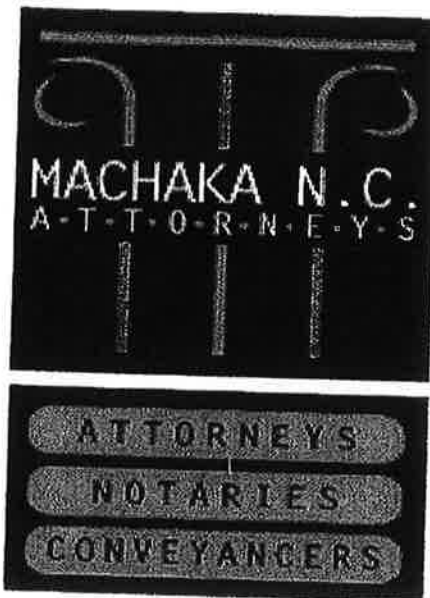


APPENDIX A: AUTHORISATIONS



**CONVERTED MINING RIGHT :42/2008 MR  
IN TERMS OF ITEM 7 OF SCHEDULE II OF THE  
MINERAL AND PETROLEUM RESOURCES  
DEVELOPMENT ACT, 2002  
(ACT NO. 28 OF 2002)**

**Contact Details of Holder's Notary:**

Mr. Nakedi Charles Machaka  
Machaka N.C. Attorneys  
P.O Box 11892, The Tramshed, 0126  
12<sup>th</sup> Floor, Suite 1210, SALU Building,  
Cnr Schoeman & Andries Streets,  
PRETORIA, 0002  
Tel: (012) 320 0010  
Fax: (012) 320 0012  
Cell: 076 262 9518  
E-mail: [machaka.attorneys@gmail.com](mailto:machaka.attorneys@gmail.com)



**DEPARTMENT: MINERALS AND ENERGY  
REPUBLIC OF SOUTH AFRICA**

**CONVERTED MINING RIGHT**

Converted in terms of Item 7 of Schedule II of the Mineral and Petroleum Resources Development Act,  
2002 (Act No. 28 of 2002)

3

Minerals and Energy for Development and Prosperity



*[Handwritten signature]*  
*[Handwritten initials]*


TABLE OF CONTENTS

<b>Heading</b>	<b>Clause</b>
<b>Preamble</b>	
<b>Definitions</b>	
<b>Description of the Mining Area</b>	<b>1</b>
<b>Conversion of Mining Right</b>	<b>2</b>
<b>Commencement, Duration and Renewal</b>	<b>3</b>
<b>Amendment, Variation and Abandonment</b>	<b>4</b>
<b>Payment of Royalties</b>	<b>5</b>
<b>Payment of Interest</b>	<b>6</b>
<b>Restrictions and Obligations Imposed on the Holder</b>	<b>7</b>
<b>Conditions on Disposal of Minerals and or Products Derived from Mining</b>	<b>8</b>
<b>Mortgage, Cession, Transfer, and Alienation</b>	<b>9</b>
<b>Protection of Boreholes, Shafts, Adits, Openings and Excavations</b>	<b>10</b>
<b>Holder's liability for Compensation for Loss or damage</b>	<b>11</b>
<b>Inspection of Mining Area</b>	<b>12</b>
<b>Cancellation or Suspension of Mining Right</b>	<b>13</b>
<b>Records and Returns</b>	<b>14</b>
<b>Minister's liability for payment of Compensation</b>	<b>15</b>
<b>Compliance with the Laws of the Republic of South Africa</b>	<b>16</b>
<b>Provisions relating to Section 2(d) and (f) of the Act</b>	<b>17</b>
<b>Social and Labour Plan</b>	<b>18</b>
<b>Severability</b>	<b>19</b>
<b>Domicilia citandi et executandi</b>	<b>20</b>
<b>Costs</b>	<b>21</b>

*Converted Mining Right:: Converted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002*



Handwritten signatures and initials, including a large signature and the initials "L" and "ED".

MINERAL & PETROLEUM TITLES  
 REGISTRATION OFFICE, PRETORIA  
 Registered in the  
 In the Register of Mining Rights  
 On this 9<sup>th</sup> day of July 08  
 Under 42/2008  
  
 Director General  
 DEPT. OF MINERALS AND ENERGY

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 adding 1G 2 Reef over portion

of the farm Askop 253 k1

Supporting document filed under Amct No. 01/2015

 Date 08/07/08  
 Director-General: MINERAL RESOURCES

Protocol No ZA 2008  
 File No LP.....61 MK  
 Application No G041004002

**LET IT HEREBY BE MADE KNOWN:**

THAT on this 15 day of JANUARY in the year 2008, before me, NAKEDI CHARLES MACHAKA 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:

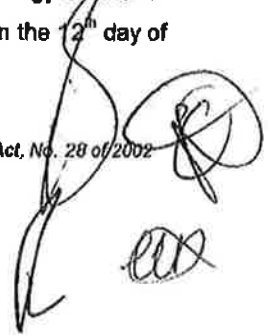
GABATSHOLWE LEVY RAPOO, Regional Manager, LIMPOPO Region of the Department of Minerals and Energy, and as such in his / her capacity as the duly authorised representative of:

**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 ACTING DIRECTOR-GENERAL of the Department of Minerals and Energy on the 21 day of DECEMBER in the year 2007 in terms of the powers delegated by the Minister on the 12<sup>th</sup> day of May 2004 in terms of section 103 (1) of the Act.

Converted Mining Right.: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002





**AND**

ROBERT WATSON DEY in his capacity as the duly authorised representative of MARULA PLATINUM (PTY) LTD, Identification/Registration number:

1	9	9	0	/	0	0	4	7	7	5	/	0	7	
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(Hereinafter together with his/her/its successors in title and assigns referred to as "the Holder", he/she, the said representative, being duly authorised thereto under and by virtue of a power of attorney/resolution of directors/members of the Holder, signed or passed at JOHANNESBURG on the 10 day of JANUARY in the year 2008 which power of attorney or a certified copy of a resolution has this day been exhibited to me, the notary, and remain filed of record in my protocol with the minutes hereof.)

**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 conversion of an old order mining right in terms of Item 7 of Schedule 2 to the Act,

**AND WHEREAS** The **ACTING DIRECTOR-GENERAL** of the Department of Minerals and Energy has by virtue of powers delegated to him, converted the Holder's old order, mining right in terms of Item 7 of the Schedule to the Act.

**NOW THEREFORE THE MINISTER CONVERTS THE HOLDER'S OLD ORDER MINING RIGHT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

*Converted Mining Right:: Converted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002*



## Definitions

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

'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;

'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 01 day of JULY in the year 2008; and ends on 30 day of JUNE in the year 2009;

'Holder' is as defined in the Act, and specifically in relation to this right, it means MARULA PLATINUM (PTY) LTD, Registration No/identification No 199000477507;

'Mineral' is as defined in the Act, and specifically in relation to this right means Platinum Group Metals together with metals and minerals found in mineralogical association therewith, being platinum, palladium, rhodium, iridium, osmium, ruthenium and the metals and minerals mineralogically associated therewith including but not limited to chrome, gold, silver, copper, nickel and cobalt together with any such metals and minerals which may be extracted in the normal mining of the minerals in, on and under the Mineral Lease Area on Mineral Area 1 (SG Diagram No. 8356/2000), but limited to the Merensky Reef in respect of Mineral Lease Area on Mineral Area 1, measuring 360,2801 ha in extent, as described by SG Diagram No. 8357/2000 attached 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 "A" 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;

'Old order mining right' is as defined in the Schedule to the Act.

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

Converted Mining Right:: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



*[Handwritten signature]*

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

*Converted Mining Right:: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002*



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**1. Description of the Mining Area**

The Mining Area shall comprise the following:

**Certain: A CERTAIN PORTION OF THE FARM DRIEKOP 253 KT (known as the R/E of Mineral Area and Mineral Lease Area on Mineral Area 1 of the farm Driekop 253 KT as per attached SG Diagram No. 8356/2000 and SG Diagram No. 8357/2000)**

**Situated: SEKHUKHUNE Magisterial/Administrative District of SEKHUKHUNE**

**Measuring: ~~4223.4267~~ <sup>1273.4846</sup> hectares in extent.**

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

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

**2. Conversion of Old Order Mining Right**

Without detracting from the provisions of Item 7 of the schedule to the Act, sections 5 and 25 of the Act, the Minister converts the holder's old order right and 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 15 JANUARY 2008 and, unless cancelled or suspended in terms of 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 14 JANUARY 2038.

3.2. The Holder must continue to conduct mining operations falling which this right may be cancelled or suspended.

3.3. Any application for renewal must be submitted to the Regional Manager 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:

Converted Mining Right:: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



Handwritten signatures and initials, including a large signature and several smaller initials.

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 and other Monies**

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

5.2. If, prior to the commencement of the Act, the Holder of this right paid any royalties, levies, fees, or consideration to the state, the Holder shall continue to pay same applicable to such old order mining right until such time a relevant Act of parliament is 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.

*Converted Mining Right:: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002*



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

It is a condition of the conversion of this old order 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, and Alienation**

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.

**10. Protection of Boreholes, Shafts, Adits and Openings.**

All boreholes, shafts, Adits, 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.

11.2. Should 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.

Converted Mining Right:: Converted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



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## 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 conversion 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.

Converted Mining Right:: Converted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



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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 15<sup>th</sup> 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 Payment of 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 conversion of this right.

**16. Compliance with the Laws of the Republic of South Africa**

The conversion 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 19 May 2006 entered into between the Holder/ empowering partner and Impala Platinum Holdings Ltd, The Marula Community Trust and Tubatse Platinum (Pty) Ltd (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 a 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.

Converted Mining Right:: Converted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



**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
<b>DORP STREET 101, POLOKWANE Code 0699 Tel 015 287 4700 Fax 015 287 4729</b>	<b>PRIVATE BAG X9467 POLOKWANE 0700</b>

20.1.2. In the case of the Holder:

Physical Address	Postal Address
<b>No. 2 Fricker Road, ILLOVO Code 2196 Tel 011 731 9070 Fax 011 731 9252</b>	<b>Private Bag X18 NORTHLANDS 2116 011 731 9065 082 490 7423</b>

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*.

Converted Mining Right:: Converted in terms of item 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002



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.

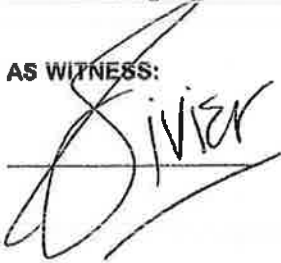
20.4 Any written notice or communication contemplated in this clause which is forwarded by one party to the other by registered post will be presumed to have been received by the addressee on the fourteenth day following the date of posting from an address within the Republic of South Africa to the addressee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

**21. Costs**

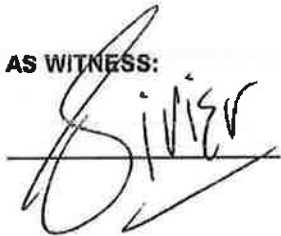
The Holder shall pay all costs and charges incurred in connection with the execution and registration of this prospecting right.

Thus done and signed at **POLOKWANE** on the **15** day of **JANUARY** in the year **2008** in the presence of the undersigned witnesses:

AS WITNESS:

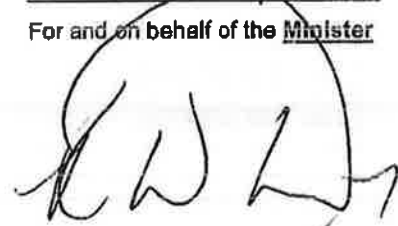
  
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AS WITNESS:

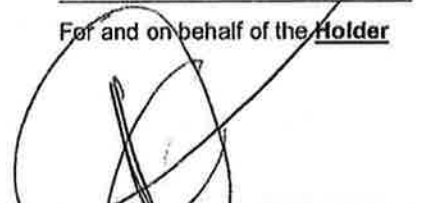
  
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For and on behalf of the Minister

  
\_\_\_\_\_

For and on behalf of the Holder

  
\_\_\_\_\_

Notary Public





To: Department of Minerals & Energy  
Limpopo Province

From: C.P. Pretorius  
Survey Manager  
Prof. Mine Surveyor  
PMS0149

Date: 14 January 2008

Tel: (014) 569 6539  
Cell: (082) 800 9123  
Fax: (014) 569 6606

Your Ref: LP90/5/1/2/2/61 CMR

Our Ref: Stefanie Viviers/ML22/2003

**RE: EXISTING MARULA PLATINUM (PTY) LIMITED  
MINING LICENCE ML 22/2003 TO BE CONVERTED**

As requested, herewith confirmation of the total extent pertaining to the above existing Mining Licence to be converted:

- Portion of Mining Area <sup>1</sup> 2 of the farm Driekop 253KT

-Area for mining both the UG2 and Merensky Reef:  
-Adjacent area for mining of Merensky Reef only:

913.2045 Ha  
360.2801 Ha

**Total extent: 1273.4846 Hectares**

Yours sincerely

CP Pretorius  
Professional Mine Surveyor  
PMS0149





MINERALEREKISTERKAART


SYE Meter		RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG 31° X		L.G. No.
		Konstantes:	± 0.00	± 0.00	<b>8356/2000</b>
AB	2 704.09	286 48 01	A	+94 610.75	+2711 661.92
BC	1 925.32	281 29 57	B	+92 022.08	+2712 443.51
CD	3 443.05	66 07 57	C	+90 135.40	+2712 827.33
DE	1 001.32	333 08 17	D	+93 284.02	+2714 220.47
EF	4 132.76	66 07 56	E	+92 831.06	+2715 113.48
FA	5 500.14	201 19 09	F	+96 610.40	+2716 785.69
FG	Verbindingsdata 245.00	21 19 09	G	+96 699.47	+2717 013.93
Modimote Hill 111 Δ				+96 867.79	+2708 914.98
Driekop 125 Δ				+89 392.73	+2713 554.92
Beskrywing van bakens A,B : 25mm ysterpyp in betonbakens C,D,E,F : 20mm ysterpen onder klipstapel G : Gat in rots onder klipstapel					
Skaal 1:100000					
Die figuur ABCDEF					
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Opgemeet in Augustus 2000 deur my					
Vervaardig vir die doel om mineraleregte te registreer				D.G. Steyn Professionele Landmeter Registrasienommer PLS 0799	
Hierdie kaart is gehêg aan No. ged. t.g.v. Registrateur van Aktes PTA		Die oorspronklike kaart is 8355/2000 L.G. No. A6769/1950 Transport Grandbrief DB-99-H SMR 2695/1999 RM		Lêer <del>Lease</del> - RM Lease M.S. <b>3088/2000</b> A.P. Komp. KT-5	

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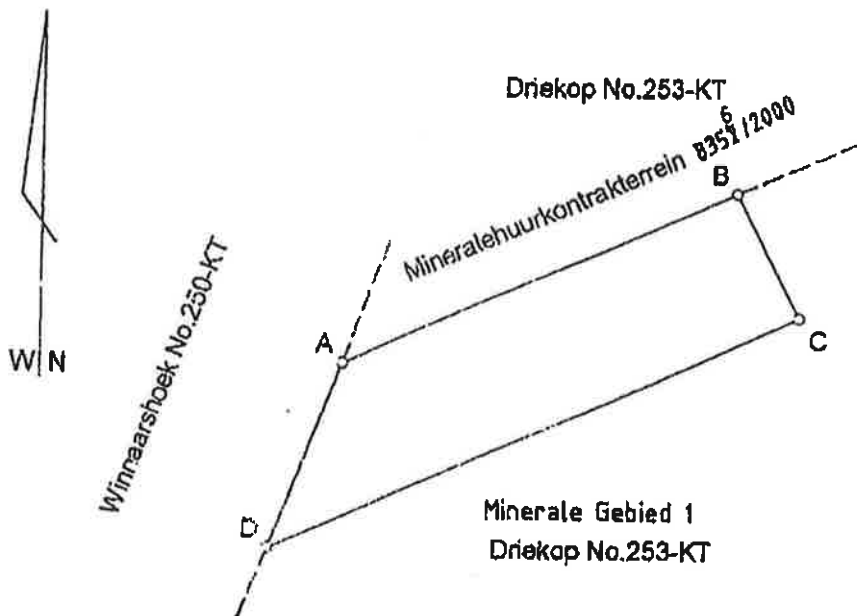
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AB	3 073.41	246 07 57	A	+96 094.80	+2715 464.04	Goedgekeur  nms. <b>LANDMETER- GENERAAL</b>  2000 -10- 12
BC	1 001.32	333 06 17	B	+93 284.02	+2714 220.47	
CD	4 132.76	66 07 56	C	+92 831.06	+2715 113.48	
DA	1 418.74	201 19 09	D	+98 610.40	+2716 785.69	
		Modimote Hill 111	△	+96 867.79	+2708 914.88	
		Driekop 125	△	+89 392.73	+2713 554.92	

Beskrywing van bakens

- A : 20mm ysterpen in rots onder klipstapel
- B,C,D : 20mm ysterpen onder klipstapel



Skaal 1:50000

Die figuur

ABCD

Stel voor

360.2801 hektaar **MINERALE GEBIED 1** grond, synde 'n Mineralehuurkontrakterrein oor die plaas **DRIEKOP No.253-KT** op die plaas **DRIEKOP No. 253 - KT** Noordelike Provinsie

Opgemeet in Augustus 2000 deur my

Vervaardig vir die doel om mineraleregte te registreer

**D.G. Steyn**  
Professionele Landmeter  
Registrasienommer PLS 0799

Hierdie kaart is  
geheg aan  
No.  
ged.  
t.g.v.  
Registrateur van Aktes PTA

Die oorspronklike kaart is  
L.G. No. 8355/2000  
Transport ~~A 6769/1958~~  
Grondbrief ~~DB 9941~~ .  
SMR 2695/1999 RM

Lêer ~~Lease~~ /RM-  
Lease  
M.S. **3088/2000**  
A.P.  
Komp. KT-5



**DEPARTMENT: MINERAL RESOURCES  
REPUBLIC OF SOUTH AFRICA**

**AMENDMENT/VARIATION OF A MINING RIGHT**

Granted in terms of section 102 of the Mineral and Petroleum Resources Development Act,  
2002  
(Act No. 28 of 2002)

10/11/2015

ML  
TND  
CLJ

in the register of Amendment / VariationOn the 08 day of January 2014Under MPT No. 01/2015

pp DIRECTOR GENERAL: MINERAL RESOURCES

LP30/5/1/2/2/61MRC

Protocol No: 517 /2014  
File Ref No

Application No

**NOTARIAL DEED OF AMENDMENT OF A MINING RIGHT****BE IT HEREBY MADE KNOWN:**

That on this the **16<sup>th</sup>** day of **July** in the year **2014** before me, **Elvira le Roux**, Notary Public, duly sworn and admitted, residing and practising at **Polokwane**, in the **Limpopo** Province of South Africa, and in the presence of the undersigned witnesses personally came and appeared;

**Ntandose Dominic Dlamini** Acting Regional Manager, **Limpopo Region** of the Department of Mineral Resources, and as such in his/her capacity as the duly representative of:

**THE MINISTER OF MINERAL RESOURCES**

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the Director-General or Deputy Director-General: Mineral Regulation of the Department of Mineral Resources on the **24<sup>th</sup>** day of the **June** in the year **2014** in terms of the powers delegated by the Minister in terms of section 103 (1) of the Mineral and Petroleum Resources Development Act, No 28 of 2002 ("the Act"),

**And**

Amendment/ Variation Mining Right: Granted in terms of section 102 of the Mineral and Petroleum Resources Development Act, No 28 of 2002

MD  
D  
T  
CLJ

**Mr Phumlani Innocent Dlamini** in his/her personal capacity or as the company's **Senior Mining Rights Advisor** or a Close Corporation's member, and as such, the duly authorised representative of **Marula Platinum (Pty) Ltd**, Identification /Registration number:

1	9	9	0	/	0	0	4	7	7	5	/	0	7	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	--

(hereinafter together with his/her/its successors in title and assigns referred to as "the Holder"), the said representative, being duly authorised thereto under and by virtue of a Power of Attorney/resolution of directors/members of the Holder, signed or passed at **Johannesburg** on the 3<sup>rd</sup> day of **July** in the year **2014**, which power of attorney or certified copy of the resolution has this day been exhibited to me, the notary, and remain filed on record in my protocol with the minutes hereof.

**THE MINISTER AND THE 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** In terms of clause 4 of the principal right, the terms of the right may not be amended/varied without the written consent of the Minister,

**AND WHEREAS** the Holder has applied for the amendment / variation of a **Converted Mining Right MPT No:42/2008 : LP30/5/1/2/61 MRC** by the extension of the mining area to include the mining of the **UG2 reef** in a Portion of the farm **Driekop 253 KT** (Previously Known as Portion of Mineral Area No. 1 as well as the Mineral Lease Area on Mineral Area 1(S.G. diagram 8357/2000), measuring 360.2801 hectares in extent, the amendment and variation of the mining work programme, social and labour plan and the approved environmental management programme to cater for the larger mining area the inclusion of the mining of the **UG 2** in the said area,

**AND WHEREAS** The Minister has granted consent for the amendment/variation to the Holder, in terms of section 102 of the Act.

*m*  
*ND*  
*ar*

**NOW THEREFORE THESE PRESENTS WITNESS:**

The Minister hereby grants the variation/amendment of the mining right executed on the .15<sup>th</sup> day of January in the year 2008, under Protocol 29/2008, registered at the Mineral and Petroleum Titles Registration Office under MPT 42/2008(MRC), in respect of;

**Certain:** Portion of the farm Driekop 253 KT (Known as the R/E of Mineral Area and Mineral Lease Area on Mineral Area 1 of the farm Driekop 253 KT as per attached SG Diagram No. 8356/2000 and SG Diagram No. 8357/2000).

**Situated:** Sekhukhune Magisterial/Administrative District of Sekhukhune

**Measuring:** 1273.4846 hectares

(In case of various farms involved, a list must be attached and referred to as ANNEXURE \_\_\_\_\_):

Is hereby amended/ varied by the

**(1) Substitution of the definition of Mineral with the following :**

**Platinum Group Metals together with metals and minerals found in mineralogical association therewith, being platinum, palladium, rhodium, iridium, osmium, ruthenium and the metals and minerals mineralogically associated therewith including but not limited to chrome, gold, silver, copper, nickel and cobalt together with any such metals and minerals which may be extracted in the normal mining of the minerals in, on and under the Mineral Lease Area on Mineral Area 1 (SG Diagram No . 8356/20000), but limited to the Merensky Reef and the UG2 Reef in respect of Mineral Lease Area on Mineral Area 1, Measuring 360, 2801 ha in extent as described by SG Diagram No 8357/2000 attached hereto.**

**Situated: Sekhukhune Magisterial / Administrative District of Sekhukhune**

**Measuring : 1273. 4846 hectares in extent**

**(2) Substitution of the plan, which is Annexure C to the Mining Right, With the Plan attached hereto as Annexure 1**

**(3) amendment and variation of the Mining Works Programme, Which is attached as an annexure to the Mining Right with the Mining Works Programme attached hereto as Annexure 2; and**

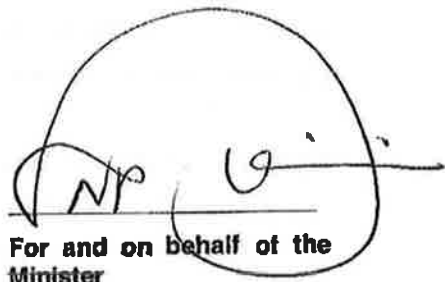
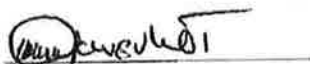
ND  
 ✓  
 CLJ PD in

(4) amendment and variation of the Social and Labour Plan, which is attached as an annexure to the Mining Right with the Social and Labour Plan attached hereto as Annexure 3..

Now therefore the Minister grants the amendment/ variation of the principal right.

Thus done and signed at POLOKWANE on the 16<sup>th</sup> day of July in the year 2014 in the presence of the undersigned witnesses:

**AS WITNESS:**



For and on behalf of the  
Minister

**AS WITNESS:**

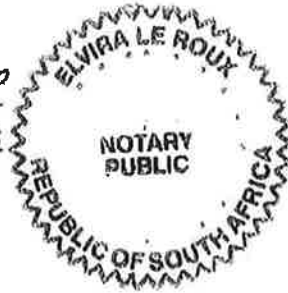
we  
PD  
CLJ

*[Handwritten signature]*

*[Handwritten signature]*

**For and on behalf of the  
Holder**

*[Handwritten signature]*  
**NOTARY PUBLIC**



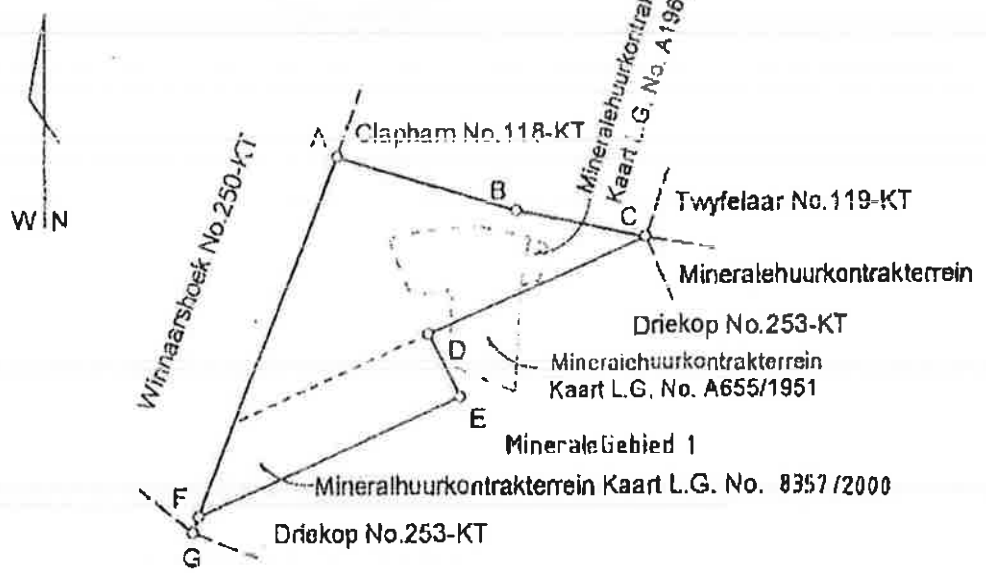
*T ND*



SYE Meter		RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG 31° X		L.G. No.
		Konstantes:	± 0.00	± 0.00	8356/2000
AB	2 704.09	286 48 01	A	+94 610.75	+2711 661.92
BC	1 925.32	281 29 57	B	+92 022.08	+2712 443.51
CD	3 443.05	66 07 57	C	+90 135.40	+2712 827.33
DE	1 001.32	333 06 17	D	+93 284.02	+2714 220.47
EF	4 132.76	66 07 56	E	+92 831.06	+2715 113.48
FA	5 500.14	201 19 09	F	+96 610.40	+2716 785.69
FG	Verbindingsdata 245.00	21 19 09	G	+96 699.47	+2717 013.93
	Modimote Hill 111	△		+96 867.79	+2708 914.98
	Driekop 125	△		+89 392.73	+2713 554.92

Goedgekeur  
*[Handwritten Signature]*  
nms.  
LANDMETER-  
GÉNÉRAAL  
2000-10-12

Beskrywing van bakens  
A,B : 25mm ysterpyp in betonbaken  
C,D,E,F : 20mm ysterpen onder klipstapel  
G : Gat in rots onder klipstapel



De Kom No.252-KT

Skaal 1:100000

Die figuur ABCDEF

Stel voor 1 273.4846 hektaar **MINERALE GEBIED 1** grond, synde 'n Mineralehuurkontrakterrein oor die plaas **DRIEKOP No. 253 - KT** op die plaas **DRIEKOP No. 253 - KT** Noordelike Provinsie

Opgemeet in Augustus 2000 deur my

Vervaardig vir die doel om mineraleregte te registreer

*[Handwritten Signature]*

D.G. Steyn  
Professionele Landmeter  
Registrasienuommer PLS 0799

Hierdie kaart is geheg aan No. ged. t.g.v. Registrateur van Aktes PTA	Die oorspronklike kaart is 8355/2000 L.G. No. <del>A 6764/1950</del> Transport Grondbrief <del>DB 994</del> SMR <del>2695/1999</del> RM	Lêer <del>Lease /RM</del> Lease M.S. <b>3088/2000</b> A.P. Komp. KT-5
--	--	---

*[Handwritten notes and signatures]*  
NO  
M  
P  
CY

**CERTIFIED COPY**

*[Signature]*

**for SURVEYOR GENERAL**

**2014-07-15**

**REG. 22 OF ACT 8/1997**

REGISTERED IN THE MINERAL & PETROLEUM TITLES  
REGISTRATION OFFICE: PRETORIA


In the register of *Provisional / Variation*

On the --- day of --- 20---

Under MPI No: ---

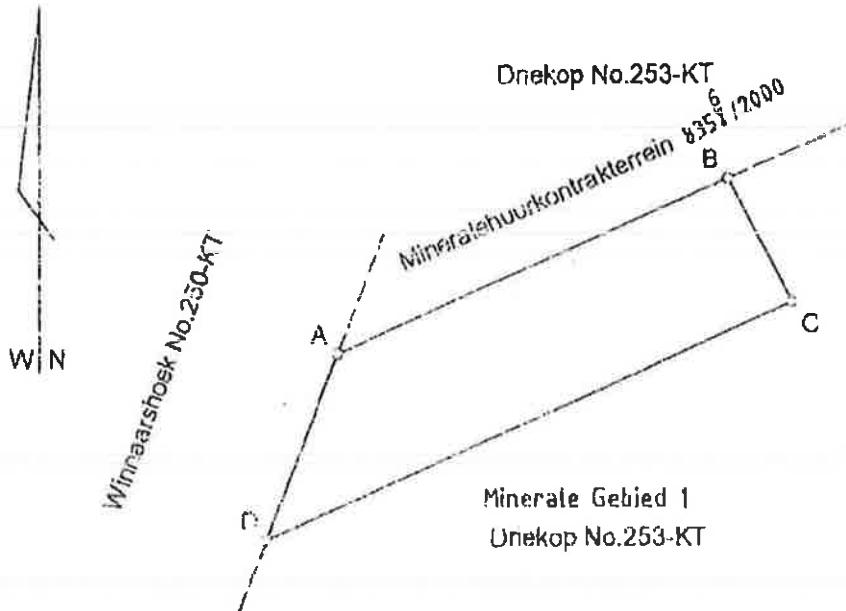
**IN ERROR**

99 DIRECTOR GENERAL, MINERAL RESOURCES

SYE Meter		RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG 31° X			L.G. No: <b>8357/2000</b>
		Konstantes		± 0.00	± 0.00	Goedgekeur 
AB	3 073.41	246 07 57	A	+96 094.60	+2715 464.04	nms. LANDMETER- GENERAAL  2000 -10- 12
BC	1 001.32	333 06 17	B	+93 284.02	+2714 220.47	
CD	4 132.76	66 07 56	C	+92 831.06	+2715 113.48	
DA	1 418.74	201 19 09	D	+96 610.40	+2716 785.69	
		Modimotse Hill 111	△	+96 867.79	+2708 914.98	
		Driekop 125	△	+89 392.73	+2713 554.92	

**Beskrywing van bakens**

A : 20mm ysterpen in rots onder klipstapel  
 B,C,D : 20mm ysterpen onder klipstapel



Skaal 1:50000

Die figuur

A B C D

Stel voor

360.2801 hektaar MINERALE GEBIED 1 grond, synde

'n Mineralehuurkontrakterrein oor die plaas DRIEKOP No. 253-KT op die plaas

DRIEKOP No. 253 - KT

Noordelike Provinsie

Opgemeet in Augustus 2000 deur my

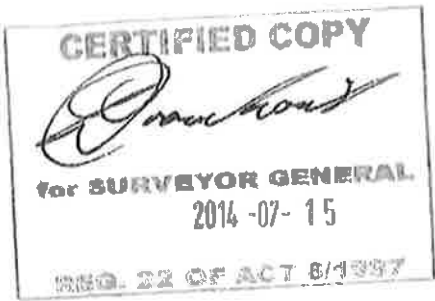


Vervaardig vir die doel om  
 mineraleregte te registreer

D.G. Steyn  
 Professionele Landmeter  
 Registrasienuommer PLS 0799

Hierdie kaart is geheg aan No. ged. t.g.v. Registrateur van Aktes PTA	Die oorspronklike kaart is L.G. No. 8357/2000 Transport <del>A-6769/1950</del> Grondbrief <del>DB 9971</del> SMR 2695/1999 RM	Lêer <del>Lease</del> /RM Lease M.S. <b>3088/2000</b> A.P. Komp. KT-5
--	---	---

Handwritten notes: 'MAD' and 'PD' written vertically, and 'W/T' and 'CS' written horizontally at the bottom right.



REGISTERED IN THE MINERAL & PETROLEUM TITLES  
REGISTRATION OFFICE: PRETORIA

in the register of *Amendment/Variation*

On the *08* day of *January* 20 *15*

Under MP/ No. *01/2015*

*[Signature]*  
BY DIRECTOR GENERAL: MINERAL RESOURCES

MACHAKA N.C.

**CONVERTED MINING RIGHT :23/2008 MR  
IN TERMS OF ITEM 7 OF SCHEDULE II OF THE  
MINERAL AND PETROLEUM RESOURCES  
DEVELOPMENT ACT, 2002  
(ACT NO. 28 OF 2002)**

**Contact Details of Holder's Notary:**

**Mr. Nakedi Charles Machaka**  
Machaka N.C. Attorneys  
P.O. Box 11892, The Tramshed, 0126  
12<sup>th</sup> Floor, Suite 1210, SALU Building,  
Cnr Schoeman & Andries Streets,  
PRETORIA, 0002  
Tel: (012) 320 0010  
Fax: (012) 320 0012  
Cell: 076 262 9518  
E-mail: [machaka.attorneys@gmail.com](mailto:machaka.attorneys@gmail.com)



**DEPARTMENT: MINERALS AND ENERGY  
REPUBLIC OF SOUTH AFRICA**

**CONVERTED MINING RIGHT**

Converted in terms of item 7 of Schedule II of the Mineral and Petroleum Resources Development Act,  
2002 (Act No. 28 of 2002)



Minerals and Energy for Development and Prosperity

A handwritten signature in black ink, appearing to be "E. Makhana", written over the notary seal.

## TABLE OF CONTENTS

Heading	Class
Preamble	
Definitions	
Description of the Mining Area	1
Conversion of Mining Right	2
Commencement, Duration and Renewal	3
Amendment, Variation and Abandonment	4
Payment of Royalties	5
Payment of Interest	6
Restrictions and Obligations Imposed on the Holder	7
Conditions on Disposal of Minerals and/or Products Derived From Mining	8
Mortgage, Cession, Transfer, and Alienation	9
Prevention of Boreholes, Blasts, Adits, Drivings and Excavations	10
Holder's liability for Compensation for Loss or damage	11
Inspection of Mining Area	12
Cancellation or Suspension of Mining Right	13
Records and Returns	14
Minister's liability for payment of Compensation	15
Compliance with the Laws of the Republic of South Africa	16
Provisions relating to Section 2(d) and (f) of the Act	17
Social and Labour Plan	18
Governing Law	19
Domicilia citandi et executandi	20
Costs	21



Converted Mining Right, Granted in terms of Section 7 of the Mineral and Petroleum Resources Development Act, No. 28 of 2002

*[Handwritten signature and initials]*



GENERAL AND SPECIAL REGISTRAR OF COMPANIES  
 REGISTRATION OFFICE PRETORIA  
 Mining Right  
 20<sup>th</sup> ME JUNE 08  
 23/2008/1972  
 DIRECTOR GENERAL  
 DEPT OF MINERALS AND ENERGY

Protocol No 20/2008  
 File No LP.....63 MR  
 Application No G04100400

**LET IT HEREBY BE MADE KNOWN:**

THAT on the 15 day of JANUARY in the year 2008, before me, NAKEDI CHARLES MACHAKA 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:

GABATSHOLWE LEVY RAPCO, Regional Manager, LIMPOPO Region of the Department of Minerals and Energy, and as such in his / her capacity as the duly authorized representative of:

**THE MINISTER OF MINERALS AND ENERGY**

The said Regional Manager, being duly authorized thereto under and in terms of a Power of Attorney granted by the ~~ACTING DIRECTOR-GENERAL~~ of the Department of Minerals and Energy on the 21 day of DECEMBER in the year 2007 in terms of the powers delegated by the Minister on the 12<sup>th</sup> day of May 2004 in terms of section 103 (1) of the Act.

Converted Mining Right: Converted in terms of item 7 of the Mineral and Petroleum Resources Code of Practice, No. 27 of 2004.

NAKEDI CHARLES MACHAKA  
 NOTARY PUBLIC  
 1520



AND

ROBERT WATSON DEBY in his capacity as the duly authorized representative of IMPALA PLATINUM (PTY) LTD, Identification/Registration number:

1 9 5 2 / 0 7 1 9 4 2 / 0 6

(Hereinafter together with his/her/its successors in title and assigns referred to as "the Holder", he/she, the said representative, being duly authorized thereto under and by virtue of a power of attorney/resolution of directors/members of the Holder, signed or passed at JOHANNESBURG on the 10 day of JANUARY in the year 2008 which power/ of attorney or a certified copy of a resolution has this day been exhibited to me, the notary, and remain filed of record in my protocol with the minutes hereof.)

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 conversion of an old order mining right in terms of item 7 of Schedule 2 to the Act,

AND WHEREAS The ACTING DIRECTOR-GENERAL of the Department of Minerals and Energy has by virtue of powers delegated to him, converted the Holder's old order, mining right in terms of item 7 of the Schedule to the Act.

NOW THEREFORE THE MINISTER CONVERTS THE HOLDER'S OLD ORDER MINING RIGHT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:



Handwritten signature of the notary public.

Converted Mining Right: Converted in terms of item 7 of the Mineral and Petroleum Resources Act, No. 28 of 2002.

alluminium or  
nickel or

**Definitions**

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

'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;

'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 01 day of JULY in the year 2008; and ends on 30 day of JUNE in the year 2009;

'Holder' is as defined in the Act, and specifically in relation to this right, it means INPALA PLATINUM (PTY) LTD, Registration No 180207184206;

'Mineral' is as defined in the Act, and specifically in relation to this right means On the R/E and Portion 1 of Wintarshoek 280 KT: Precious metals and base minerals found in mineralogical association with those precious metals. On the farms Clapham 118 KT and Forest Mill 117 KT: all rights to Platinum, palladium, rhodium, iridium, ruthenium and osmium as well as the rights to gold, silver, nickel and copper found in the UG2 and Merensky Reefs;

'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 "A" to this mining right;

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

'Old order mining right' is as defined in the Schedule to this Act;

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

'Receipt and Labour Plan', is as contemplated in regulation 4 of the Regulations to the Act and is as reflected in the attached Annexure "B" to this mining right;



*[Handwritten signature]*

Consent Mining Right: Granted in terms of Item 7 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)

1. Description of the Mining Area

The Mining Area shall comprise the following:

Certain: The Remaining Extent and Portion 1 of Winnarshook 250 KT, the farm Clapham 118 KT and a Portion of the farm Forest Hill 117 KT (known as Mineral Area 2)

Situated: SEKHUKHUNE Magisterial/Administrative District of SEKHUKHUNE

Measuring: 4 2000 15 1/2 ha  
4884967 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 'C'

2 Conversion of Old Order Mining Right

Without detracting from the provisions of item 7 of the schedule to the Act, sections 5 and 25 of the Act, the Minister converts the holder's old order right and grants to the Holder the sole and exclusive right to mine, and recover the minerals 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 minerals, 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 15 JANUARY 2008 and, unless cancelled or suspended in terms of clause 13 of the right and or section 47 of the Act, will continue to be in force for a period of 30 years ending on 14 JANUARY 2038.

3.2. The Holder must continue to conduct mining operations falling which this right may be cancelled or suspended.

3.3. Any application for renewal must be submitted to the Regional Manager 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 area covered by the right in whole or in part, the Holder must:

Converted Mining Right: Converted in terms of item 7 of the Mineral and Petroleum Resources Act, No. 28 of 2002

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 minerals obtained in respect of the 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 portions, so abandoned or relinquished, to any persons.

**5. Payment of Royalties and other Monies**

5.1. The Holder shall as contemplated in section 26 (2) (a) pay to the State throughout the duration of this mining right, any royalties payable in terms of any Act or Amendment to an Act of Parliament implemented.

5.2. If, prior to the commencement of the Act, the Holder of this right paid any royalties, levies, fees, or consideration to the state, the Holder shall continue to pay same applicable to such old order mining right until such time a relevant Act of parliament is 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 ~~default~~ 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 possession is necessary for the purposes of enabling the Holder to properly exercise his/her rights under this mining right.

Converted Mining Right: Drawn up in terms of Item 7 of the Mining Act, 2002 (Act 28 of 2002)



*[Handwritten signature]*

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

It is a condition of the conversion of this old order 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, and Alienation**

This mining right, a shareholding, an equity, an interest or participation in the right or joint venture, or a controlling interest in a company, class 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.

**10. Protection of Boreholes, Shafts, Adits and Openings.**

All boreholes, shafts, Adits, 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.

11.2 Should 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 their rights under this mining right or of any act or omission in connection therewith.

Continued Mining Right: Granted in terms of item 7 of the Mineral and Petroleum Resources Act, No. 28 of 2007



Handwritten signature and initials in black ink, appearing to be "C. Machaka" and "C.M.". The signature is written over the notary seal.

**12. Inspection of Mining Area**

The Minister and/or any person duly authorized 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 conversion 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:

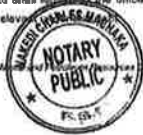
- 13.2.1 Give written notice to the Holder indicating the intention to suspend or cancel this right;
- 13.2.2 Give reasons why the Minister is considering the suspension or cancellation of this right;
- 13.2.3 Give the Holder 30 days to show reasons why the right should not be suspended or cancelled;
- 13.2.4 Notify the mortgagee (if any) of the intention to suspend or cancel the 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 required.

Converted Mining Right: Converted in terms of section 7 of the Mineral and Petroleum Resources Rent Tax Amendment Act, No. 29 of 2002



*[Handwritten signature and initials]*

14.2. The Holder shall furnish to the Regional Manager all such monthly returns contemplated in section 20 (2) A of the Act not later than the 15<sup>th</sup> 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 of the minerals on the Mining Area.

15. **Minister's liability for Payment of 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 assignees, or any person whomsoever as a result of the conversion of this right.

16. **Compliance with the Laws of the Republic of South Africa**

The conversion 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 the Act, the Holder is bound by the provisions of an agreement or arrangement dated 19 May 2008 entered into between the Holder/empowering partner and Impati Platinum Holdings Ltd, The Marutsu Community Trust and Tubatse Platinum (Pty) Ltd (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 a detailed implementation plan to give effect to Regulation 46(e) (i), (b) and (ii) 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.



**18. 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 *intra 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. Domicile 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
DORP STREET 101, POLOKWANE Code 0999 Tel 015 287 4700 Fax 015 287 4728	PRIVATE BAG X6487 POLOKWANE 0700

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

Physical Address	Postal Address
No. 2 Fricke Road, BLOYD Code 2198 Tel 011 721 8070 Fax 011 721 8262	Private Bag X18 NORTHLANDS 2118 011 731 8085 882 480 7422

20.3. 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 domicile.

Consolidated Mining Right: Granted in terms of item 7 of the Mineral and Petroleum Resources



28 of August 2001



20.3 Either party shall be entitled from time to time to change the domicile address of associate/ 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 POLOKWANE on the 15 day of JANUARY in the year 2008 in the presence of the undersigned witnesses:

AS WITNESS:

*[Handwritten signature]*

*[Handwritten signature]*  
Per and on behalf of the Minister

AS WITNESS:

*[Handwritten signature]*

*[Handwritten signature]*  
Per and on behalf of the Holder

*[Handwritten signature]*  
Notary Public

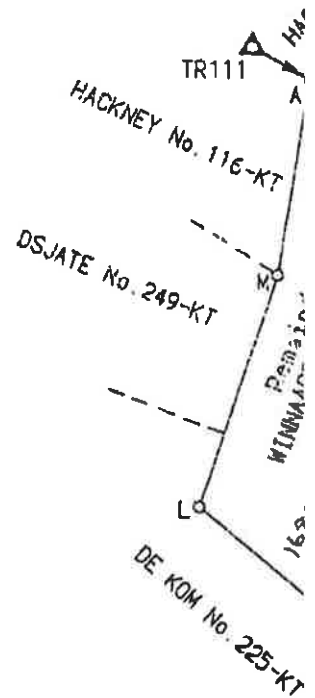


SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System: WG 31° X		
		Constants:		Y	0,00	+2700 000,00
AB	580,73	292 53 20	A	+	96 867,41	+ 8 914,19
BC	2257,26	238 44 28	B	+	96 332,41	+ 9 140,07
CD	1939,71	327 51 17	C	+	94 402,84	+ 7 968,77
DE	6913,92	234 14 20	D	+	93 370,78	+ 9 611,13
EF	7635,59	18 07 24	E	+	87 760,40	+ 5 570,59
FG	1925,31	101 29 56	F	+	90 135,54	+ 12 827,38
GH	2704,07	106 48 08	G	+	92 022,21	+ 12 443,57
HJ	5500,11	21 19 12	H	+	94 610,84	+ 11 661,90
JK	244,79	21 17 30	J	+	95 610,54	+ 16 785,61
KL	2330,19	129 49 51	K	+	96 699,43	+ 17 013,69
LM	3760,46	197 57 59	L	+	98 488,87	+ 15 521,15
MA	3064,82	188 39 39	M	+	97 328,92	+ 11 944,06
(5)	CLAPHAM		△	+	89 901,04	+ 10 275,18
(14)	FRANKENSTEIN		△	+	45 573,72	- 30 528,63
(29)	LEEUVALLEI		△	+	69 614,10	+ 31 437,32
(66)	WATERKOP		△	+	99 213,16	- 2 270,09
(111)	MODIMOTE HILL		△	+	96 867,79	+ 8 914,98
(125)	DRIEKOP		△	+	89 392,73	+ 13 554,92
(126)	EERSTE GELUK		△	+	88 718,66	+ 36 296,15

The figure represents a Mining Right to be i Reg situated on a Portic 1. Portion 1 of the Far and situated over the 2. The Farm CLAPHAM No 3. The Remainder of the 4. Portion 1 of the Far Magisterial District Se

Description of Beacons

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E	: Hole in Concrete Block
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G	: Middle of Masoned Stone Beacon
I	: Hole in Concrete Pillar
H	: 15mm Iron Pipe in Concrete Pillar



Surveyed in August 2004 by me

*TF Dreyer*  
TF Dreyer (PLS 1053)  
Professional Land Surveyor

CERTIFIED COPY  
*[Signature]*  
REG. 2008-03-11

MINERAL & PETROLEUM TITLES  
REGISTRATION OFFICE  
In the name of *MINING TITLE*  
Of the *20* day of *June* 2008  
Under *23/2008 MRC*  
*[Signature]*  
DIRECTOR GENERAL  
DEPT. OF MINERALS AND ENERGY



**NOTARIAL DEED OF CESSION FOR  
CONVERTED MINING RIGHT: 23/2008 MR  
REGISTERED UNDER NUMBER: 32/2008**

**Contact Details of Notary's Notary:**

Mr. Nakedi Charles Machaka  
Machaka N.C., Attorneys  
P.O. Box 11897, The Transhed, 0126  
12<sup>th</sup> Floor, Suite 1210, SALU Building,  
Cnr Schoeman & Andries Streets,  
PRETORIA, 0002  
Tel: (012) 320 0010  
Fax: (012) 320 0012  
Cell: 076 262 9518  
E-mail: machaka.attorneys@gmail.com



granted to him by Leslie John Paton and Awanthi Parboosing in their capacities as Director and Group Secretary of the Cedent, they being authorized thereto under and by virtue of a Resolution of the Directors of the Cedent passed at Johannesburg on the 14<sup>th</sup> day of November in the year 2001.

AND

In the presence of the undersigned witness personally came and appeared STEFANIE VIVIER in her capacity as the authorized representative or Agent of:

**MARULA PLATINUM (PROPRIETARY) LIMITED**  
(Registration Number: 1990/004775/07)

(hereinafter together with its successors in the title and assigns referred to as "the Cessionary")

The appearer, being duly authorized hereto under and by virtue of a Power of Attorney of the Cessionary executed at Johannesburg on the 20<sup>th</sup> day of April 2006, and granted to her by Leslie John Paton and Awanthi Parboosing in their capacities as Director and Group Secretary, they being duly authorized hereto, under and by virtue of a Resolution of the Directors of the Cessionary, executed at Johannesburg on the 11<sup>th</sup> day of February 2004.

Which Power of Attorney, certified copy of which Resolutions have ~~been~~ exhibited to me the Notary, and reside in my Protocol with the minute hereof.

**AND THE APPEARER DECLARED THAT**

**WHEREAS:**

A. The Cedent is the registered holder of the undermentioned Concessed Mining Right granted in terms of item 7 of schedule 11 of the Mineral and Petroleum Resources Development Act, 2002)



B. The Cedent has on the 5<sup>th</sup> March 2008 obtained the Minister's consent to cede its rights in terms of clause 6 of the said right.

C. The Cedent has, in terms of an agreement entered into between the Cedent and the Cessionary dated 10 May 2008 (hereinafter referred to as the "Sale of assets agreement") agreed to cede the mining right referred to in paragraph 1 of this document to the Cessionary, subject to the terms and conditions contained in the Sale of assets agreement.

**NOW THEREFORE THESE PRESENTS WITNESS**

1. The Cedent does hereby cede, assign, transfer and make over and in favour of the Cessionary all the Cedent's rights and obligations in and to:

Converted Mining Right executed on the 15<sup>th</sup> day of January in the year 2006 to be registered at the Mineral and Petroleum Titles Registration Office, whereby the cedent was granted the sole and exclusive right by the state to mine on or under:

- 1) The remaining extent and portion 1 of the farm Winaarshoek 260 KT, for Precious metals and base minerals found in mineral logical association with those precious metals
- 2) The farm Clepham 918 KT and a Portion of the farm of Forest Hill 117 KT known as Magma Area 2, for platinum, palladium, rhodium, iridium, ruthenium and osmium as well as the right to gold, silver nickel and copper found in the UG2 and Mereristy reefs.

In total measuring <sup>4 120,5000</sup> 4223,4287 hectares:

Situated: Sekhukhune Magisterial/Administrative District of Gaborone

As will more fully appear from the plan attached to the said converted mining right.

2. The Cessionary hereby accepts the cession of the right, subject to all attendant obligations, and subject to all terms and conditions of the price.



3. It is recorded that this cession flows from the Group Restructuring transaction in terms of section 45 of the Income Tax Act No 58 of 1962 in terms of a cash neutral transaction.

Subject to the terms and conditions in the sale of assets agreement which forms part of the asset prospecting right hereby ceded to the Cessionary.

4. The Minister granted consent to the cession on the 3<sup>rd</sup> day of March 2008.

5. All costs of (and incidental to) the cession shall be borne by the Cessionary.

This done and executed at Pretoria on the 22<sup>nd</sup> day of APRIL in the year 2008 hereinbefore written in the presence of the undersigned witnesses.

**AS WITNESSES:**

1. [Signature] (1) [Signature] 299

2. [Signature] (2) [Signature] 299



NOTARY PUBLIC



**NOTARY PUBLIC CERTIFICATE**

I, the undersigned,

**NAKEDI CHARLES MACHAKA**, the undersigned Notary Public, do hereby certify and confirm that the Mining Right in the Notarial Deed of Cession refers to the Converted Mining Right LP (63) MR.

Thus done and signed at **PRETORIA** on this **13<sup>th</sup>** day of **June 2008**

  
Notary Public  
N.C. MACHAKA

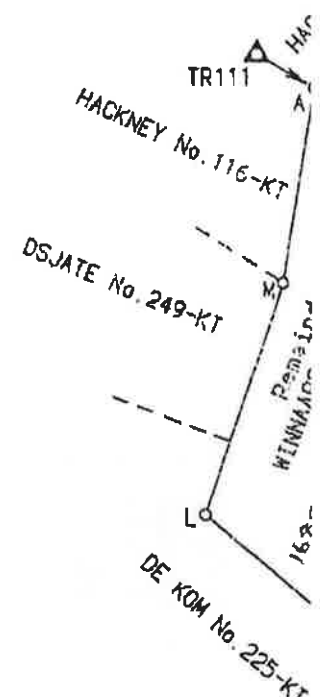


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- I : Hole in Concrete Pillar
- H : 15mm Iron Pipe in Concrete Pillar



*[Handwritten Signature]*

Surveyed in August 2004 by me

TF Dreyer (PLS 1053)  
Professional Land Surveyor



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

## DEPARTMENT OF

## ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Enq: Ms Tshifiwa Malamele, Tel: (015) 295 5528 Fax: (015) 295 5015, E-mail: [MalameleTE@ledet.gov.za](mailto:MalameleTE@ledet.gov.za), Reference: 16/17/2-GS29

Marula Platinum (Pty) Ltd  
Private Bag x 18  
NORTHLANDS  
2116

For Attention: Mr Lesli John Patron

Fax: (011) /31 9254

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED EXTENSION OF MARULA MINE (MERENSKY PROJECT) ON THE FARMS WINAARSHOEK 250 KT (PORTION 1 AND REMAINING EXTENT OF THE FARM), DRIEKOP 253 KT AND CLAPHAM 118 KT WITHIN GREATER TUBATSE LOCAL MUNICIPALITY: GREATER SEKHUKHUNE DISTRICT**

With reference to the abovementioned application, please be advised that the Department of Economic Development, Environment and Tourism have decided to grant authorization. The environmental authorization and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 10 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in this regulations.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC for Economic Development, Environment and Tourism, Mr O C Chabane within 10 days of receiving this letter, by means of one of the following methods:

By facsimile : (015) 293 8317  
By post : Private Bag X9484, POLOKWANE, 0700  
By hand : 3<sup>rd</sup> Floor, Evridiki Towers, 20 Hans van Rensburg street, POLOKWANE

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully

  
SENIOR MANAGER  
ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 17/06/2008

Cc: METAGO Environmental Engineers (Pty) Ltd

Attention: Ms Alex Pheiffer

Fax: (011) 467 0978

Cnr of Suid and Dorp Streets, POLOKWANE, 0700, P O Box 55464, POLOKWANE, 0700  
Tel: 015 290 7000, Fax: 015 295 5015, website: <http://www.Limpopo.gov.za>

*The heartland of southern Africa - development is about people!*



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

## DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

### ENVIRONMENTAL AUTHORIZATION

AUTHORIZATION REFERENCE NUMBER: 16/1772-GS29

Holder of authorization : Marula Platinum (Pty) Ltd  
Location of activity : Site is situated on the farms Winaarshoek 250 KT (portion 1 and remaining extent of the farm), Driekop 253 KT and Clapham 118 KT within Greater Tubatse Local Municipality of Greater Sekhukhune District.

#### A. DEFINITIONS

NEMA: National Environmental Management Act (Act 107 of 1998)  
Regulations: Environmental Impact Assessment Regulations; 2006  
Department: Department of Economic Development, Environment and Tourism

#### B. DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorization, that the applicant should be authorized to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

#### 1. ACTIVITIES AUTHORIZED

By virtue of the powers conferred on it by NEMA and the Regulations, the Department hereby authorizes – Marula Platinum (Pty) Ltd with the following contact details –

Mr Leslie John Patron  
Marula Platinum (Pty) Ltd  
The Corporate Lawyer  
Private Bag X 18  
NORTHLANDS  
2116

Tel: (011) 731 9000

Fax: (011) 731 9254

Car of Suid and Dorp Streets, POLOKWANE, 0700, P O Box 55464, POLOKWANE, 0700  
Tel: 015 290 7000, Fax: 015 295 5015, website: <http://www.Limpopo.gov.za>

*The heartland of southern Africa = development is about people!*

To undertake the following listed activity herein referred to as "any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be 20 hectares or more"

activity entails the extension of existing Marula Platinum Mine and the associated developments on the farms Winaarshoek 250 KT (portion 1 and the remaining extent of the farm), Driekop 253 KT and the Clapham 118 KT within the jurisdiction of Greater Tubatse Local Municipality of Greater Sekhukhune District Municipality hereafter referred to as "the property".

The granting of this environmental authorization is subject to the conditions set out below.

## C. CONDITIONS

### 1. SCOPE OF AUTHORIZATION

- 1.1 Authorization of the activity is subject to the conditions contained in this authorization, which conditions form part of the environmental authorization and are binding on the holder of the authorization.
- 1.2 The holder of the authorization shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorization.
- 1.3 The activity which is authorized may only be carried out at the property indicated herein.
- 1.4 Any changes to, or deviations from, the project description set out in this authorization must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorization to apply for further authorization in terms of the Regulations.
- 1.5 This activity must commence within a period of 3 years from the date of issue. If commencement of the activity does not occur within that period, the authorization lapses and a new application for environmental authorization must be made in order for the activity to be undertaken.
- 1.6 This authorization does not negate the holder of the authorization's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

### 2. NOTICE OF AUTHORIZATION

- 2.1 The holder of the authorization must notify every registered interested and affected party, in writing and within 10 days, of receiving the Department's decision.
- 2.2 The notification referred to in 2.1 must –
  - 2.2.1 Specify the date on which the authorization was is
  - 2.2.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and
  - 2.2.3 Advise the interested and affected party that a copy of the authorization and reasons for the decision will be furnished on request.

---

The proposed extension of an existing Marula Platinum Mine and associated developments.


- 3. MANAGEMENT OF THE ACTIVITY**
- 3.1 The Environmental Management Plan ("EMP") and mitigation measures in the Environmental Impact Assessment Report submitted as part of the application for environmental authorization must be implemented.
- 4. RECORDING AND REPORTING TO THE DEPARTMENT**
- 4.1 A week's notice must be given to the Department before the commencement of construction and operation activities.
- 4.2 The applicant must appoint an independent environmental officer to prepare compliance monitoring reports every six (6) months from the date of the authorization. The reports must indicate how the applicant is complying with each condition in the authorization. These reports must be submitted to the Department within fourteen (14) days after the elapse of the six (6) months.
- 5. CONSTRUCTION OF THE ACTIVITY**
- 5.1 The site must be monitored by the body corporate on a regular basis during the construction phase.
- 5.2 The site must be rehabilitated to the state it was prior to the construction of the development.
- 5.3 All waste generated on site during the construction of the development shall be stored, handled and disposed of at an authorized disposal site.
- 5.4 Construction activities must be suspended and a representative of the South African Heritage Resources Agency (SAHRA) be contacted immediately in the event of finding or uncovering any subterranean (middens, graves, etc.) finds.
- 5.5 Disturbance to vegetation must be restricted to the absolute minimum and areas disturbed as a result of construction must be rehabilitated as soon as possible to the satisfaction of this department.
- 5.6 No development is allowed within the 1: 100 year floodline around the Tswenyane drainage line.
- 6. OPERATION OF THE ACTIVITY**
- 6.1 All waste generated on site during the operation of the development must be stored, handled and disposed of in an environmentally acceptable manner, as directed by this Department or any other relevant authority. Communal waste storage facilities must be managed according to acceptable standards and must be removed at regular intervals and may only be disposed of at a licensed facility.
- 6.2 The operation of the mine should be in line with the standards and requirements of the Department of Minerals and Energy (DME).

**7. SITE CLOSURE AND DECOMMISSIONING**

- 7.1 Environmental Management Plan for site closure and decommissioning of the proposed development must be submitted to this Department and the Department must be notified 30 days prior to the decommissioning.

**8. GENERAL**

- 8.1 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorization must be produced to any authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorization who works or undertakes work at the property.
- 8.2 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 8.3 Non-compliance with a condition of this authorization may result in criminal prosecution or other actions provided for in NEMA and the Regulations.

  
SENIOR GENERAL MANAGER  
ENVIRONMENT AND TOURISM  
DATE: 2008/06/17

## **ANNEXURE 1: REASONS FOR DECISION**

### **1. BACKGROUND**

The applicant, Marula Platinum (Pty) Ltd applied for authorization to carry on the following activity – the proposed extension of existing Marula Platinum Mine and the associated developments on the farm Winaarshoek 250 KT (portion 1 and the remaining extent of the farm), Driekop 253 KT and the Clapham 118 KT.

The applicant appointed Ms Alex Pfeiffer of Mentago Environmental Engineers as an Environmental Assessment Practitioner to undertake Scoping and Environmental Impact Assessment process.

### **2. INFORMATION CONSIDERED IN MAKING THE DECISION**

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Environmental Impact Assessment report received on 2<sup>nd</sup> October 2007;
- b) The comments received from interested and affected parties as included in the Environmental Impact Assessment report; and
- c) Relevant information contained in the Departmental information base including –
  - The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
  - Sections 17, 27, 28 & 29 of the Regulations in terms of chapter 5 of NEMA.

### **3. KEY FACTORS CONSIDERED IN MAKING THE DECISION**

3.1 All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Environmental issues identified and mitigation measures of environmental impacts;
- b) Alternatives identified;
- c) Public participation process; and
- d) Findings of the site visit conducted on the 22<sup>nd</sup> November 2007.

3.2 After consideration of the information and factors listed above, the Department made the following findings-

- a) The possible impacts on archeological/cultural/social features were addressed adequately;
- b) All issues raised by interested and affected parties were addressed to their satisfaction; and
- c) Development and location alternatives were investigated thoroughly.



In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.



DEPARTMENT: MINERALS AND ENERGY  
REPUBLIC OF SOUTH AFRICA  
Tel: 015-287 4700  
Fax: 015-287 4729

### FAX COVER SHEET

DATE: 28 January 2008

TO:	Mr. Jan Nel		
ORGANISATION:	Marula Platinum Mine.		
FAX:	013 214 6021		
FROM:	Maam Ketona.		
TEL:		ROOM NO:	
FAX:			
E-MAIL:			
NO PAGES:	2		
SUBJECT:	APPROVED AMENDMENT		
MESSAGE:	Attached please find the approval letter for Merensky Project.		

M. Ketona  
REGIONAL MANAGER:  
LIMPOPO REGION: POLOKWANE

0152874706

DME 12

**the dme**Department:  
Minerals and Energy  
REPUBLIC OF SOUTH AFRICAPrivate Bag X 9467, Polokwane, (1700).  
101 Dorp Street, Polokwane, 0699  
Tel no: (015) 287 4700; Fax no: (015) 287 4729Directorate Minerals Regulations: Limpopo RegionEnquiries: Ms N. Kekana  
E-mail address: sebilisa.kekana@dme.gov.za  
Reference no: 6/12/08REGISTERED LETTERThe Director  
Marula Platinum (Pty) Ltd  
P.O. Box 1496  
STEELPOORT  
1133

Attention: Mr. Jan Nel

**APPROVAL OF AN AMENDMENT TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT FOR MARULA PLATINUM MINE (PTY) LTD IN RESPECT OF THE FARMS WINNAARSHOEK 250 KT, DRIENKOP 253 KT, FOREST HILL 117 KT & CLAPHAM 118 KT, SITUATED IN THE MAGISTERIAL DISTRICT OF SEKHUKHUNE, LIMPOPO PROVINCE.**

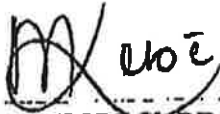
The above mentioned Amendment to the approved Environmental Management Programme that has been signed by the Chief Director, Mineral Regulation, is hereby approved in terms of Section 39 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), and is applicable to the mining area depicted, subject to the following conditions:

The approval does not purport to absolve Marula Platinum Mine (Pty) Ltd, from its common law obligations towards the holder of the surface rights;

1. This approval may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations whatsoever;
2. The environmental management shall conform to the Environmental Management Programme approved,

- 0152874706
3. Mining activities shall conform to all relevant legislations, especially the National Water Act, 1998, as well as the Mine Health and Safety Act, 1996 and such other conditions as may be imposed by the Regional Manager or any other officer of this office, duly authorized thereto;
  4. Rehabilitation of the disturbed surface caused by mining activities shall comply with the provisions of this plan;
  5. The financial provision provided in terms of Regulation 54(2) of the Act must be annually adjusted to conform to the above-mentioned mining activities;
  6. A performance assessment, monitoring, and evaluation report must be submitted annually to this office or as determined by the Regional Manager, or at any other time that an officer of this office, duly authorized thereto requests;
  7. Any alteration or deviation from the programme shall be submitted to the Regional manager for his approval;
  8. A copy of the environmental management programme must always be available on the mine for inspection by duly authorized officers.

Yours faithfully,



CHIEF DIRECTOR  
MINERAL REGULATION & ADMINISTRATION  
LIMPOPO REGION  
DATE: 24.01.08



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X 9467, Polokwane, 0700, Tel: 015 287 4700, Fax: 015 297 7230/ 086 710 1448  
DMR Building, 101 Dorp Street, Polokwane, 0699

Enquiries: M.M. Sathekge Ref No: LP 30/5/1/2/3/2/1 (61 & 63) EM  
E-mail address: [Mapula.Sathekge@dmr.gov.za](mailto:Mapula.Sathekge@dmr.gov.za)  
Sub-directorate: Mine Environmental Management

## **REGISTERED MAIL**

The Director(s): Marula Platinum (Pty) Ltd  
P.O. Box 1496  
STEELPOORT  
1133

**Fax: 013 214 6021**

**Attention: Mr. Jacques Pretorius**

**APPROVAL OF AN AMENDMENT TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPR) FOR A MINING RIGHT IN TERMS OF SECTION 39 (6) READ WITH SECTION 102 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) IN RESPECT OF THE FARMS CLAPHAM 118 KT, DRIEKOP 253 KT, WINNARSHOEK 250 KT, HACKNEY 116 KT AND FOREST HILL 117 KT (TO ADD THE TAILINGS SCAVENGER PLANT, TWO ADDITIONAL VENTILATION SHAFTS AND THE EXTENSION OF UNDERGROUND MINING ACTIVITIES TO INCLUDE THE FARM HACKNEY 116 KT AND A PORTION OF THE FARM DRIEKOP 253 KT), SITUATED IN THE MAGISTERIAL DISTRICT OF SEKHUKHUNE: LIMPOPO REGION.**

The above mentioned Environmental Management Programme, that has been signed by the Chief Director: Mineral Regulation and Administration- Northern Regions, is hereby approved in terms of Section 39 (6) read with section 102 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), and is applicable to the mining area as depicted, subject to the following conditions:

1. The approval does not purport to absolve **Marula Platinum (Pty) Ltd** from its common law obligations towards the holder of the surface rights.
2. This approval may be amended or withdrawn at any stage for non compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations whatsoever;
3. The environmental management shall conform to the Environmental Management Programme as approved.
4. Mining activities shall conform to all relevant legislations, especially the National Water Act, 1998, as well as the Mine Health and Safety Act, 1996 and such other conditions as may be imposed by the Chief Director or any other officer of this office, duly authorized thereto;

5. Rehabilitation of the disturbed surface caused by mining activities shall comply with the provisions of this programme;
6. A financial provision provided in terms of regulation 54(2) of the Act must annually be adjusted to conform to the above-mentioned mining activities.
7. A performance assessment, monitoring, and evaluation report must be submitted annually to this office or as determined by the Chief Director, or at any other time that an officer of this office, duly authorized thereto requests;
8. Any alteration or deviation from this programme shall be submitted to the Chief Director for approval;
9. A copy of the Environmental Management Programme must always be available on site for inspection by duly authorized officers.
10. The attached comments from the sub directorate: Mine Health & Safety; and the Department of Economic Development, Environment and Tourism form part of this approval and they should be adhered to.

**NB: Kindly be informed that this letter constitutes a mere correction and shall be read in conjunction with the approval letter signed by Chief Director: Northern Regions, Ms Motlatso Constance Kobe on the 12<sup>th</sup> May 2014, not in isolation thereto.**

Yours faithfully,

  
ACTING CHIEF DIRECTOR: MINERAL REGULATION  
NORTHERN REGIONS

DATE: 10 June 2014



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

LP30/5/1/2/3/2/1 (61 & 63) EM

**APPROVAL OF AN AMENDMENT TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF SECTION 39(6) READ WITH SECTION 102 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) BY IMPALA PLATINUM (PTY) LTD IN RESPECT OF THE FARM CLAPHAM 118 KT, DRIEKOP 253 KT, WINNAARSHOEK 250 KT AND HACKNEY 116 KT AND FORET HILL 117 KT, SITUATED IN THE MAGISTERIAL DISTRICT OF SEKHUKHUNE: LIMPOPO REGION.**

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, **AARON KHATHUTSHELO KHARIVHE** in my capacity as Acting Chief Director: Mineral Regulation: Northern Regions of the Department of Mineral Resources of the Republic of South Africa, hereby approve in terms of Section 39(6) read with section 102 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), the amendment to the approved Environmental Management Programme to add a tailings scavenger plant, two additional ventilation shafts and the extension of underground mining activities to include the farm Hackney 116 KT and a portion of the farm Driekop 253 KT into the existing EMPR, subject to the set conditions.

**NB: Kindly be informed that this letter constitutes a mere correction and shall be read in conjunction with the approval letter signed by the Chief Director: Northern Regions, Ms. Motlatso Constance Kobe on the 12<sup>th</sup> May 2014, not in isolation thereto.**

Signed at *Pretoria* on this *10<sup>th</sup>* day of *June* 2014.

*[Signature]*  
AARON KHATHUTSHELO KHARIVHE  
ACTING CHIEF DIRECTOR: MINERAL REGULATION  
NORTHERN REGIONS



# water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, Sedibeng Building, 185 Francis Beard Street, Pretoria,  
Tel: (012) 336- 7500 Fax (012) 323-4472 / (012) 326 – 2715

## LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)

I, **Trevor Baizer**, in my capacity as Deputy Director-General: Special Projects in the Department of Water and Sanitation: and acting under authority of the powers sub- delegated to me by the Acting Director- General of Water and Sanitation, hereby authorizes the following water uses in respect of this licence.

SIGNED: 

DATE: 

LICENCE NO: 06/B71E/GACIJ/8841  
FILE NO: 27/2/2/B571/6/1

1. Licensee: Marula Platinum Mine (Pty) Limited  
Postal Address: P. O. Box 1496  
STEELPOORT  
1133

### 2. Water Uses

- 2.1 Section 21(a) of the Act: Taking of water from a water resource, subject to the conditions set out in Appendices I and II.
- 2.2 Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse, subject to the conditions set out in Appendices I and III.
- 2.3 Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource, subject to the conditions as set out in Appendices I and IV.
- 2.4 Section 21(i) of the Act: Altering the bed, banks, course or characteristics of a watercourse, subject to the conditions as set out in Appendices I and III.
- 2.5 Section 21(j) of the Act: Removing, discharging or disposing of water found if it is necessary for the efficient continuation of an activity or for the safety of people, subject to the conditions set out in Appendices I and V

7 B 08854





**3. Properties on which the use will be exercised**

- 3.1. Section 21(a) of the Act: Clapham 118KT, Driekop 253KT and Forest Hill 117KT  
3.2. Section 21(c) of the Act: Clapham 118KT, Driekop 253KT and Forest Hill 117KT  
3.3. Section 21(g) of the Act: Clapham 118KT, Driekop 253KT and Forest Hill 117KT  
3.4. Section 21(i) of the Act: Clapham 118KT, Driekop 253KT and Forest Hill 117KT  
3.5. Section 21(j) of the Act: Clapham 118KT, Driekop 253KT and Forest Hill 117KT

**4. Registered Owners of Properties on which the water uses will be exercised**

Owner's Name	Farm Name and Portion Number
Kgoshi MW Manyaka and Kgoshigadi DD Manyaka	Clapham 118KT
Kgoshi MB Mohlala and Kgoshi MW Mohlala	Driekop 253KT
Kgoshi MB Mohlala	Winaarshoek 250KT
Kgoshi S Mashishi and Kgoshigadi S Kgwete	Forest Hill 117KT

**5. Licence and Review Period**

This licence is valid for a period of twenty (20) years from the date of issuance and it may be reviewed at an interval not exceeding five (5) years.

**6. Definitions**

Any word or term defined under the Act shall, have the same meaning as defined in the Act, unless otherwise specifically stated.

"The Provincial Head" means the Provincial Head of Provincial Operations: Mpumalanga, Department of Water and Sanitation, Private Bag X 11259, MBOMBELA, 1200.

"Regulations GN 704" refers to the regulations on use of water for mining and related activities aimed at the protection of water resources made in terms of section 26(1)(b), (g) and (i) of the Act and promulgated under Government Notice 704 of 4 June 1999 and published in Government Gazette No. 20119.

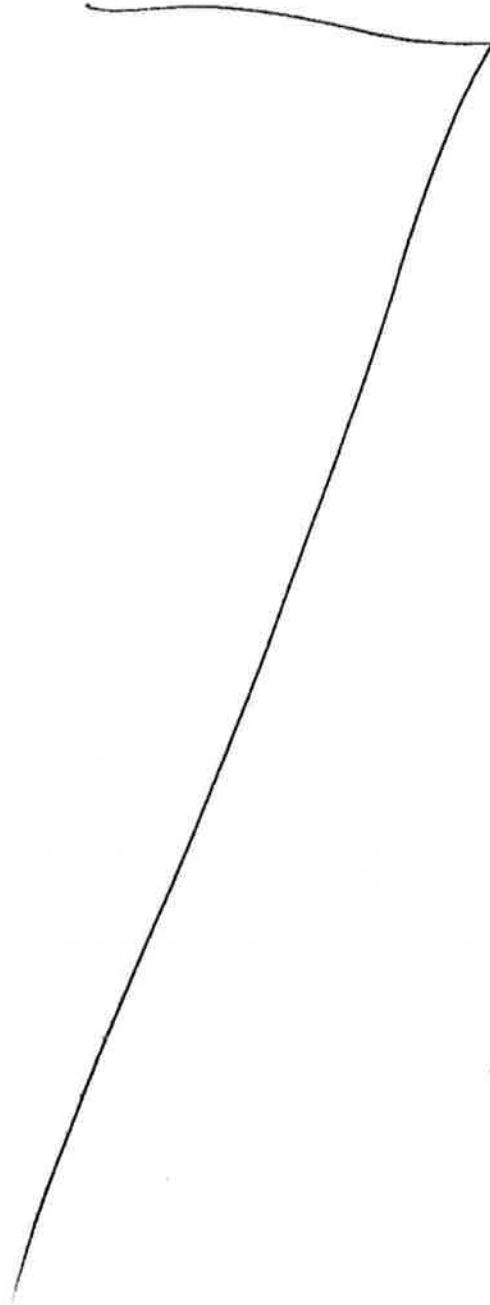
"Report" refers to the following documentations and the communications (emails, letters, verbal, etc) related thereto.

- i. Water Use Licence Application report (Marula Platinum Mine (Pty) Limited)
- ii. Marula Platinum Mine brief Water Use Licence Application Report (Report number:474755)
- iii. Integrated Water and Waste Management Plan (report number: 474755/1) prepared by SRK
- iv. Waste classification and containment Barrier requirements (project number:480367)
- v. Marula Tailings Dam No. 2 Preliminary Design Report Volume 1, 2 and 5, Engineering Analysis and Design of Tailings Dam (Report number 498083/01
- vi. Geohydrology report for Marula Platinum Mine in support of WUL (report number SRK 474755-GW/Final dated May 2017
- vii. Wetland Ecological Assessment for the Marula Platinum Mine prepared by SRK Consulting (Pty) Ltd revised December 2016
- viii. Biodiversity Action Plan for the Marula Platinum Mine report Number 413590 dated 2011
- ix. Marula Platinum Mine: Surface Water Study and Storm water Management Plan report number 474755/SWMP-2017 dated March 2017
- x. Marula Platinum Mine: undermining study in support of WULA, SRK project Number 474755 dated March 2017

- xi. Environmental Impact Assessment and Environmental Management Programme (DME ref:6/2/2/649EM) report No 3 prepared by Metago (dated 2007)
- xii. Marula Tailings Dam No.2 – Detailed Design Report Volume 1 Engineering Analysis and Design of Tailings Dam having reference 512264,01, dated February 2018 compiled by SRK Consulting
- xiii. Marula Platinum Mine: presentation of technical design for the new tailings storage facility and return water dam, reference number 512264/02, dated June 2018, compiled by SRK
- xiv. Drawings: Marula Tailings Dam No.2 – Detailed design report volume 4 detail design drawings and letter from SRK dated 21 June having reference number 530055/DWS1

**7. Description of an activity**

The licence authorises Marula Platinum Mine (Pty) Limited for section 21(a), (c), (g), (i) and (j) water uses. The activity is for mining the Merensky and UG2 reefs using underground mining on the farms Clapham 118KT, Driekop 253KT, Winnaarshok 250KT and Forest Hill 117KT located in the magisterial district of Greater Tubatse Local Municipality within the Sekhukhune District Council of the Limpopo Province within the B71E Quaternary Catchment.



*Handwritten signature or initials, possibly 'PB'.*

## APPENDIX I

### CONDITIONS FOR ALL WATER USES

1. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
2. This licence is subject to all the provisions contained in the National Water Act.
3. In terms of section 148(1)(f) of the Act, any person who has timeously lodged a written objection against the application for a licence may appeal to the Water Tribunal and the Tribunal may confirm, amend or withdraw the licence or make any other order as it deems appropriate.
4. The licence shall not be construed as exempting the Licensee from compliance with the provisions of the National Environment Management Act, 1998 (Act 107 of 1998), the Health Act, 2003 (Act 61 of 2003), the Environment Conservation Act, 1989 (Act 73 of 1989), the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or any other applicable Act, Ordinance, Regulation or By-law.
5. The Licensee shall immediately inform the Provincial Head of any change of name, address, premises and/or legal status.
6. This licence and any amendment to this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
7. If the property/ies mentioned in Clause 3 above is subdivided, sold or consolidated, the owner(s) of the new property (ies) must enter into a written mutual agreement and notify this Department or the responsible authority within 60 days after the said transaction took place.
8. If a water user association is established in the area to manage the resource, membership of the Licensee to this association is compulsory and rules, regulations and water management stipulations of the association must be adhered to.
9. The Licensee shall be responsible for any water use charges or levies imposed from time to time by a responsible authority or Department in terms of the Raw Water Pricing Strategy, Waste Discharge Charges, Water Resource Management Charge of the Department, or any other water charge or levies that might be imposed in terms of the appropriate legislation.
10. The Licensee must inform the Department at least 90 days before the expiring date of the licence whether the licence must be considered for another term.
11. The Licensee shall be responsible for appointment of a Responsible Person(s) who will give effect to the various licence conditions and to ensure compliance thereof.
12. The Licensee shall conduct an annual internal audit on compliance with the conditions this licence. A report on the audit shall be submitted to the Provincial Head within one month of the finalisation of the audit.
13. The Licensee shall note that this licence supersedes the previous licence dated 8 July 2011 issued to the Mine by the Department of Water and Sanitation.

**APPENDIX II**

**Section 21(a) of the Act: Taking water from a water resource**

1. The Licensee is authorised to take a maximum volume in cubic metres as indicated in Table 1.

**Table 1: Marula Platinum Mine water uses**

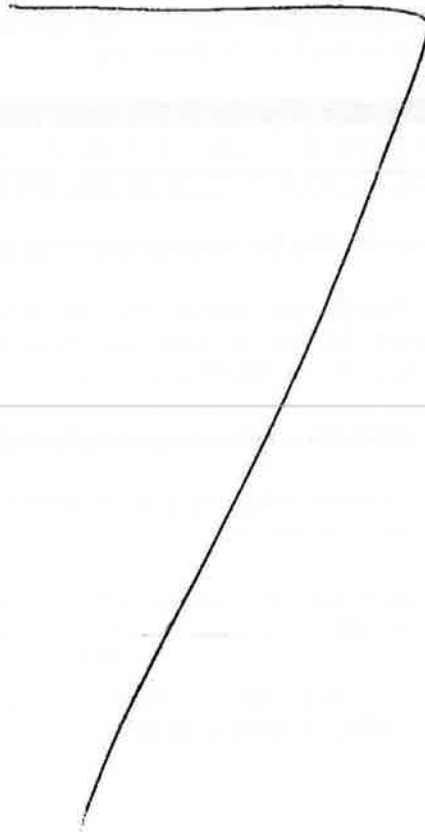
Water use	Description/ Purpose	Properties	Volume (m <sup>3</sup> /annum)	Co-ordinates
Section 21(a)	Reuse water from underground workings after settling for mining purposes (drilling)	Driekop 253KT	202 778 m <sup>3</sup> per annum	S24°30' 48.51" E30°05' 01.79"
Section 21(a)	Reuse of water from the underground workings for mining process	Driekop 253KT	20 000m <sup>3</sup> per annum	S24°30' 40.58" E 30°04'48.80"
Section 21(a)	Abstraction of water through a scavenger Borehole (around TSF and RWD) for mining process/drilling	Clapham 118KT	408 372m <sup>3</sup> per annum	S24°30' 3.82" E 30°04'44.22"
Section 21(a)	Reusing water abstracted from underground through a scavenger Borehole for drilling	Clapham 118KT	316 000m <sup>3</sup> per annum	S24°30' 32.61" E 30°06'09.56"

2. The quantity of water authorised to be taken in terms of this licence may not be exceeded without prior authorisation by the Minister.
3. This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
4. Due to possible over-allocation of water in this water resource, when compulsory licensing is required in future in terms of Chapter 4 of the Act, this licence shall be subject to a reduction of the allocated volume in order to comply with the requirements of the Act.
5. The abovementioned volume may be reduced when the licence is reviewed.
6. The Licensee shall continually investigate new and emerging technologies and put into practice any water efficient devices or apply technique for the re-use of water containing waste, in an endeavour to conserve water at all times.
7. All water taken from the resource shall be measured as follows:
  - 7.1 the daily quantity of water taken must be metered or gauged and the total recorded at the last day of each month; and
  - 7.2 the licence shall keep record of all water taken and a copy of the records shall be forwarded to the Provincial Head on or before 25 January and 25 July of each year.
8. No water taken may be pumped, stored, diverted, or alienated for purposes other than intended in this licence, without written approval by the Minister or his/her delegated nominee.

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9. The Licensee shall install and monitor appropriate water measuring devices to measure the amount of water abstracted, received and/or consumed, as applicable to the infrastructure.
10. The Licensee shall be responsible for any water use charges or levies, which may be imposed from time to time by the Department or responsible authority in terms of the Department's Raw Water Pricing Strategy.
11. Notices prohibiting unauthorised persons from entering the certain areas, as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.
12. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of-
  - 12.1 shortage of water;
  - 12.2 inundation or flood;
  - 12.3 siltation of the resource; and
  - 12.4 required reserve releases.
13. The Licensee shall ensure that all measuring devices are properly maintained and in good working order and must be easily accessible. This shall include a programme of checking, calibration, and/or renewal of measuring devices.
14. The Licensee shall establish a programme of formal Information Management System, which maintains a database on water supply, distribution and delivery infrastructure.
15. The Licensee shall establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders for the need to for Water Conservation and Water Demand Management.



13

APPENDIX III

**Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse <and/or>**

**Section 21(i) of the Act: Altering the bed, banks, course or characteristic of a watercourse**

**1. GENERAL**

1.1 This licence authorises Marula Platinum Mine (Pty) Limited the exploitation of Merensky and UG2 reefs using underground mining for the Section 21(c) and (i) water use activities haul road crossings the drainage lines as set out in Table 2 and in the water use licence application reports submitted to the Department or the Responsible Authority (refer condition 1.2) for:

**Table 2: Section 21(c) and (i) water uses**

Water use	Descriptions/purposes	Properties (farm name)	Total length/width in m per annum	Co-ordinates
Section 21(c) & (i)	Access road to mine crossing the Matadi river	Clapham 118KT	L: 35 m B: 12 m	S 24°28'58.50" E 30° 6'44.90"
	Conveyor transfer of ore from the shaft to the concentrator plant, crossing the Moopetsi river tributary 1	Clapham 118KT	L: 36 m B: 5 m	S 24° 30' 30.7" E 30° 05' 03.3"
	Access road to mine crossing the Moopetsi river tributary 3	Clapham 118KT	L: 8 m B: 11 m	S 24° 29' 42.90" E 30° 06' 05.70"
	Access road to mine, crossing the Moopetsi river	Clapham 118KT	L: 27 m B: 11 m	S24° 30' 07.50" E 30° 05' 17.50"
	Access road to mine, crossing the Moopetsi river tributary 1	Clapham 118KT	L: 15 m B: 11 m	S 24° 30' 13.20" E 30° 05' 00.80"
	Road to TSF, crossing the Moopetsi river	Clapham 118KT	L: 46 m B: 7 m	S 24° 30' 23.80" E 30° 05' 50.50"
	Access road to Driekop shaft crossing the Moopetsi river tributary 1	Driekop 253KT	L: 19 m B: 10m	S 24° 30' 38.3° E 30° 04' 57.1"
	Transfer of sewage to the sewage treatment plant, crossing the Tshwenyane river	Clapham 118KT	L: 22 m B: 0.8 m	S 24° 29' 51.90" E 30° 04' 36.60"
	Transfer of sewage to the sewage treatment plant, crossing the Moopetsi river tributary 1	Clapham 118KT	L: 11 m B: 0.8 m	S 24° 30' 35.90" E 30° 05' 01.59"
	Transfer of tailings from the concentrator plant to the TSF, crossing the Moopetsi river	Clapham 118KT	L: 46 m B: 0.8 m	S 24° 30' 24.00" E 30° 05' 51.00"
	Transfer of ore from the shafts to the concentrator plant, crossing the Tshwenyane river	Clapham 118KT	L: 22 m B: 5 m	S 24° 30' 04.33" E 30° 04' 29.05"
Section 21(c) & (i)	Access road to concentrator plant and mine offices, crossing the Tshwenyane river	Clapham 118KT	L: 28 m B: 9 m	S 24° 30' 17.90" E 30° 04' 24.20"
	Power supply to mine, crossing the Tshwenyane river	Clapham 118KT	L: 100 m B: 0.3 m	S 24° 30' 06.05" E 30° 04' 28.86"
	Power supply to mine, crossing the Moopetsi river tributary 1	Driekop 253KT	L: 50 m B: 0.3 m	S 24° 30' 39.14" E 30° 04' 54.70"

Water use	Descriptions/purposes	Properties (farm name)	Total length/width in m per annum	Co-ordinates
	Power supply to mine, crossing the Moopetsi river tributary 1	Clapham 118KT	L: 50 m B: 0.3 m	S 24° 30' 20.42" E 30° 05' 05.67"
	Power supply to mine, crossing the Tshwenyane river	Driekop 253KT	L: 50m B: 0.3 m	S 24° 30' 03.38" E 30° 04' 29.04"
	Clean and dirty water separation at the new TSF	Clapham 118KT Driekop 253KT	L: 1 880 m B: 1.5 m	S 24° 30' 55.63" E 30° 06' 37.06" S 24° 31' 05.69" E 30° 05' 51.08"
	Mining the ore body under or within the 1:50 year flood-line of a watercourse at a depth shallower than 100 m below surface via the Clapham shaft, below the Tshwenyane river	Clapham 118KT	L: 489 m B: 116 m Depth: 36 m	S 24° 29' 56.98" E 30° 04' 34.75"
	Mining the ore body under or within the 1:50 year flood-line of a watercourse at a depth shallower than 100 m below surface via the Clapham shaft, below the North stream.	Forest Hill 117KT	L: 375 m B: 91 m Depth: 29 m	S 24° 29' 06.10" E 30° 04' 04.45"
Section 21(c) & (i)	Mining the ore body under or within the 1:50 year flood-line of a watercourse at a depth shallower than 100 m below surface via the Clapham shaft, below the North Stream Tributary.	Forest Hill 117KT	L: 485 m B: 168 m Depth: 29 m	S 24° 28' 47.01" E 30° 03' 58.60"
	Mining the ore body under or within the 1:50 year flood-line of a watercourse at a depth shallower than 100 m below surface via the Clapham shaft. Below the Moopetsi river Tributary 2.	Clapham 118KT	L: 277 m B: 399 m Depth: 32 m	S 24° 29' 44.19" E 30° 04' 23.79"
	Mining the ore body under or within the 1:50 year flood-line of a watercourse at a depth shallower than 100 m below surface via the Driekop shaft. Below the Moopetsi river tributary 1	Driekop 253KT	L: 272 m B: 138 m Depth: 26.6 m	S 24° 30' 40.02" E 30° 04' 51.45"
	Portion of the car park at Driekop shaft less than 100 m from ephemeral tributary 1 of the Moopetsi River.	Driekop 253KT	L: 20m B: 10m	S 24° 30' 38.99" E 30° 05' 00.26"
	Driekop vent shaft 6 is less than 100 m from the Moopetsi River.	Driekop 253KT	L: 5m B: 5m	S 24° 31' 44.42" E 30° 04' 40.95"
	Clapham shaft and storm water dam are less than 100 m from the Moopetsi river tributary 1.	Clapham 118KT	Volume: 58500 Capacity: 713	S 24° 30' 04.86" E 30° 04' 57.61"
	Clapham waste rock dump is less than 100 m from the	Clapham 118KT	170 000 m <sup>3</sup> /annum	S 24° 29' 53.95" E 30° 04' 51.10"

PS

Water use	Descriptions/purposes	Properties (farm name)	Total length/width in m per annum	Co-ordinates
	Moopetsi river tributary 1.			
Section 21(c) & (i)	Clapham vent shaft 5 is less than 100 m from the Tshwenyane river tributary (Mokgonyane).	Winnaarshoek 250KT	L: 5m B: 5m	S 24° 30' 38.99" E 30° 03' 38.60"
	The sewage treatment plant is less than 100 m from the Tshwenyane River.	Clapham 118KT	Volume: 158675	S 24° 29' 52.82" E 30° 04' 57.69"
	A small portion of the new TSF is within 100 m from the Moopetsi River.	Clapham 118KT Driekop 253KT	Volume: 2 658 783 Capacity: 22 472 703 m <sup>3</sup>	S 24° 31' 01.11" E 30° 06' 14.90"

- i. Water Use Licence Application report (Marula Platinum Mine (Pty) Limited)
- ii. Marula Platinum Mine brief Water Use Licence Application Report (Report number:474755)
- iii. Integrated Water and Waste Management Plan (report number: 474755/1) prepared by SRK
- iv. Waste classification and containment Barrier requirements (project number:480367)
- v. Marula Tailings Dam No. 2 Preliminary Design Report Volume 1, 2 and 5, Engineering Analysis and Design of Tailings Dam (Report number 498083/01
- vi. Geohydrology report for Marula Platinum Mine in support of WUL (report number SRK 474755-GW/Final dated May 2017
- vii. Wetland Ecological Assessment for the Marula Platinum Mine prepared by SRK Consulting (Pty) Ltd revised December 2016
- viii. Biodiversity Action Plan for the Marula Platinum Mine report Number 413590 dated 2011
- ix. Marula Platinum Mine: Surface Water Study and Storm water Management Plan report number 474755/SWMP-2017 dated March 2017
- x. Marula Platinum Mine: undermining study in support of WULA, SRK project Number 474755 dated March 2017
- xi. Environmental Impact Assessment and Environmental Management Programme (DME ref:6/2/2/649EM) report No 3 prepared by Metago (dated 2007)
- xii. Marula Tailings Dam No.2 – Detailed Design Report Volume 1 Engineering Analysis and Design of Tailings Dam having reference 512264,01, dated February 2018 compiled by SRK Consulting
- xiii. Marula Platinum Mine: presentation of technical design for the new tallings storage facility and return water dam, reference number 512264/02, dated June 2018, compiled by SRK
- xiv. Drawings: Marula Tailings Dam No.2 – Detailed design report volume 4 detail design drawings and letter from SRK dated 21 June having reference number 530055/DWS1

1.2 Reports submitted to the Department or the Responsible Authority, specifically:

1.2.1 Department of Water and Sanitation

1.2.1.1 Reserve determination.

1.2.1.2 Environmental Authorisation.

1.2.1.3 Conditions of this licence; and

1.2.1.4 Any other written direction issued by the Responsible Authority in relation to this licence.

1.3 No activity must take place within the 1:100 year flood line or the delineated riparian habitat, whichever is the greatest, or within 500 m radius from the boundary of any wetland unless authorised by this licence.

1.4 The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of these activities and the Licensee must take such measures that are necessary to bind such persons to the conditions of this licence.



- 1.5 A copy of the water use licence and reports set out under condition 1.2 must be on site at all times.
- 1.6 A suitably qualified person(s), appointed by the Licensee, and approved in writing by the Provincial Head: Mpumalanga Operations must be responsible for ensuring that the activities are undertaken in compliance with the specifications as set out in reports submitted to the Department or the Responsible Authority and the conditions of this licence.

## 2 FURTHER STUDIES AND INFORMATION REQUIREMENTS

- 2.1 For water use activities under section 21(c) and (i) set out in Table 2 an environmental audit addressing how the characteristics of the watercourses have been affected must be submitted to the Provincial Head: Mpumalanga Operations for written approval within one (1) month after the date of issuing of this licence. The audit must be accompanied by a remediation plan and programme for any post construction impacts identified in the audit.
- 2.2 For water use activities under 21(c) and (i) in Table 2:
  - 2.2.1 Work method statements, site plan(s) and detailed design drawings for the construction of all infrastructure impeding and/or diverting flow of watercourses as well as alterations to watercourse(s) on the property(ies) must be submitted to the Provincial Head: Mpumalanga Operations for written approval before construction and implemented as directed. The foregoing must indicate the regulated activities, marking the limits of disturbance in relation to the impacted watercourse(s); morphology of the watercourse(s); site specific impacts; and environmental management, particularly erosion and sediment, controls and measures;
  - 2.2.2 No fundamental alterations of the work method statements, site plan(s) and drawings are allowed, unless a modification is requested and granted by the Provincial Head: Mpumalanga Operations in writing; and
  - 2.2.3 No site activities must occur beyond the proposed site location of the erosion and sedimentation controls and marked limits of disturbance.
- 2.3 For water use activities under section 21 (c) and (i) respectively in Table 2 the following information must be submitted to the Provincial Head: Mpumalanga Operation for written approval before these activities commence:
  - 2.3.1 A site level environmental impact assessment (EIA) addressing how the characteristics of the watercourses must be affected by the proposed culverts and
  - 2.3.2 An environmental management plan (EMP) including rehabilitation strategies.
- 2.4 An EMP and rehabilitation plan for the decommissioning of any of the water use activities listed in Table 2 must be submitted five (5) years before commencing with closure to the Provincial Head: Mpumalanga Operation for written approval.
- 2.5 A Storm Water Management Plan must be compiled and submitted to the Provincial Head: Mpumalanga Operation for written approval before construction may commence.
- 2.6 The storm water management plan should be designed in a way that aims to ensure that post-development run-off does not exceed pre-development values in:
  - 2.6.1 Peak discharge for any given storm,
  - 2.6.2 Total volume of run-off for any given storm,
  - 2.6.3 Frequency of run-off volumes,
  - 2.6.4 Pollutant and debris concentrations reaching watercourses, and
  - 2.6.5 Increase in run-off due to a higher water table resulting from tree clearing practices.

### **3 PROTECTIVE MEASURES**

#### **3.1 Storm Water Management**

- 3.1.1 Storm water management practices must be constructed, operated and maintained in a sustainable manner throughout the project and for the water use activities set out in condition 1.1 and must include but are not limited to the following:
- 3.1.1.1 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the watercourse(s);
  - 3.1.1.2 Storm water must be diverted from the opencast pit, workshop, offices and roads and must be managed in such a manner as to disperse runoff and to prevent the concentration of storm water flow;
  - 3.1.1.3 The velocity of storm water discharges must be attenuated and the banks of the watercourses protected; and
  - 3.1.1.4 Storm water leaving the licensee's premises must in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises,
  - 3.1.1.5 Drainage next to the workshop and dirty areas must be diverted away from the water course(s) to ensure that any contaminated runoff does not flow directly into the watercourse(s) as a storm water discharge, and.
  - 3.1.1.6 Sheet runoff from paved surfaces and access roads need to be curtailed.

#### **3.2 Structures and Materials**

- 3.2.1 The necessary erosion prevention measures must be employed to ensure the sustainability of all structures
- 3.2.2 The height, width and length of structures must be limited to the minimum dimension necessary to accomplish the intended function.
- 3.2.3 Structures must not be damaged by floods exceeding the magnitude of floods occurring on average once in every 100 years.
- 3.2.4 Structures must be non-erosive, structurally stable and must not induce any flooding or safety hazard.
- 3.2.5 Structures must be inspected regularly for accumulation of debris, blockage, erosion of abutments and overflow areas - debris must be removed and damages must be repaired and reinforced immediately.
- 3.2.6 The construction camp and material stockpiles must be located outside the extent of the watercourse(s) and must be recovered and removed one (1) month after construction has been completed.
- 3.2.7 During construction erosion berms should be installed to prevent gully formation, according to the slope.
- 3.2.8 All areas affected by construction should be rehabilitated upon completion of the construction phase of the development. Areas should be reseeded with indigenous vegetation species as required, and the use of seednets is recommended to prevent erosion.

3.2.9 No construction is allowed within the 1:100 year floodline and/or delineated riparian habitat, whichever is the greatest, or within 500 m radius from the boundary of any wetland unless authorised in this license.

### 3.2 Water Quality

3.3.1 The Licensee shall sample the water quality weekly (during construction) and monthly (operation) for the mentioned variables (Table 3) at monitoring points both upstream and downstream of the activities and report to the Responsible Authority within thirty (30) days after the results of each sampling event is received:

**Table 3: Water quality parameters relevant for sampling.**

Variable	Limit
Flow (l/s)	Not applicable
Temperature (°C)	<10% variation
pH	6.0 – 8.5
Electrical conductivity (EC) (mS/m)	<50
Suspended solids (SS) (mg/l)	<25
Dissolved oxygen (mg/l)	>6
Turbidity (NTU)	<3
Secchi disk depth (m)	>1 meter
Alkalinity (mg CaCO <sub>3</sub> /l)	<100
*PO <sub>4</sub> (mg/l)	<0.5
*NO <sub>3</sub> /NO <sub>2</sub> (as N) (mg/l)	<6
*BTEX, TPH (mg/l)	<1
*Faecal coliforms (counts/100ml)	<130

The variables may be amended on discretion of the Responsible Authority. Only an accredited (SANS 17025) laboratory to be used for analysis.

\*Sample these parameters in addition for sewer pipeline applications.

3.3.2 Monitoring must continue for three (3) years after the cessation of the activities listed in condition 1.1.

3.3.3 Monitoring must be undertaken as set out in section 5.

3.3.4 Activities that lead to elevated levels of turbidity of any watercourse(s) must be prevented, reduced, or otherwise remediated. Activities must be scheduled to take place during the dry seasons when flows are lowest where reasonably possible. If this is not possible and if management measures have not been provided for in the reports submitted to the Responsible Authority, the Licensee must submit such to the Responsible Authority: Mpumalanga Operations for written approval before these activities commence. Natural in stream hydrology is to be used to determine which months constitute the low flow months.

3.3.5 The Licensee must ensure that the quality of the water to downstream water users does not decrease because of the of the water use activities listed under condition 1.1.

3.3.6 A qualified person must be appointed to assess the quality of water both upstream and downstream of the activities prior to commencement of construction.

3.3.7 Pollution of and disposal/spillage of any material into the watercourse must be prevented, reduced, or otherwise remediated through proper operation, maintenance and effective protective measures.

3.3.8 Vehicles and other machinery must be serviced well above the 1:100 year flood line or delineated riparian habitat, whichever is the greatest. Oils and other potential pollutants must be disposed off at an appropriate licensed site, with the necessary agreement from the owner of such a site.

- 3.3.9 Any hazardous substances must be handled according to the relevant legislation relating to transport, storage and use of the substance.
- 3.3.10 All reagent storage tanks and reaction units must be supplied with a bunded area built to the capacity of the facility and provided with sumps and pumps return the spilled material back into the system. The system must be maintained in a state of good repair and standby pumps must be provided.
- 3.3.11 The Licensee has to indicate to the Responsible Authority within sixty (60) days after issuance of this licence, the strategic placement of bio-swale, bio-filters, silt, litter and hydrocarbon (oil) traps to minimise the risk of pollutants entering the natural drainage system of the area.
- 3.4 Flow**
- 3.4.1 The Licensee must determine flood lines (1:50 and 1:100 year) prior to construction to ensure risks are adequately managed. Flood lines must be clearly indicated on the site plan(s) and drawings along with all wetland boundaries.
- 3.4.2 The activities must be conducted in a manner that does not negatively affect catchment yield, hydrology and hydraulics. The Licensee must ensure that the overall magnitude and frequency of flow in the watercourse(s) does not decrease, other than for natural evaporative losses and authorised attenuation volumes.
- 3.4.3 Appropriate design and mitigation measures must be developed to minimise impacts on the natural flow regime of the watercourse i.e. through placement of structures/supports and to minimise turbulent flow in the watercourse.
- 3.4.4 Structures to be designed in a way to prevent the damming of stream/river water and not impact on the flow of the water, during the construction and operational phases of all developments.
- 3.4.5 The development may not impede natural drainage lines.
- 3.4.6 The diversion structures may not restrict river flows by reducing the overall river width or obstructing river flow.
- 3.5 Riparian and Instream Habitat (Vegetation and Morphology)**
- 3.5.1 Activities (including spill clean-up) must start up-stream and proceed into a down-stream direction, so that the recovery processes can start immediately, without further disturbance from upstream works.
- 3.5.2 Operation and storage of equipment must not take place within the 1:100 year flood line or delineated riparian habitat, whichever is the greatest unless authorised in this license.
- 3.5.3 Activities must not occur in sensitive riffle habitats.
- 3.5.4 Indigenous riparian vegetation, including dead trees, outside the limits of disturbance indicated in the site plans must not be removed from the area.
- 3.5.5 Alien and invader vegetation must not be allowed to further colonise the area, and all new alien vegetation recruitment must be sustainably eradicated or controlled.

- 3.5.6 Existing vegetation composition must be maintained or improved by maintaining the natural variability in flow fluctuations. Rehabilitated areas shall have vegetation basal cover of at least 15% at all times.
- 3.5.7 Recruitment and maintaining of a range of size classes of dominant riparian species in perennial channels must be stimulated.
- 3.5.8 Encroachment of additional exotic species and terrestrial species in riparian zones must be discouraged.
- 3.5.9 Accumulation of woody debris on terraces by periodic flooding must be discouraged.
- 3.5.10 Existing flood terraces and deposition of sediments on these terraces to ensure optimum growth, spread and recruitment of these species must be maintained.
- 3.5.11 All reasonable steps must be taken to minimise noise and mechanical vibrations in the vicinity of the watercourses.
- 3.5.12 The necessary erosion prevention mechanisms must be employed to ensure the sustainability of all structures and activities and to prevent instream sedimentation.
- 3.5.13 Soils that have become compacted through the water use activities must be loosened to an appropriate depth to allow seed germination.
- 3.5.14 Slope/bank stabilisation measures must be implemented with a 1:3 ratio or flatter and vegetated with indigenous vegetation immediately after the shaping.
- 3.5.15 Stockpiling of removed soil and sand must be stored outside of the 1:100 flood line or delineated riparian habitat, whichever is the greater, to prevent being washed into the river and must be covered to prevent wind and rain erosion.
- 3.5.16 The indiscriminate use of machinery within the instream and riparian habitat will lead to compaction of soils and vegetation and must therefore be strictly controlled.
- 3.5.17 The overall macro-channel structures and mosaic of cobbles and gravels must be maintained by ensuring a balance (equilibrium) between sediment deposition and sediment conveyance maintained. A natural flooding and sedimentation regime must thus be ensured as far as reasonably possible.
- 3.5.18 As much indigenous vegetation growth as possible should be promoted within the proposed development area in order to protect soil and to reduce the percentage of the surface area which is paved.
- 3.5.19 Run-off from paved surfaces should be slowed down by the strategic placement of berms.

### 3.6 Biota

- 3.6.1 The Licensee must take all reasonable steps to allow movement of aquatic species, including migratory species.
- 3.6.2 All reasonable steps must be taken not to disturb the breeding, nesting and/or feeding habitats and natural movement patterns of aquatic biota.
- 3.6.3 The current level of diversity of biotopes and communities of animals, plants and microorganisms must be maintained.

#### **4 REHABILITATION AND MANAGEMENT**

- 4.1 The Licensee must embark on a systematic long-term rehabilitation programme to restore the watercourse(s) to environmentally acceptable and sustainable conditions after completion of the activities, which must include, but not be limited to the rehabilitation of disturbed and degraded riparian areas to restore and upgrade the riparian habitat integrity to sustain a bio-diverse riparian ecosystem.
- 4.2 All disturbed areas must be re-vegetated with an indigenous seed mix in consultation with an indigenous plant expert, ensuring that during rehabilitation only indigenous shrubs, trees and grasses are used in restoring the biodiversity.
- 4.3 An active campaign for controlling invasive species must be implemented within disturbed zones to ensure that it does not become a conduit for the propagation and spread of invasive exotic plants.
- 4.4 Rehabilitation must be concurrent with construction.
- 4.5 Topsoil must be stripped and redistributed.
- 4.6 Compacted and disturbed areas must be shaped to natural forms and to follow the original contour. In general cut and fill slopes and other disturbed areas must not exceed 1:3 (v:h) ratio, it must be protected, vegetated, ripped and scarified parallel with the contour.
- 4.7 The Provincial Head: Mpumalanga Operations must sign a release form indicating that rehabilitation was done satisfactory according to specifications as per this licence.
- 4.8 A photographic record must be kept as follows and submitted with reports as set out in section 5:
  - 4.8.1 Dated photographs of all the sites to be impacted before construction commences;
  - 4.8.2 Dated photographs of all the sites during construction on a monthly basis; and
  - 4.8.3 Dated photographs of all the sites after completion of construction, seasonally.
- 4.9 Rehabilitation structures must be inspected regularly for the accumulation of debris, blockages instabilities and erosion with concomitant remedial and maintenance actions.
- 4.10 A comprehensive and appropriate rehabilitation and management programme to restore the watercourse(s) to environmentally acceptable and sustainable conditions after construction must be developed and submitted to the Provincial Head: Mpumalanga Operations for written approval within one (1) month from the date of issuance of this licence.

#### **5 MONITORING AND REPORTING**

- 5.1 The Responsible Authority must be notified in writing one week prior to commencement of the licensed activity(ies) and again upon completion of the activity(ies).
- 5.2 A comprehensive and appropriate environmental assessment and monitoring programme (including bio-monitoring) to determine the impact, change, deterioration and improvement of the aquatic system associated with the activities listed under condition 1.1 as well as compliance to these water use licence conditions must be developed and submitted to the Provincial Head: Mpumalanga Operations for written approval before commencement and must subsequently be implemented as directed.
- 5.3 Six (6) monthly monitoring reports must be submitted to the Responsible Authority until otherwise agreed in writing with the Provincial Head: Mpumalanga Operations.

- 5.4 A qualified and responsible scientist must be retained by the Licensee who must give effect to the various licence conditions and to ensure compliance thereof pertaining to all activities impeding and/or diverting flow of watercourses as well as alterations to watercourses on the property(ies) as set out in condition 1.1.
- 5.5 The Licensee must conduct on a two yearly basis an internal audit on compliance with the conditions this licence. A report on the audit must be submitted to the Responsible Authority within one month of the finalisation of the audit. A qualified independent auditor must undertake this audit.
- 5.6 The audit reports must include but are not limited to:
- 5.6.1 Reporting in respect of the monitoring programme referred to in condition 5.2;
- 5.6.2 A record of implementation of all mitigation measures including a record of corrective actions; and
- 5.6.3 Compensation measures for damage where mitigation measures have failed to adequately protect the in-stream and riparian habitat or any other characteristic of the watercourses.
- 5.7 The Licensee must apply in writing to the Provincial Head: Mpumalanga Operations for alternative reporting arrangements for which written approval must be provided.
- 5.8 An Environmental Management/Monitoring Committee (EMC) must be established consisting of, but not limited to, representatives of the Licensee, the Responsible Person(s) for ensuring compliance with this licence, the Department of Water and Sanitation, the relevant Department of Environmental Affairs, the Department of Minerals and Resources, and Limpopo Economic Development, Environment and Tourism.
- 5.9 The Department's official or representative must be appointed by the Responsible Authority. In addition to the reports required by the Department in this licence, all reports of the EMC must be submitted to the Responsible Authority.
- 5.10 The EMC must in addition to monitoring compliance with the conditions of the Environmental Management Programme Report, monitor for the duration of its establishment compliance with the conditions of this water use licence.
- 5.11 The Licensee shall provide the Environmental Authorizations (EA) to the Department within one (1) after issuance by DMR for considerations. No activities shall commence before an EA is provided/issued.
- 6 OTHER WATER USERS**
- 6.1 The Licensee must attempt to prevent adverse effect on other water users. All complaints must be investigated by a suitable qualified person and if investigations prove that the Licensee has impaired the rights of other water users, the Licensee must initiate suitable compensative measures.
- 7. POLLUTION PREVENTION, INCIDENTS AND MALFUNCTIONS**
- 7.1 Pollution incidents shall be dealt with in accordance with Section 19 and 20 of the Act.
- 7.2 Any incident that may cause pollution of any water resource shall immediately be reported to the Responsible Authority.
- 7.3 If surface and/or groundwater pollution has occurred or may possibly occur, the Licensee must conduct, and/or appoint specialists to conduct the necessary investigations and implement additional monitoring, pollution prevention and remediation measures to the satisfaction of the Responsible Authority.

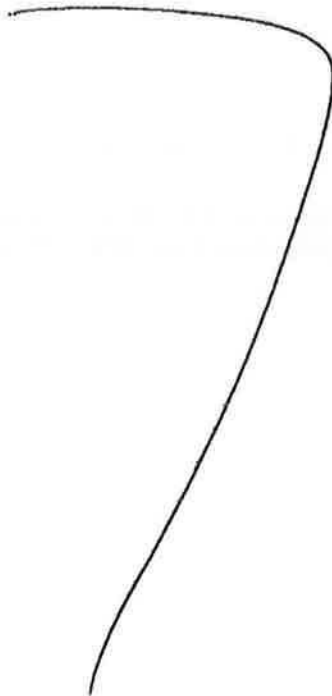
- 7.4 The Licensee shall keep all records relating to the compliance or non-compliance with the conditions of this licence in good order. Such records shall be made available to the Responsible Authority within 14 (fourteen) days of receipt of a written request by the Department for such records.
- 7.5 The Licensee shall keep an incident report and complaints register, which must be made available to any external auditors and the Department.

## 8 BUDGETARY PROVISIONS

- 8.1 The water user must ensure that there is a budget sufficient to complete and maintain the water use and for successful implementation of the rehabilitation programme as set out in this licence.
- 8.2 The Department may at any stage of the process request proof of budgetary provisions for rehabilitation and closure of project.

## 9 SPECIAL CONDITIONS

- 9.1 Clean and dirty Storm water management to be practiced
- 9.2 Storm water channels must have side slopes of at least 1:3
- 9.3 A rock lined/concrete canvass storm water channels is recommended
- 9.4 Storm water outlets to the watercourses to be equipped with energy dissipaters and silt traps. Trapped silt can be used in rehabilitation purposes, if not contaminated and/or polluted
- 9.5 Due to the shallow undermining of watercourses, a safety factor of  $\geq 3$  to be employed within the 1:50 year floodline in conjunction with bord and pillar mining. This safety factor can be changed only on the signed recommendation of a rock engineer and notification of the Department.
- 9.6 All pipelines to have pressure and flow meters linked to a central control room
- 9.7 A buffer of 500m to be between the TSF and Moopetsi River
- 9.8 Have tree species indicated on the Plant Species and rehabilitation Plan
- 9.9 Manage alien vegetation and erosion
- 9.10 Do specific monitoring on sources of nitrates (groundwater, explosives, sewage, animals, vegetation etc.)





## APPENDIX IV

### Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource

#### 1. CONSTRUCTION AND OPERATION

- 1.1 The Licensee shall carry out and complete all the activities, including the construction and operation of the tailings dams and return water dam according to the Report and according to the final plans in the SRK design reports as presented and approved by the Provincial Head.
- 1.2 The construction of the all wastewater and process facilities must be carried out under the supervision of a professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as approved by the designer.
- 1.3 Within 30 days after the completion of the activities referred here in accordance with the relevant provisions of this licence, the licensee shall in writing, under reference 27/2/2/B71E/132, inform the Provincial Head thereof. This shall be accompanied by a signature of approval from the designer referred to above that the construction was done according to the design plans referred to in the Report.
- 1.4 The Licensee must ensure that the disposal of the plant return water polluted Storm water, process water and sludge and the operation and maintenance of the system are done according to the provisions in the Report.
- 1.5 The Licensee shall as well submit a set of as-built drawings to the Provincial Head after the completion of the storage facility.
- 1.6 The return water dam and storm water dams shall be operated and maintained to have a minimum freeboard of 0.8 metres above full supply level and all other water systems related thereto shall be operated in such a manner that it is at all times capable of handling the 1:50 year flood-event on top of its mean operating level.
- 1.7 The Licensee shall use acknowledged methods for sampling and the date, time and sampler must be indicated for each sample.
- 1.8 Flow metering devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than once in two years. Calibration certificates shall be available for inspection by the Provincial Head or his representative upon request.

#### 3 STORAGE AND DISPOSAL OF WASTE AND WATER CONTAINING WASTE

- 2.1 This licence authorises the disposal of waste and/or waste water in a manner which may detrimentally impact on a water resources. The disposal shall take as indicated below in Table 4.

Table 4: Marula Platinum Mine (Pty) Limited water uses:

Water use	Description/ Purpose	Properties	Capacity/ Volume (m <sup>3</sup> annum)	Co-ordinates
Section 21(g)	To dispose and contain tailings return water and shaft excess water into the RWD operational compartment	Clapham 118KT	Volume: 1 214 068 Capacity: 35 866m <sup>3</sup>	S 24° 30' 25.18" E 30° 06' 07.20"
Section 21(g)	To dispose and contain of excess return water and runoff into RWD storm water compartment for reuse to minimise the potential for overflow to the environment	Clapham 118KT	158 679m <sup>3</sup> Capacity 1 634 683m <sup>3</sup> per annum	S24°30'20.41" E29°06'08.14"
Section 21(g)	To dispose tailings generated in the concentrator into the tailings storage facility (TSF)	Clapham 118KT	Tonnes: 3 593000 Capacity: 14.5 million tonnes	S 24° 30' 38.92" E 30° 06' 30.13"
Section 21(g)	To dispose and contain dirty water from underground mining area for settling into the Driekop settling dam 1 and dam 2	Driekop 253KT	Volume: 594 598 Capacity: 264 m <sup>3</sup> Volume: 594 598 Capacity: 3 051m <sup>3</sup>	S 24° 30' 50.44" E 30° 05' 07.95" S 24° 30' 50.44" E 30° 05' 06.65"
Section 21(g)	Receives settled water from the settling dam for re-use underground.	Driekop 253KT	Volume: 683 948 Capacity: 208 m <sup>3</sup>	S 24° 30' 48.53" E 30° 05' 05.03"
Section 21(g)	To dispose mine waste the DMS waste dump	Driekop 253KT	180 000m <sup>3</sup> per annum	S24°29'46.18" E29°04'07.40"
Section 21(g)	To dispose waste rock into Clapham waste rock dump	Clapham 118KT	170 000m <sup>3</sup> per annum	S 24° 29' 53.95" E 30° 04' 51.10"
Section 21(g)	To dispose and store water from underground into the Clapham settling dam 1 for settling of solids	Clapham 118KT	Volume: 899 034 Capacity: 1 343m <sup>3</sup>	S 24° 29' 59.28" E 30° 04' 45.98"
Section 21(g)	To dispose and store water from underground into the settling dam 2	Clapham 118KT	Volume: 899 034 Capacity: 1 421m <sup>3</sup>	S 24° 29' 59.28" E 30° 04' 45.98"
Section 21(g)	To dispose process water into Clapham Erichsen Dam for fire water	Clapham 118KT	Volume: 85 750 Capacity: 248	S 24° 30' 02.05" E 30° 04' 49.62"
Section 21(g)	To dispose and store runoff from the shaft area into the Driekop Storm Water Dam 1	Clapham 118KT	Volume: 29 060 Capacity: 1 414 m <sup>3</sup>	S 24° 30' 39.06" E 30° 05' 04.60"
Section 21(g)	To dispose and store runoff from the shaft area into the Driekop Storm Water Dam 2	Clapham 118KT	Volume: 29 060 Capacity: 1 535 m <sup>3</sup>	S 24° 30' 38.52" E 30° 05' 05.96"
Section 21(g)	To suppress dust in the existing TSF using water cannon sprayers with process water	Clapham 118KT	306 600m <sup>3</sup> per annum	S 24° 30' 41.40" E 30° 06' 16.25"
Section 21(g)	To dispose and contain settled water from settling dam into the Driekop Erichsen dam for reuse	Driekop 253KT	208m <sup>3</sup> capacity 683 948m <sup>3</sup> annum	S 24° 30' 48.53" E 30° 05' 05.03"
Section 21(g)	To dispose and store water from the settling dams and treated effluent into the Clapham service water dam	Clapham 118KT	Volume: 1 393 233 Capacity: 1 071 m <sup>3</sup>	S 24° 29' 59.24" E 30° 04' 46.99"

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	for re-use			
Section 21(g)	To suppress dust on a new TSF with mine process water using cannon sprayers	Clapham 118KT Driekop 253KT	459 900m <sup>3</sup> per annum	S 24° 30' 57.20" E 30° 06' 03.59"
Section 21(g)	To dust suppress via gooseneck at Clapham shaft storm water dam	Clapham 118KT	3 600 m <sup>3</sup> per annum	S 24° 30' 06.72" E 30° 04' 49.33"
Section 21(g)	To dispose and contain water from TSF and plant Storm water dam into the process water dam	Clapham 118KT	Volume: 2 113 032 Capacity: 3 042 m <sup>3</sup>	S 24° 30' 09.14" E 30° 04' 15.71"
Section 21(g)	To dispose and contain runoff from the plant into the Storm water dam at the concentrator plant	Clapham 118KT	Volume: 82 557 Capacity: 6 712 m <sup>3</sup>	S 24° 29' 55.18" E 30° 04' 20.71"
Section 21(g)	To dispose and store runoff from the Clapham shaft into the Clapham Storm water dam	Clapham 118KT	Volume: 58 500 Capacity: 4 713 m <sup>3</sup>	S 24° 30' 04.86" E 30° 04' 57.61"
Section 21(g)	To dust suppress at the concentrator plant using process water	Clapham 118KT	1 260 m <sup>3</sup> annum	S 24° 30' 01.36" E 30° 04' 04.67"
Section 21(g)	To dispose tailings into the New Tailings Storage Facility (TSF)	Clapham 118KT Driekop 253KT	Volume: 2 658 783 Capacity: 22 472 703 m <sup>3</sup>	S 24° 31' 01.11" E 30° 06' 14.90"

### 3. QUALITY OF WASTE WATER TO BE DISPOSED

3.1 The quality of water containing waste disposed of into the return water dam, penstock, Driekop settling dam 1 and 2, Erichsen dam, service water dam and storm water dam shall not exceed the following limits:

Table 5: water quality limits

SUBSTANCE PARAMETER	Return water dam (mg/l)	Penstock	3DKEDam (Driekop settlement 1&2 dams and Erichsen dam)	Clapham settling dam 1&2 dams, erichsen dam and service water dam	Storm water dam at the concentrator
pH	8.5	8.4	8.2	8.2	8.5
Electric conductivity mS/m	213	219	381	310	230
Total Dissolved Solids (TDS) (mg/l)	1519	1563	3064	2219	1644
Chloride (mg/l)	193	199	186	243	173
Nitrate (mg/l) as N	127	121	386	230	143
Sulphate (mg/l)	309	329	176	213	310
Calcium (mg/l)	80	73	254	191	91
Fluoride (mg/l)	0.7	0.8	0.8	0.9	0.5
Sodium (mg/l)	261	225	160	170	250
Potassium (mg/l)	21	18	18	16	15
Iron as Fe (mg/l)	0.4	0.8	0.3	0.2	0.3
Magnesium (mg/l)	91	99	138	105	85
Manganese (mg/l)	0.2	0.3	0.4	0.2	0.3

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#### 4. MONITORING

- 4.1.1 The Licensee shall on monthly basis monitor water resources at monitoring points selected in consultation with the Provincial Head to determine the impact of the facility and other activities on the water quality by taking samples at the monitoring points described in Table 6 below:

**Table 6: Surface water monitoring points**

Monitoring point	Co-ordinates	Description
SW2B	S 24° 30' 55.29" E 30° 05' 44.56"	Moopetsi upstream (replacement for SW2)
SW1	S 24° 29' 09.50" E 30° 04' 54.25"	Moopetsi upstream
SW5	S 24° 30' 07.65" E 30° 05' 16.79"	Moopetsi River downstream of TSF
SW4	S 24° 29' 36.64" E 30° 04' 43.80"	Tshwenyane River
RWD	S 24° 30' 29.45" E 30° 06' 12.85"	Return water dam
12SWdam	S 24° 29' 54.02" E 30° 4' 18.03"	Storm water dam at concentrator plant
3DKEDam	S 24° 30' 48.58" E 30° 05' 05.08"	Driekop Erichsen dam
5CLEDam	S 24° 29' 59.22" E 30° 04' 46.80"	Clapham Erichsen Dam

**Table 7: Ground Water monitoring points**

Monitoring point	Co-ordinates	Description
SRKM26	S 24° 30' 17.30" E 30° 05' 57.80"	Monitoring borehole down gradient of existing RWD
SRKM3	S 24° 30' 37.21" E 30° 06' 10.71"	Monitoring borehole down gradient of existing TSF
H12-1546	S 24° 30' 13.68" E 30° 5' 55.32"	Madikane community supply
SRKM25	S 24° 30' 45.60" E 30° 06' 51.70"	Upgradient of tailings dam
AO3	S 24° 31' 12.77" E 30° 06' 32.61"	Monitoring borehole between tailings dam and BH26

- 4.2 The date, time and monitoring point in respect of each sample taken shall be recorded together with the results of the analysis.
- 4.3 Monitoring points shall not be changed prior to notification to and written approval by the Provincial Head.
- 4.4 An Aquatic Scientist approved by the Provincial Head must establish a monitoring programme for the following indices: Invertebrate Habitat Assessment System (IHAS) and the latest SASS (South African Scoring System). Sampling must be done once during the summer season and once during the winter season, annually, to reflect the status of the river upstream and downstream of the mining activities.
- 4.5 Water quality tests to be performed on the tailings disposal complex monitoring boreholes on a quarterly basis in order to determine the risks to the receiving environment. The data gathered in the investigation must be reported annually during March of each year to the

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Provincial Head. If any toxicity levels as specified is exceeded, the Licensee must institute an investigation to determine the cause of toxicity.

- 4.6 Water quality tests must be conducted quarterly on the wastewater stream from the disposal facility when returned back to the mine for use as process water.
- 4.7 Analysis shall be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), in terms of the Standards Act, 1982 (Act 30 of 1982).
- 4.8 The methods of analysis shall not be changed without prior notification to and written approval by the Minister.

## 5. WATER RESOURCE PROTECTION

- 5.1 The impact of the activities of the mine shall not exceed the in-stream water quality objectives as stipulated in the resource quality objectives for the area.

## 6. REPORTING

- 6.1 The Licensee shall update the water balance annually and calculate the loads of waste emanating from the activities. The Licensee shall determine the contribution of their activities to the mass balance for the water resource and must furthermore co-operate with other water users in the catchment to determine the mass balance for the water resource reserve compliance point.
- 6.2 The Licensee shall submit the results of analysis for the monitoring requirements to the Provincial Head on a quarterly basis under Reference number 27/2/2/B571/6/1.

## 7. STORM WATER MANAGEMENT

- 7.1 Storm water leaving the Licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.
- 7.2 Increase runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the stream.
- 7.3 Storm water shall be diverted from the Marula Platinum Mine complex site and roads and shall be managed in such a manner as to disperse runoff and concentrating the storm-water flow.
- 7.4 Where necessary works must be constructed to attenuate the velocity of any storm-water discharge and to protect the banks of the affected watercourses.
- 7.5 Storm-water control works must be constructed, operated and maintained in a sustainable manner throughout the impacted area.
- 7.6 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm-water does not lead to bank instability and excessive levels of silt entering the streams.
- 7.7 All storm-water that would naturally run across the pollution areas shall be diverted via channels and trapezoidal drains designed to contain the 1:50 year flood.
- 7.8 The polluted storm water system shall be designed and implemented to provide suitable routing and pumping capacity for contaminated storm water from the individual facilities to

the respective storm water dams in accordance with the design specifications as contained in the report.

- 7.9 The polluted storm water captured in the storm water control dams shall be pumped to the process water treatment plant for reuse and recycling.

## 8. PLANT AREAS AND CONVEYANCES

- 8.1 Pollution caused by spills from the conveyances must be prevented through proper maintenance and effective protective measures especially near all stream crossings.
- 8.2 All reagent storage tanks and reaction units must be supplied with a bunded area built to the capacity of the facility and provided with sumps and pumps to return the spilled material back into the system. The system shall be maintained in a state of good repair and standby pumps must be provided.
- 8.3 Any hazardous substances must be handled according to the relevant legislation relating to the transport, storage and use of the substance.
- 8.4 Any access roads or temporary crossings must be:
- 8.4.1 non-erosive, structurally stable and shall not induce any flooding or safety hazard; and
  - 8.4.2 Be repaired immediately to prevent further damage.

## 9. ACCESS CONTROL

- 9.1 Strict access procedures must be followed in order to gain access to the property. Access to the clarifier dam, Storm water dams, waste rock dump and return water dams and any waste water containment facilities must be limited to authorised employees of the Licensee and their contractors only.
- 9.2 Notices prohibiting unauthorised persons from entering the areas referred to in condition 9.1, as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.

## 10. CONTINGENCIES

- 10.1 Accurate and up-to-date records shall be kept of all system malfunctions resulting in non-compliance with the requirements of this licence. The records shall be available for inspection by the Provincial Head upon request. Such malfunctions shall be tabulated under the following headings with a full explanation of all the contributory circumstances:
- 10.1.1 operating errors;
  - 10.1.2 mechanical failures (including design, installation or maintenance);
  - 10.1.3 environmental factors (e.g. flood);
  - 10.1.4 loss of supply services (e.g. power failure); and
  - 10.1.5 Other causes.
- 10.2 The Licensee must, within 24 hours, notify the Provincial Head of the occurrence or potential occurrence of any incident which has the potential to cause, or has caused water pollution, pollution of the environment, health risks or which is a contravention of the licence conditions.
- 10.3 The Licensee must, within 14 days, or a shorter period of time, as specified by the Provincial Head, from the occurrence or detection of any incident referred above, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Provincial Head of measures taken to: –
- 10.3.1 correct the impacts resulting from the incident;
  - 10.3.2 prevent the incident from causing any further impacts; and
  - 10.3.3 Prevent a recurrence of a similar incident.

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## 11. AUDITING

- 11.1 The Licensee shall conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report, and shall be made available to an external auditor should the need arise.
- 11.2 The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within 3 (three) months of the date this licence was issued and a report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report.

## 12. INTEGRATED WATER AND WASTE MANAGEMENT

- 12.1 The Licensee must prepare an *Integrated Water and Waste Management Plan (IWWMP)*, which must together with the *Rehabilitation Strategy and Implementation Programme (RSIP)*, be submitted to the Provincial Head within one (1) year from the date of issuance of this licence.
- 12.2 The Licensee shall undertake impact predictions on all mine residue deposit which shall together with the IWWMP be submitted to the Provincial Head within a year after issuance of this licence.
- 12.3 The IWWMP and RSIP shall thereafter be updated and submitted to the Provincial Head for approval, annually.
- 12.4 The Licensee must, at least 180 days prior to the intended closure of any facility, or any portion thereof, notify the Regional Head of such intention and submit any final amendments to the IWWMP and RSIP as well as a final *Closure Plan*, for approval.
- 12.5 The Licensee shall make full financial provision for all investigations, designs, construction, operation and maintenance for a water treatment plant should it become a requirement as a long-term water management strategy.

## 13. SPECIAL CONDITIONS FOR CIVIL ENGINEERING SERVICES

- 13.1 The barrier system comprises of subsurface finger drains which alleviates concerns regarding the black turf clay component of the foundation, a composite 2mm HDPE GM having double texturing in the perimeter wall area with a 300mm blended CCL, and overlying by complex finger drain system having collectors into spine drains in trapezoidal trenches. Spacing of up to 50m apart with tailings deposition above the GM. This shall be executed as demonstrated in the reports.
- 13.2 The return water dam (RWD) of a double GM lined facility with GMs separated by a cusped geodrain that leads to a sump for decant shall be implemented as such.
- 13.3 The clean and dirty storm water diversion shall be amended, maintaining the present diversion to the North of the existing facility; whereas the separation around the new facility is to its South and is a channel lined with precast concrete blocks, which decant to an ephemeral watercourse through energy dissipation structures.

## 14. SPECIAL CONDITIONS FOR GEOHYDROLOGICAL STUDIES

- 14.1 Since seepage from the mine infrastructures has degraded the groundwater quality in the local area, forming a contamination plume, a groundwater monitoring plan of the impacted areas must be submitted with proposed mitigation measures to the Provincial Head within 6

months from the date of issuance of the licence. Mitigation measures for the spillages to the Moopetsi River must also be submitted.

- 14.2 Scavenger boreholes implemented must be included in the groundwater monitoring plan and proximate observation boreholes must be installed to analyse the success of contaminant mass removal from the local aquifer and for comparison to the model results.
- 14.3 At-least 2 monitoring boreholes must be established between the TSF and the community boreholes to confirm that the contaminant plume is not drawn towards community wells and to act as an early warning system should the plume extend towards community wells, parameters involved must also be modelled.
- 14.4 Prior to and during re-flooding of the mine underground workings, the potential for groundwater mounding and rising of water levels close to surface must be closely monitored in boreholes sited in the modelled long term potential decant areas.
- 14.5 Monitoring of boreholes near the two dewatering areas must continue. The model must be used to provide guidance on the need for any additional monitoring boreholes near these areas.
- 14.6 Numerical groundwater flow and transport model developed must be updated every 2 years using most recent observed data to monitor and mitigate groundwater potential effects especially those of proposed management initiative of scavenger boreholes for the existing TSF plume, the potential groundwater risk of the proposed TSF and the potential for post mine closure decant.
- 14.7 Static groundwater levels and groundwater quality must be monitored at the existing site monitoring boreholes to ensure that any deviation of the groundwater flow from the idealised predictions is detected in time.
- 14.8 The Mine shall also install leak detector around the waste containment facilities to detect the possible pollution emanating from this facilities.



**APPENDIX VI**

**Section 21(j) of the Act: Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of the people**

1. The Licensee is authorised to remove a maximum volume in cubic metres as indicated in Table 8.

**Table 8: Removal of water found underground for efficient continuation of an activity**

Water use	Description/ Purpose	Properties	Volume (m <sup>3</sup> / annum)	Co-ordinates
Section 21(j)	Dewatering of the underground operation from Driekop section	Driekop 253KT	202 778 m <sup>3</sup> per annum	S 24° 30' 48.51" E 30° 05' 01.79"
Section 21(j)	Dewatering of underground water from the Clapham underground operation	Clapham 118KT	408 372m <sup>3</sup> per annum	S 24° 30' 03.82" E 30° 04' 44.22"
Section 21(j)	Dewatering Borehole D5 at Driekop working	Driekop 253KT	20 000m <sup>3</sup> per annum	S 24° 30' 03.82" E 30° 04' 44.22"

2. The disposal of removed water shall take place on the coordinates or the area which the water containment facilities are.
3. The impact of the activities of the Mine shall not exceed the water quality objectives as stipulated in the Resource Quality Objectives of the area.
4. The quality of the water disposed into the return water dam, settling dam 1 and 2, Erichsen dam, service water dam and storm water dam shall not exceed the quality as specified in the Table 5 above.
5. The quantity of the water authorised to be removed and disposed of into the storm water dam in terms of this licence may not be exceeded without prior authorisation by the Minister.
6. The quantity of water removed from underground must be metered and recorded on a daily basis.
7. The groundwater levels shall be monitored every six months (once in the beginning of the dry season and once in the beginning of the wet season).
8. Self-registering flow meters must be installed in the delivery lines at easily accessible positions near the dewatering points.
9. The flow metering devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than once in two years. Calibration certificates shall be available for inspection by the Provincial Head or his/her representative upon request.
10. Calibration certificates in respect of the pumps must be submitted to the Provincial Head after installation thereof and thereafter at intervals of two years.
11. The date and time of monitoring in respect of each sample taken shall be recorded together with the results of the analysis.
12. Analysis shall be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards, in terms of the Standards Act, 1982 (Act 30 of 1982).

13. The methods of analysis shall not be changed without prior notification to the Licensee and written approval by the Minister or his/her delegated nominee.
14. The Provincial Head must be informed of any incident that may lead to under-groundwater being disposed of contrary to the provisions of this licence, by submitting a report containing the following information: -
  - 14.1 nature of the incident (e.g. operating malfunctions, mechanical failures, environmental factors, loss of supply services, etc);
  - 14.2 actions taken to rectify the situation and to prevent pollution or any other damage to the environment; and
  - 14.3 Measures to be taken to prevent re-occurrence of any similar incident.
15. The Licensee shall follow acceptable construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the underground water removal system.
16. Reasonable measures must be taken to provide for mechanical, electrical or operational failures and malfunctions of the underground water removal system.

[END OF LICENCE]

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