groenfontein 138 JP, Vogelstruisnek 173 JP and, Zandspruit 168 JP, Portion 1 of Rooderand 46 JQ, Wilgespruit 2 JQ, Portion 2 of Rooderand 46 JQ and the remaining extent of Cyferkuil 1 JQ, Moses Kotane Local Municipality, North West Province.

- 4 **APPLICANT:**

Boynton Investments (Pty) Ltd

P. O. Box 65294

ERASMUSRAND

0165

Contact person: Dr. Paul Woolrich

Tel: (012) 665 4360

Fax: (012) 665 0878



5. CONSULTANT

Metago Environmental Engineers

P.O Box 1596

CREMERVIEW

2060

Contact person: Mr. Brandon Stobart

Tel: (011) 467 0945

Fax: (011) 467 0978

6. SITE VISITS

A site visit was conducted on 18 October 2005 by Steven Mukhola of this Department, and Mr. Brandon Stobart of Metago Environmental Engineers.

7. DECISION

Authorisation is granted in terms of section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) for the scheduled processes listed in the Second Schedule to the Atmospheric Pollution Act, 1965 (Act No. 1965) (listed activity 9 in Schedule 1 of Government Notice No. R. 1182 of 5 September 1997 as amended) refers to the proposed change of land use for the establishment of administrative block and construction of concentrator plant, roads, power lines, river diversion, sewage plant, abstraction of ground water for bulk supply, pipelines, fuel and oil storage and handling in Pilanesberg platinum mine on the farm Tuschenkomst 135 JP, Witkleifontein 136 JP, Rooderand 46 JQ, Ruighoek 169 JP, Groenfontein 138 JP, Vogelstruisnek 173 JP and, Zandspruit 168 JP, Portion 1 of Rooderand 46 JQ, Wilgespruit 2 JQ, Portion 2 of Rooderand 46 JQ and the remaining extent of Cyferkuil 1 JQ, Moscs Kotane Local Municipality, North West Province.

This authorisation is granted subject to the following conditions:

7.1. SPECIFIC CONDITIONS

7.1.1 The authorised activities, including site preparation may not commence before the statutory 30 days of an appeal period has expired.

7.1.2 The mitigation measures contained in Environmental Impact Report dated April 2007 received on the 26 April 2007 for this activity must be implemented. The mitigation measures are legal binding component of any contract and should be legally enforced.

7.1.3 These mitigation measures must be made known to personnel, contractors and subcontractors associated with this project.

7.1.4 All trucks carrying raw must be covered to limit materials spilling onto road surfaces.

7.1.5 Haul trucks must use private haul roads.

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- 7.1.6 Water carts must be used to suppress dust from vehicles travelling on the un-tarred roads.
- 7.1.7 Continuous monitoring should be undertaken to trace any contamination to Motlhabe and Kolobeng Streams that might occur during construction and operational phases of the proposed project.
- 7.1.8 The Atmospheric Pollution Certificate must be submitted to the Chief Director of this Department before commencement of construction. All the conditions or recommendations from Chief Air Pollution Control Officer of National Department of Environmental Affairs and Tourism (DEAT) must be adhered to.
- 7.1.9 All people and stakeholders adjacent to the proposed project must be notified of the decision 14 days prior to the commencement of the construction activity.
- 7.1.10 The applicant must appoint a suitably experienced Environmental Control Officer to ensure that conditions stipulated in this Record of Decision and mitigation measures outlined in the Environmental Impact Report are strictly complied with. The name and the contact details of such an officer must be forwarded to this Department at least three weeks prior to construction taking place.
- 7.1.11 Prior to construction commencing on site, the buried soil must be excavated and tested for the presence of hydrocarbon contamination. Should any contamination be encountered during the contamination assessment, the soil must be remediated according to accepted guidelines (oil industry and DWAF guidelines as indicated in the report).
- 7.1.12 Storm water from the development must be attenuated on site before discharging into the water course.
- 7.1.13 All access points must be designed in accordance with the requirements, standards, and specifications of the Department of Transport, Roads and Community Safety which shall be informed **one month** prior to the works commencing.
- 7.1.14 Cement contaminated effluent must not be allowed to enter any natural or man-made water system.
- 7.1.15 Dust must be properly managed during the construction phase.
- 7.1.16 Effective measures must be put in place to combat soil erosion.
- 7.1.17 Construction during peak rainfall season must be avoided.
- 7.1.18 In the event of stream diversion, the Department of Water Affairs and Forestry must be consulted before commencement of the construction.
- 7.1.19 In the event that ground water utilisation is contemplated, the applicant shall strictly comply with the following:

- 7.1.19.1 The water use license in terms of relevant provisions of section 21 National Water Act, 1998 (Act No.36, 1998) must be obtained from Department of Water Affairs and Forestry before the development is allowed to commence. The Ground Water feasibility Study must accompany the application;
- 7.1.19.2 The Ground Water Management Plan which shall include routine monitoring of water levels, abstraction volumes, rainfall figures and quality, and the evaluation of hydro- geological monitoring by a qualified independent hydro-geologist on a bi-annual basis must be developed and be forwarded to the Department of Water Affairs and Forestry (DWAFF).
- 7.1.20 A Solid Waste Management Plan detailing the responsible party for solid waste removal as well as the frequency in terms of how it will be done and where it would be disposed of must serve as a prerequisite before the development takes place.
- 7.1.21 A comprehensive Storm Water Management Plan which outlines the storm water drainage lines and discharge thereof must be developed in accordance with the requirements of both the Moses Kotane Local Municipality and the Department of Water Affairs prior to the development taking effect.
- 7.1.22 All services infrastructure must conform to the design and standards as published in the "Guidelines for Provision of Engineering Services and Amenities in Residential Developments". Any deviation in this regard shall be subject to the approval of the Department Civil Engineering of the Moses Kotane Local Municipality.
- 7.1.23 A permit for the translocation or removal of the protected or endangered species will be required as indicated in the Environmental Impact Report; it must be submitted to the Chief Director of this Department before commencement of the construction.
- 7.1.24 Should any endangered or red data species be found during construction, such species must be translocated by a suitably qualified botanist to a suitable habitat.
- 7.1.25 No fires are allowed outside the construction area. Adequate fire fighting equipment in good working condition according to the fire hazard during construction period must be available on site. Suitable firebreaks must be established in accordance with the requirements and conditions as stipulated in chapter 3 of the National Forest Act, 1998.
- 7.1.26 Strict design parameters aimed at retaining the visual aesthetics of the natural surroundings must be decided upon and implemented.
- 7.1.27 During the construction phase, the operation of machinery, equipment, and or vehicles must be kept to normal working hours from 07H00-18H00 in summer and from 07H30-17H00 in winter in order to avoid noise from constituting a nuisance.
- 7.1.28 On completion of the construction, the contractor must clear away and remove from the site all construction unwanted materials. Disturbed areas must be rehabilitated to the satisfaction of this Department.

7.2 STANDARD CONDITIONS

- 7.2.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 7.2.2 This authorisation refers only to the activities as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 7.2.3 The conditions of this authorisation must be brought to the attention of all persons (employees, sub-contractors, contractors, etc) associated with the undertaking of these activities and the applicant must take necessary measures to bind such persons to this conditions. The applicant must carry out regular environmental audits to establish compliance with condition of this authorisation.
- 7.2.4 This authorisation is subject to the approval of the affected local authority in terms of any legislation administered by them.
- 7.2.5 One week's notice, in writing, must be given to the Director: Environmental Management and Protection of this Department before commencement of the construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 7.2.6 The applicant must notify the Chief Director: Environmental Management and Protection, in writing, within 24 hours, if any condition of the conditions of this authorisation is not complied with.
- 7.2.7 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Director: Environmental Management and Protection of this Department.
- 7.2.8 The applicant must within five days of receipt of this Record of Decision:
- 7.2.8.1 Inform all interested and affected parties registered during the EIA process of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto.
- 7.2.8.2 Include in such information the explicit provisions of the regulation 11 of the Environmental Impact Assessment Regulations (Government Notice R 1183 of 5 September 1997) which reads as follows:
- "An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the Record of Decision was issued to the application in terms of regulation 10(1).

- An appeal must set out all facts as well as the grounds of appeal, and must be accomplished by all relevant documents or copies of them which are certified as true by a commissioner of oaths".
 - Include the date on which the Record of Decision was issued to the applicant in terms of regulation 10(1).
 - Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal which will be submitted to the MEC to all registered interested and affected parties. Proof of such notification must be submitted to the MEC with the appeal. Failure to comply with this provision may result in the MEC refusing to consider the appeal.
- 7.2.9 A copy of this authorisation shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation.
- 7.2.10 This Department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 7.2.11 This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions stipulated in this Record of Decision must be known to the new owner and/or developer and are binding on the new owner and/or developer.
- 7.2.12 This Department must be notified of any change of the address of the applicant.
- 7.2.13 Any complaint from the public during the construction and operation of the activities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be forwarded to this Department upon request.
- 7.2.14 The applicant is responsible for compliance with the provisions of the Duty of care and remediation of damage contained in section 28 of the National Environmental Management Act (Act No. 107 of 1998).
- 7.3 NON - COMPLIANCE**
- 7.3.1 In the event of non-compliance by any contractor during the construction of the authorised activities, the holder / applicant of this authorisation will be liable.
- 7.3.2 The holder / applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 7.3.3 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).

- 7.3.4 Failure to comply with any of these conditions shall be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.
- 7.3.5 The holder must in the event of non-compliance with any condition of this authorisation inform the Senior Manager: Environmental Management Protection of this Department, in writing, within 48 hours.
- 7.3.6 Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within seven (7) days of receipt of a written request by the Department.
- 7.3.7 Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operations subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

8 KEY FACTORS FOR DECISION

- 8.1 The Department's authorisation is based upon a review of the Environmental Impact Report received on the 26 April 2007. The EIA concludes that both benefits and negative impacts are anticipated as a result of the development.
- 8.2 The Environmental Impact Assessment conducted complies with the requirements of the EIA regulations. Information submitted by the independent environmental consultant is deemed to be sufficient and adequate to make an informed decision.
- 8.3 The study is in accordance and in line with the Integrated Development (IDP) of the Moses Kotane Local Municipality.
- 8.4 Sensitive biophysical, socio-economic or cultural-historical aspects were found to have fatal flaws during the EIA process and review of the Environmental Impact Report were addressed well.
- 8.5 The requirements of relevant government legislation, policies and guidelines, including section 2 of the National Environmental Management Act ("NEMA") have been considered.
- 8.6 The advertisement for the project was placed in the "Daily Sun" newspaper dated Friday 2 December 2005 and "Rustenburg Herald" newspaper dated 9 December 2005. On site notices were displayed in prominent centres of the project and around the communities on the 29 December. The public participation process followed as part of the EIA process conformed to the requirements of the EIA regulations.

9. DURATION AND DATE OF EXPIRY

If the construction does not commence within a period of **two years** from the date of this authorisation, it will lapse, and should the applicant intend to invoke the project, the application procedure as detailed in GN.R 1183 must be followed.

10. APPEAL

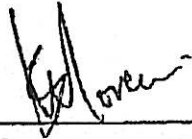
Formal appeals on the Record of Decision must be lodged within **30 days** from the date of this authorisation, with:

The Member of the Executive Council
Department of Agriculture, Conservation and Environment
Private Bag x 2039
MMABATHO
2735
Tel. (018) 389 5111
Fax. (018) 384 2679

11. ISSUED BY

Mr Tshupo Moremi
Chief Director: Environmental Services
North West Department of Agriculture, Conservation and Environment

Signature: _____



Date: _____

24/07/07



the dme

Department:
Minerals and Energy
REPUBLIC OF SOUTH AFRICA

DME 12

From: Directorate: Mineral Regulation: North West
Enquiries: P R Nethwadzi
E-Mail: Phumudzo.nethwadzi@dme.gov.za
1 Charel De Klerk Street, Senwes Building, Kleksdorp, 2570
Private Bag A 1, Kleksdorp, 2570
Tel. (018) 464 1631, Fax (018) 462 9036

Sub Directorate: Mine Environmental Management Ref: NW30/5/1/2/3/2/1/320EM

Paul Woolrich
Pilanesberg Platinum Mines (Pty) Ltd
PO Box 65294
ERASMUSRAND
PRETORIA
0165

Dear Sir

Please find an approved EM Programme for your operation. Kindly note that the EM Programme stipulates Environmental Management and copy of which should always be available on site.

APPROVAL OF ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF SECTION 39 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) FOR PILANESBERG PLATINUM MINES (PTY)LTD FOR MINING PLATINUM GROUP METALS AND MINERALS ASSOCIATED THEREWITH WITH RESPECT TO THE FARM TUSCHENKOMST 135 JP, PORTION 3 OF ROODERAND 46 JQ, PTN 1 AND THE REMAINING EXTENT OF PTN 1 WITKLEIFONTEIN 136 JP, AND PORTIONS 2,3,4,6,9,13,15, AND THE REMAINING EXTENT OF PTN 1 OF RUIGHOEK 169 JP IN THE MAGISTERIAL DISTRICT OF MANKWE

You are hereby informed that the Environmental Management Programme for Pilanesberg Platinum Mines (Pty) Ltd has been approved under the following **conditions:**

CONDITIONS

- a.) All mining activities must take place in accordance with the approved EM Programme.
- b.) No mining activities are allowed within 1:50 year flood line or 100m from the edge of the river whatever is the greatest, without the necessary authorization from DWAF

- c.) Pilanesberg Platinum Mines (Pty) Ltd is responsible for all surface disturbances on the mining area, which includes all historical mining activities.
- d.) All mine waste must be taken back to the excavation area for backfilling purposes.
- e.) No mine waste will be allowed to be deposited in natural drainage lines or erosion gullies
- f.) No dump structures must be left on the surface, this includes topsoil stockpiles, overburden stockpiles, waste rock stockpiles, tailing dumps and slimes dams.
- g.) All excavations must be backfilled to the natural surface level, if a bulk factor exists it must be accommodated on the total area of disturbance.
- h.) A surveyed plan must be submitted every year to the Regional Manager that indicates:
 - The positions, footprints and volumes of all topsoil stockpiles, overburden dumps, waste rock dumps and slimes dams (Any structure that is above the natural surface.)
 - The positions, surface areas and depths of all open pits.
 - The positions and surface areas of all rehabilitated areas (please indicate the status of rehabilitation-backfilled, profiled/landscaped, top soiled, vegetated or monitoring and managing.
- i.) The rehabilitation fund must be upgraded or revised on an annual basis according to the surveyed plan, which indicates the progress in rehabilitation.
- j.) Any project, expansions or additional infrastructure must be addressed through an addendum and submitted to the Regional Manager: Mineral Regulation for his approval, before they commence. This approval may be amended at any stage if deemed necessary.
- k.) This approval does not purport to absolve your company from its common law obligations towards the surface rights holder or any other affected party.
- l.) Section 6 of the EMP, including other relevant provisions must be adhered to at all times.
- m.) The following Acts are applicable and relevant to the said approval and your company is to familiarize itself with its provisions in so far as they apply to the company's operations
 - The National Water Act 1998, (Act 36 of 1998), with particular reference to the sections pertaining to mining or prospecting in the proximity of dams and their catchments areas, rivers, marshes, streams, pans and other water courses.
 - The Environmental Conservation Act (Act 73 of 1989). Your attention is specifically directed to the requirements of section 20 of the above-mentioned Act.

- The Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), with particular reference to the sections pertaining to the liberation of dust, and other emissions, created by mining activities, into the atmosphere
- The Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983), with particular references to the sections pertaining to soil conservation.
- The National Heritage Resources Act (Act No 25 of 1999), with particular reference to the protection of all historical and pre-historical cultural remains.
- The Mine Health and Safety Act (Act 29 of 1996) as well as other applicable law regarding noise management and control.

n.) All persons concerned must be made fully conversant with the terms of this approval, copies of which must be readily available to them.

Yours faithfully



Acting REGIONAL MANAGER: MINERAL REGULATION
 NORTH WEST REGION
 DATE: 14/02/2008

ACKNOWLEDGEMENT OF RECEIPT: 
 DATE: 15/02/2008

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO THE REGIONAL MANAGER DEPARTMENT OF MINERALS AND ENERGY: NORTH-WEST REGION.



DEPARTMENT: MINERALS AND ENERGY
REPUBLIC OF SOUTH AFRICA

MINING RIGHT

Granted in terms of section 23(1) of the Mineral and Petroleum Resources Development Act, 2002
(Act No. 28 of 2002)

[Handwritten signatures and initials]

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Registered in the MINERAL & PETROLEUM TITLES
REGISTRATION OFFICE: PRETORIA
In the Register of MINING RIGHTS

On this 24 day of June 2008

Under 39/2008



p.p DIRECTOR-GENERAL
DEPT. OF MINERALS AND ENERGY

I.R.O. FARM. TUSCHENKOMST 135 JP
ENDORSEMENT IN TERMS OF SECTION 102 OF THE MINERAL
AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002
READ WITH SECTION 5 OF THE MINING TITLES ACT 16 OF 1967
AS AMENDED.

The within mentioned right has been amended / varied

By inclusion of the mineral
chrome

Supporting document filed under Amdt No. 24/2015


pp DIRECTOR-GENERAL: MINERAL RESOURCES

Protocol No-18/2008

File Ref No

NW 30/5/1/2/2/320 MR

Application No J/2006/11/01/003

LET IT HEREBY BE MADE KNOWN:

THAT on this **14th** day of **February** in the year **2008**, before me, **Andre Wessel David Germishuizen** a Notary Public, duly sworn and admitted, residing and practising at **Pretoria**, in the **Gauteng** Province of South Africa, and in the presence of the subscribing competent witnesses, personally came and appeared:

Aaron Khathutshelo Kharivhe Acting, Regional Manager, **North West** Region of the Department of Minerals and Energy, and as such in his / her capacity as the duly authorised representative of:

THE MINISTER OF MINERALS AND ENERGY

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the **Director- General : Mineral Regulation** of the Department of Minerals and Energy on the



22nd day of **May** in the year **2006** in terms of the powers delegated by the Minister on the 12th day of May 2004 in terms of section 103 (1) of the Act,

AND

Kwape David Mmela in his capacity as Director of Pilanesberg Platinum Mines (Pty) Ltd, Registration number:

2	0	0	2	/	0	1	5	5	7	2	/	0	7	
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(Hereinafter together with its successors in title and assigns referred to as "the Holder"), he being duly authorised hereto by virtue of a resolution of directors of the Holder, taken at Tshwane on the 20th day of September in the year 2007 which resolution has this day been exhibited to me, the Notary, a certified copy of which remains filed in my protocol.


AND THE MINISTER AND HOLDER DECLARED THAT:

WHEREAS The State is the custodian of the Nation's mineral and petroleum resources in terms of section 3 of the Act.

AND WHEREAS The Holder has applied for a mining right in terms of section 22 of the Act,

AND WHEREAS The **Director-General: Mineral Regulation** of the Department of Minerals and Energy has by virtue of powers delegated to him, granted to the Holder, a mining right in terms of section 23(1) of the Act.

NOW THEREFORE THE MINISTER GRANTS A MINING RIGHT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:



Definitions

In this mining right, the following words and expressions shall have the meanings assigned to them:

'**Act**' means the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes the Regulations, guidelines, circulars, directives and orders made in terms of that Act;

'**Effective date**' means the 14th day of **February** in the year **2008** (being the date on which the environmental management programme is approved in terms of section 39(4) of the Act);

'**Environmental Management Programme**' is as defined in the Act and includes any other Environmental Management Programme approved in terms of the previous mining legislation;

'**Financial year**' means a complete financial year of the Holder which, at the time of the granting of this mining right, commences on the 1st day of **March** in the year **2007**; and ends on the 29th day of **February** in the year **2008**;

'**Holder**' is as defined in the Act, and specifically in relation to this right, it means **Pilanesberg Platinum Mines (Pty) Ltd**, Registration No/Identification No **2002/015572/07**;

'**Mineral**' is as defined in the Act, and specifically in relation to this right means **the minerals listed in Annexure A hereto**;;

'**Mining Area**' is as defined in the Act and includes any additional area of environmental liability as may be reflected on the Environmental Management Programme relating to this right;

'**Mining right**' is as defined in the Act and includes all the Annexures to it, agreements and inclusions by reference;

'**Mining Work Programme**' is as defined in the Act and as reflected in the attached **Annexure B** to this mining right;

'**Minister**' means the Minister of Minerals and Energy and includes the successors in title, the assignee or any person duly authorised to act in the Minister's place and stead;

'**Regional Manager**' is as defined in the Act and specifically in relation to this right means the Regional Manager for the **North West** Region of the Department of Minerals and Energy; and

'**Social and Labour Plan**', is as contemplated in regulation 46 of the Regulations to the Act and is as reflected in the attached **Annexure C** to this mining right.

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1. **Description of the Mining Area**

The Mining Area shall comprise the following:

Certain: **The properties listed in Annexure A attached hereto**

Situated: **North West Province** Magisterial/Administrative District of **Mankwe**

Measuring: **5453.7380** hectares in extent.

(In the case of various farms being involved, a list can be attached and referred to as **Annexure A**);

Which Mining Area is described in detail on the attached Diagram/plan marked **Annexure D**.

2. **Granting of Mining Right**


Without detracting from the provisions of sections 5 and 25 of the Act, the Minister grants to the Holder the sole and exclusive right to mine, and recover the mineral/s in, on and under the mining area for the Holder's own benefit and account, and to deal with, remove and sell or otherwise dispose of the mineral/s, subject to the terms and conditions of this mining right, the provisions of the Act and any other relevant law in force for the duration of this right.

3. **Commencement, Duration and Renewal**

- 3.1. This mining right shall commence on **14th February 2008** and, unless cancelled or suspended in terms of this clause 13 of this right and or section 47 of the Act, will continue to be in force for a period of **30** years ending on **13 February 2038**.
- 3.2. The Holder must commence with the mining operations within a year from the date on which the mining right becomes effective in terms of section 23 (5) of the Act, or any later date as may, upon a written request by the Holder, be authorised in writing by the Minister in terms of the Act, failing which this right may be cancelled or suspended.
- 3.3. Any application for renewal must be submitted to the Regional Manger not later than 60 working days prior to the date of expiry of this right.

4. **Amendments, Variation and Abandonment**

- 4.1. The terms of this right (including by extension of the area covered by it or by the addition of minerals or a share or shares or seams, mineralized bodies, or strata, which are not at the time the subject thereof) may not be amended or varied without the written consent of the Minister.
- 4.2. The Holder shall be entitled to abandon or relinquish the right or the area covered by the right entirely or in part. Upon abandonment or relinquishment of the mining area or any portion thereof, the Holder must:



4.2.1. Furnish the Regional Manager with all prospecting and /or mining results and/or information, as well as the general evaluation of the geological, geophysical and borehole data in respect of such abandoned area in so far as it applies to the mineral or any other mineral/s obtained in respect of this right and,

4.2.2. Apply for a closure certificate in terms of section 43 (3) of the Act.

4.3 With effect from the date the Holder has abandoned or relinquished a portion or portions of the mining area, and subject to section 43 of the Act, the Minister is entitled to grant any right, permit, or permission referred to in the Act in, on, or under the portion/s, so abandoned or relinquished, to any person/s.

5. Payment of Royalties

5.1. The Holder shall as contemplated in section 25 (2) (g) pay to the State throughout the duration of this mining right, royalties payable in terms of any Act or Amendment to an Act of Parliament implemented.

6. Payment of Interest

If mining fees, any fees, any levy, royalties or consideration referred to in clause 5 are not paid punctually, the Holder shall be in mora and shall pay interest thereon at the rate prescribed in terms of section 80 of the Public Finance Management Act, 1999(Act 1 of 1999) reckoned from the date on which payment is due and payable, to the date of actual payment.

7. Restrictions and Obligations Imposed on the Holder

7.1 The Holder is entitled to the rights referred to in section 5(2), (3) and section 25 of the Act, and such other rights as may be contained in this mining right or such other right as may be granted to, acquired by or conferred upon the Holder by any other applicable law.

7.2 Mining operations in the mining area must be conducted in accordance with the Mining Work Programme and any amendment to such Mining Work Programme and an approved Environmental Management Plan.

7.3 The Holder shall not trespass or enter into any homestead, house or its curtilage nor interfere with or prejudice the interests of the occupiers and/or owners of the surface of the Mining Area except to the extent to which such interference or prejudice is necessary for the purposes of enabling the Holder to properly exercise the Holder's rights under this mining right.



8. Conditions on disposal of Minerals and/ or Products Derived from Mining

It is a condition of the granting of this mining right that the Holder shall dispose of all minerals and/ or products derived from the exploitation of the mineral at competitive market prices which shall mean in all cases, non-discriminatory prices or non-export parity prices. If the minerals are sold to any entity, which is an affiliate or non-affiliated agent or subsidiary of the Holder, or is directly or indirectly controlled by the Holder, such purchaser must unconditionally undertake in writing to dispose of the minerals and any products produced from the minerals, at competitive market prices.

9. Mortgage, Cession, Transfer, Alienation

9.1 This mining right, a shareholding, an equity, an interest or participation in the right or joint venture, or a controlling interest in a company, close corporation or joint venture, may not be encumbered, ceded, transferred, mortgaged, let, sublet, assigned, alienated or otherwise disposed of without the written consent of the Minister, except in the case of a change of controlling interest in listed companies.

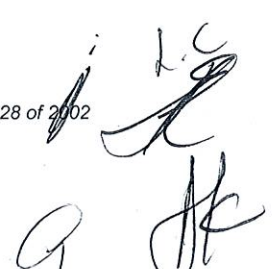
9.2 Any transfer, encumbrance, cession, letting, sub-letting, assignment, alienation or disposal of this right or any interest therein or any share or any interest in the Holder, without the consent of the Minister referred to in section 11(1) is of no force, no effect and is invalid.

10. Protection of Boreholes, Shafts, Edits and Openings.

All boreholes, shafts, edits, excavations, and openings sunk or made, by the Holder during the currency of this mining right shall be sealed, closed, fenced, made safe by the Holder in accordance with the approved Environmental Management Programme, the Mine Health and Safety Act, 1996 or any other applicable laws and Regulations.

11. Holder's liability for payment of Compensation for Loss or Damage

11.1. Subject to section 43 of the Act, the Holder shall, during the tenure of this right while carrying out the mining operations under this right, take all such necessary and reasonable steps to adequately safeguard and protect the environment, the mining area and any person/s using or entitled to use the surface of the mining area from any possible damage or injury associated with any activities on the mining area.

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- 11.2. Should the holder fail to take reasonable steps referred to above, and to the extent that there is legal liability, the holder shall compensate such person or persons for any damage or losses, including but not limited to damage to the surface, to any crops or improvements, which such person or persons may suffer as a result of, arising from or in connection with the exercise of his/her rights under this mining right or of any act or omission in connection therewith.

12. Inspection of Mining Area

The Minister and/or any person duly authorised thereto in writing by the Minister, shall be entitled to inspect the mining area, the Holder's mining operations and the execution of the approved Environmental Management Programme on the Mining Area as provided for in the Act, and any instruction conveyed in writing by the Minister to the Holder requiring the proper performance by the Holder of the Holder's obligations under this mining right shall be put into effect by the Holder in terms of the Act.

13. Cancellation or Suspension

- 13.1 Subject to section 47 of the Act, this mining right may be cancelled or suspended if the Holder:
- 13.1.1 Submits inaccurate, incorrect and or misleading information in connection with any matter required to be submitted under the Act;
 - 13.1.2 Fails to honour or carry out any agreement, arrangement, or undertaking, including the undertaking made by the Holder in terms of the Broad Based Socio Economic Empowerment Charter and Social and Labour plan, on which the Minister relied for the granting of this right;
 - 13.1.3 Breaches any material term and condition of this mining right;
 - 13.1.4 Conducts mining operations in contravention of the provisions of the Act;
 - 13.1.5 Contravenes the requirement of the approved Environmental Management Programme; or
 - 13.1.6 Contravenes any provisions of this Act in any other manner.
- 13.2 Before the Minister cancels or suspends this right, the Minister shall:
- 13.2.1 Give written notice to the Holder indicating the intention to suspend or cancel this right;
 - 13.2.2 Give reason/s why the Minister is considering the suspension or cancellation of this right;
 - 13.2.3 Give the Holder 30 days to show reasons why the right should not be suspended or cancelled;
 - 13.2.4 Notify, the mortgagee [if any], of the intention to suspend or cancel this right; and
 - 13.2.5 Direct the Holder, where it is possible to remedy any contravention, breach or failure, to comply or to take such specified measures to remedy any contravention, breach or failure to comply.
- 13.3 If the Holder does not take the measures as specified by the Minister to remedy a contravention, breach or failure, the Minister may cancel or suspend this right after considering representations made by the Holder in terms of clause 13.2.3.



14. Records and Returns

- 14.1. The Holder shall maintain all such books, plans and records in regard to mining on the Mining Area as may be required by the Act and shall furnish to the office of the Regional Manager such reports and documents as may be relevant under this right.
- 14.2. The Holder shall furnish to the Regional Manager all such monthly returns contemplated in section 28 (2) A of the Act not later than the 15th day of the month following the month in respect of which it was reported.
- 14.3. The Holder shall furthermore at the end of each year following commencement of this mining right, inform the Regional Manager in writing of any new developments and of the future mining activities planned in connection with the exploitation/mining of the minerals on the Mining Area.

15. Minister's liability for Compensation

The Minister shall not at any time be liable or responsible for the payment of compensation of whatever nature to the Holder, the Holder's successors-in-title or assignee, or any person whomsoever as a result of the granting of this right.

16. Compliance with the Laws of the Republic

The granting of this Right, does not exempt the Holder and its successors in title and/or assigns from complying with the relevant provisions of the Mine Health and Safety Act, (Act No.29 of 1996) and any other law in force in the Republic of South Africa.

17. Provisions relating to section 2(d) and (f) of the Act

In the furthering of the objects of this Act, the Holder is bound by the provisions of an agreement or arrangement dated 10th January 2008 entered into between the Holder/ empowering partner and **Boynton Investments (Pty) Ltd of which the Holder is a 100% subsidiary** (the empowerment partner) which agreement or arrangement was taken into consideration for purposes of compliance with the requirements of the Act and or Broad Based Economic Empowerment Charter developed in terms of the Act and such agreement shall form part of this right.

18. Social and Labour Plan

- 18.1 The holder must annually, not later than three months before the end of its financial year, submit detailed implementation plan to give effect to Regulation 46(e)(i),(ii)and (iii) in line with the Social and Labour Plan.

18.2 The holder must annually, not later than three months after finalisation of its audited annual report, submit a detailed report on the implementation of the previous year's social and labour plan.

19. Severability

Notwithstanding anything to the contrary, any provision of this mining right which is contrary to any provision of the Act or which is otherwise ultra vires, null and void, voidable, or unenforceable, shall be severable from the rest of this right, such rest thus being and remaining of full force, effect and enforceable.

20. Domicilia citandi et executandi

20.1. The parties hereto choose the following addresses as their *domicilia citandi et executandi* and for all purposes arising from this mining right, in particular for the purposes of serving of any notice in terms of this mining right, and any notice properly addressed to the under mentioned postal addresses of the parties shall be deemed to have been received by the addressee within 14 days if given in writing and posted by prepaid registered post addressed to the addressee at the relevant postal address:

20.1.1. In the case of the **Minister**:

Physical Address	Postal Address
No. 1 Charl de Klerk Street Senwes Building KLERKSDORP Code 2570 Tel (018) 464 1631 Fax (018) 462 9036	Private Bag A 1 KLERKSDORP 2570

20.1.2. In the case of the **Holder**:

Physical Address	Postal Address
6 EcoFusion Office Park Block B 324 Witch- Hazel Avenue, Highveld Park X59, Centurion Code 0157 Tel (012) 661 4280 Fax (012) 661 4139	Private Bag X11 Highveld 0067

20.2. Notwithstanding anything to the contrary herein contained, a written notice or communication actually received by a party at any place other than the chosen *domicilia citandi et executandi* shall constitute adequate notice or communication to the party notwithstanding that it was not sent to or delivered at such party's chosen *domicilium citandi et executandi*.

20.3 Either party shall be entitled from time to time to change the *domicilia citandi et executandi* or postal address furnished above after giving at least 14 days prior written notice of such change to the other party, failing which the above mentioned addresses will remain in force.

20.4. Any written notice or communication contemplated in this clause which is forwarded by one party to the other by registered post will be presumed to have been received by the addressee on the fourteenth day following the date of posting from an address within the Republic of South Africa to the addressee at the postal address of the addressee for the time being as determined in accordance with the provisions of this clause.

21. Costs

The Holder shall pay all costs and charges incurred in connection with the execution and registration of this prospecting right.

Thus done and signed at Klerksdorp on the 14th day of February in the year 2008 in the presence of the undersigned witnesses:

AS WITNESS:





For and on behalf of the **Minister**

AS WITNESS:





For and on behalf of the **Holder**



Handwritten notes: "Handwritten notes" and "109"

**NORTH WEST PROVINCE
DESCRIPTION OF LAND
UNDER APPLICATION FOR
A PROSPECTING RIGHT**

The figure PL01 to PL57 represents

Ptn.	Extent
RE1	120,3051 Ha
2	363,2756 Ha
3	124,9514 Ha
4	124,8168 Ha
6	121,0458 Ha
9	107,2981 Ha
13	120,4514 Ha
15	45,5290 Ha

RUIGHOEK No. 169-JP

3 ROODERAND No. 46-JQ 383,0550 Ha

FARM TUSCHENKOMST No. 135-JP 1372,1300 Ha

FARM WITKLEIFONTEIN No. 136-JP 2471,8789 Ha

TOTAL 5453,7380 Ha

**PLAN PREPARED IN ACCORDANCE WITH REGULATION 42 OF THE REGULATIONS
PUBLISHED UNDER THE MINING TITLES REGISTRATION ACT (ACT 16 OF 1967)**

MPT Number:

Y - 27 75 000

Y - 27 80 000

Y - 27 85 000

Y - 27 90 000

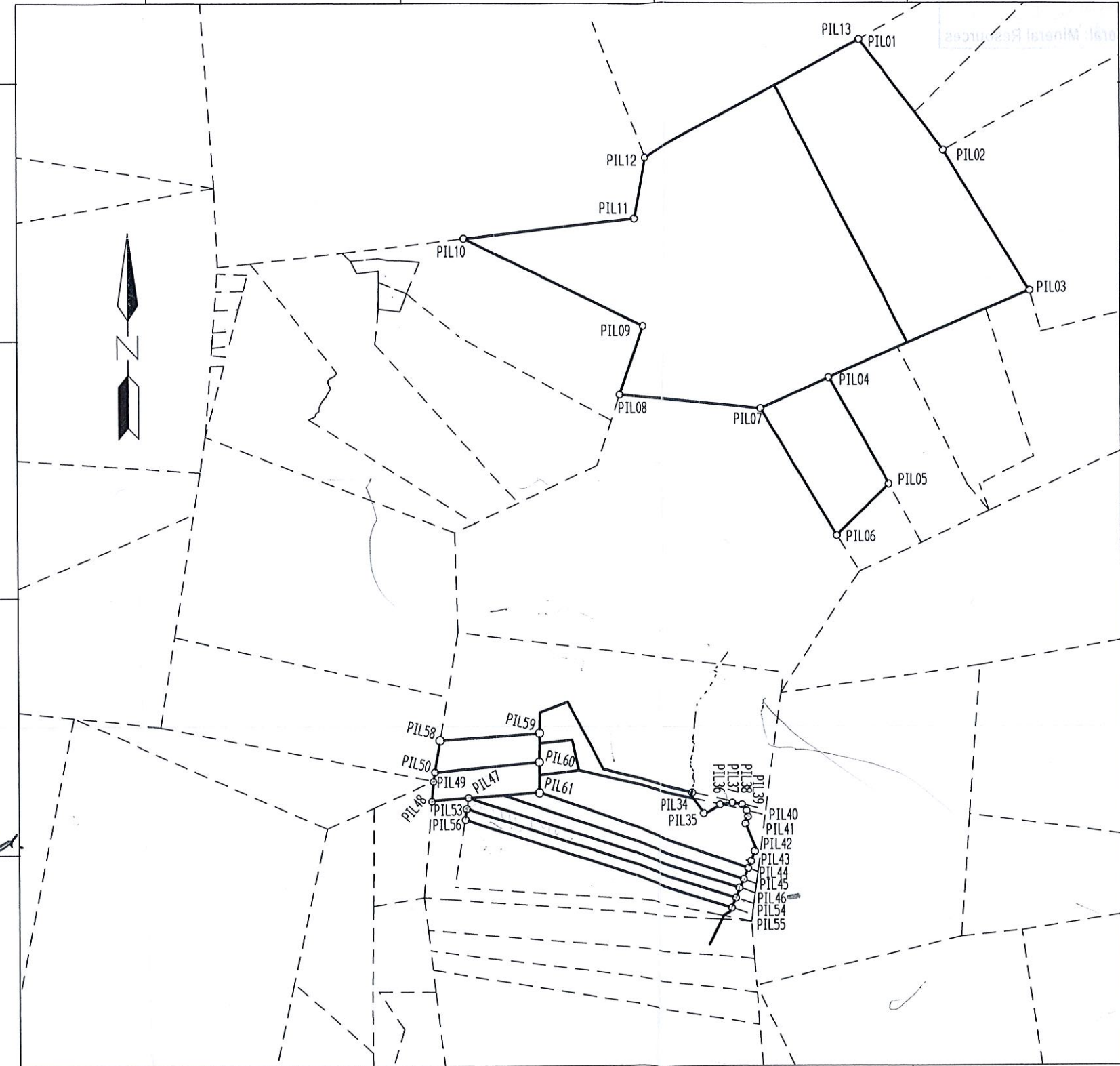
X - 15 000

X - 10 000

X - 5 000

X - 0

Scale 1 : 100 000



Plan Approved:

[Signature]

Acting Regional Manager:
NORTH WEST REGION

Department of Minerals & Energy

Date: 14/02/2008

NAME OF COMPANY:

Name of Applicant: *Platinum Mines (Pty) Ltd*

Signed: *[Signature]*

Date: 14/02/2008

Drawn by: C.A. Cockrell

Certified by F.J. Loock

Land Surveyor - PLS-1096

Signature: *[Signature]*

Date: 12/02/2008

[Handwritten initials]



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

DMR 10

NW30/5/1/2/3/2/1/320 EM

APPROVAL OF ADDENDUM TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF SECTION 102 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002): BY PILANESBERG PLATINUM MINES (PTY) LIMITED IN RESPECT OF THE FARM TUSCHENKOMST 135 JP, PORTION 3 OF THE FARM WITKLEIFONTEIN 136 JP AND PORTION 2, 3, 4, 6, 9, 10, 11, 12, 13, 15, 15 AND THE REMAINING EXTENT OF PORTION 1 OF THE FARM RUIGHOEK 169 JP, SITUATED IN THE MAGISTERIAL DISTRICT OF MANKWE OF THE NORTH WEST PROVINCE.

By virtue of the powers delegated to me in terms of Section 103 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) I, **ANDRIES PETRUS CRONJE** in my capacity as Chief Director: Mineral Regulation of the Department of Mineral Resources of the Republic of South Africa, hereby approve in terms of Section 102 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) the addendum to the approved Environmental Management Programme for the closure of a provincial Z536 road and changes to surface infrastructure at the Pilanesberg Platinum Mines (Pty) Ltd.

Signed at Klerksdorp on this... 02th day of November 2011


.....
ANDRIES PETRUS CRONJE
CHIEF DIRECTOR: WESTERN REGIONS
MINERAL REGULATION