



## Public Participation Report

MINING RIGHT APPLICATION ON FARM  
VILJOENSHOF BY INVEST IN PROPERTY  
126 (PTY) LTD

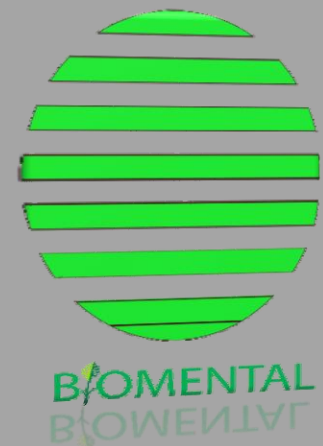
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2023/06/29

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**BIOMENTAL SOLUTIONS**

10 Jenny street  
De Aar  
7000





**Title** : **Mining Right Application on Farm  
Viljoenshof - Public Participation  
Report**

**Applicant** : **Invest In Property 126 (Pty)Ltd**  
234 Alexandra Ave  
Midrand, Gauteng  
1685

Cell: 082 574 2684  
Email: [verdisc@gmail.com](mailto:verdisc@gmail.com)

**Prepared by** : **Biomental Solutions (Pty) Ltd**  
10 Jenny street  
De Aar  
7000

Tel: (053) 004 – 0204  
Cell: 060 5702 461/068 321 4288  
Email: [info@biomental.co.za](mailto:info@biomental.co.za)

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## 1. Background & Introduction

Invest in Property 126 (Pty) Ltd, (The Applicant), has appointed Biomental Services as an independent Environmental Assessment Practitioner (EAP) to provide professional environmental management services for a proposed project to apply for Mining Right in a small town called Boshof located in the Free State, South Africa. The Mining Right Application is for a proposed mining development for Diamond kimberlite (DK) and Diamond General (DG). The proposed development is located on Farm Viljoenshof 1655, located 27.9km km north east of Kimberly, 120 km west of Bloemfontein and 13 km east of Boshof town. The area cover is approximately 3,389 ha. Biomental Services has conducted and compiled the Environmental Impact Assessment Report (EIAR) in terms of Environmental Impact Assessment Regulations 2017 as amended of National Environmental Management Act, 1998 (Act No. 107 of 1998) for the proposed project.

Upon granting of the mining right, the company will conduct an open cast method for mining as it has been considered as a preferred method for minerals extraction. The open cast method will entail the trenching to the depth of two (2) benches (i.e.12 to 20 m) however, this is dependent on the hosting rock competence and stability. The pilot phase is envisaged to be disassociated with excessive blasting given that the hosting rock is black and grey Ecca shale, which is quite brittle. However, soft blasting will be applied where necessary in particular for cutting into kimberlites. The proposed mine property is characterised by game farming. This necessitates the use of soft blasting to avoid and reduce impact on game farm with noise and flying rocks fragments.

In accordance with the requirements of the law, the applicant has conducted a public participation process, and this report is a result of such process.

Figure 1: Locality Plan

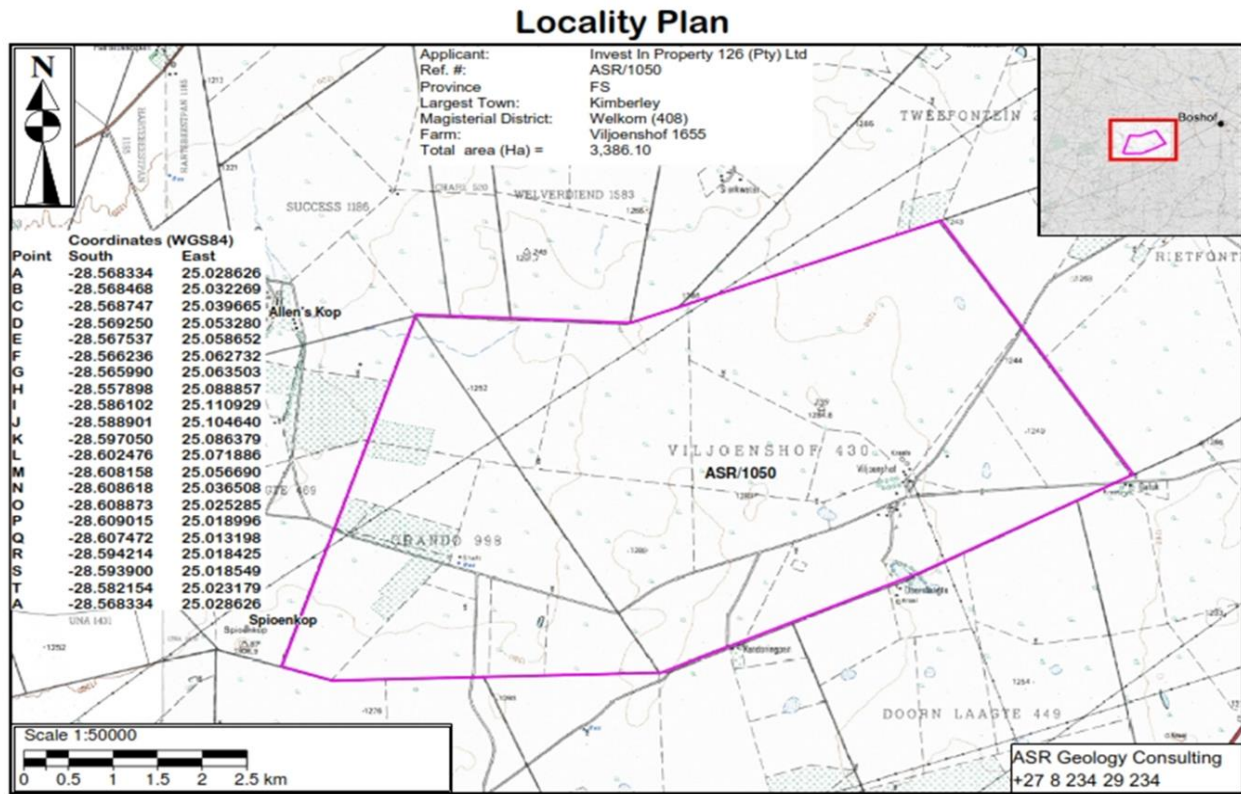
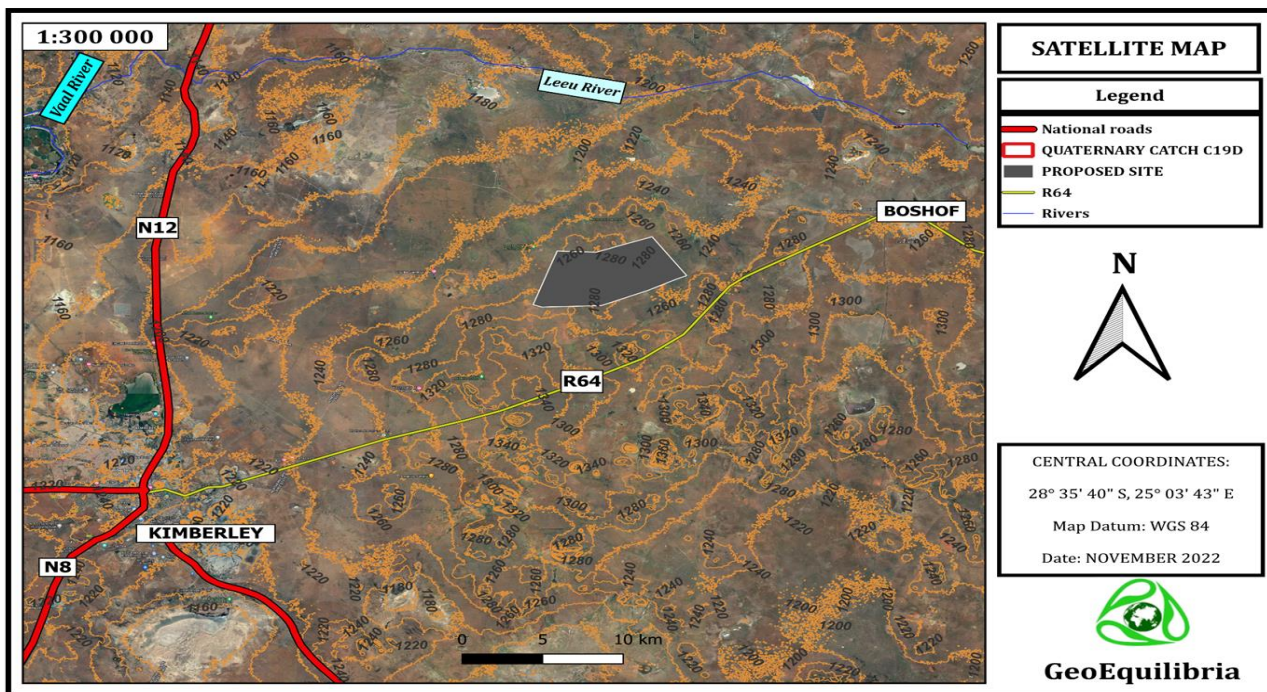


Figure 2: Satellite Map



## 2. Public Engagement

After going through the guide lines from the DMRE, regarding the public participation process, as well as the directive contained in the formal acceptance letter from the Department of Minerals Resources [Welkom region], Invest in Property (Pty) Ltd together with Biomental Solutions took a decision that has to be undertaken in terms of the level of engagement with interested and affected parties, and agreed on the process as outlined in this report. Parties then decided to engage the Interested and Affected parties [I&AP] through the following means:

- Telephones
- E-mails
- Public Notices (Public Space Notices)
- Posted Correspondences
- Newspaper Advertisements
- Physical Meetings
- Virtual Meetings

### 2.2 Objectives

#### 2.1.1 Regulatory

The Public Participation Process for the Mining Right Application on Farm Viljoenshof 1655 in Boshof is central to the overall environmental management planning process of the project. The Mining Right once granted by the DMR, and its EIAR & EMPr, should comply with the requirements of Section 16 of the Minerals and Petroleum Resources Development Act, 2000 (Act 28 of 2002) (MPRDA), and NEMA Act.

#### 2.1.2 Environmental Management Planning

The public participation process for Mining Right Application on Farm Viljoenshof 1655 is critical to the overall process of compiling Environmental Impact Assessment Report and the Environmental Management Programme (“EIAR & EMPr”) for the proposed project. The proposed project will result in positive and negative impacts; the impacts will arise throughout the project lifecycle, from Site Mobilisation to Site Clearance, Excavations, and Operation and ultimately Decommission. Therefore, the consultation process provides a platform through which all stakeholders come together to jointly identify issues of common concern and

interest, both positive as well as negative environmental negatives were identified during the process, and the applicant has planned accordingly.

### 2.1.3 Public Engagement Process Guidelines

These are intended outcomes to be achieved as envisaged by the guidelines of many institutions, both local and international. They are also required by the formal acceptance letter:

- The project promoters need to improve the quality of decision-making process, in as far as Environmental Impact Assessment Report and Environmental Management Planning is concern, the process allows for that by capturing the experience, concerns and recommendations of local people
- Strengthen the voice of the interested & affected parties by consulting adequately with them through open and transparent manner.
- Set the foundation for future broad-based participation in the advancement of Boshof proposed Diamond kimberlite (DK) and Diamond General (DG) Mining Operation. Determining and documenting aspects of the project that might require further investigation during the preceding phases.

## **2.2 Public Participation Process**

### 2.2.1 I & AP Identification Procedure

Biomental Solutions and its associated has utilised extensively documentation from Tokologo Local Municipality of the Lejweleputswa District Municipality, documentation such as: Property Evaluation Roll, Integrated Development Plan (“IDP’s”) and Windeed, the company further utilised an existing database of affected stakeholders. This assisted a great deal in identifying land Owners and Interested & Affected parties; these are parties who were subsequently consulted via the means already explained above, more so the email, posted letters, telephones and virtual meetings. The engagement took place from the 30<sup>th</sup> of April 2021 to the 7<sup>th</sup> of March 2023.



### 2.2.2 Public Participation Material

Having given due regard to the legislative requirements and code of good practice from DMRE, and Department of Environmental Affairs, the following methods have been implemented to disseminate information to stakeholders about the proposed project.

The materials for dissemination of information have been included as Appendices E and F.

- Background Information Document (BID)

includes the location and a description of the proposed project, the legislative processes and requirements that will be followed, the specialist studies to be conducted, the competent authorities, and the consultation and registration process including contact details of the responsible person representing the EAP.

- Newspaper Advertisement

An English newspaper advert was placed on the 10 February 2023 at **Diamond Field Advertisement**(DFA). The advert included a brief project description, information about the required legislation, the competent authorities and details of the appointed EAP.

- Site Notices

English site notices were put up at various places as indicated in Appendix D, the site notices contained a brief project description, information about the required legislation, the competent authorities and details of the EAP.

## 2.3 Consultation with Stakeholders

### 2.3.1 Meetings

A public meeting was held on the 16<sup>th</sup> of February 2023 at Seretse Community Hall with the community members of Tokologo Local Municipality, this meeting was exclusive to community members. On the 7<sup>th</sup> of March 2023, a virtual consultative meeting was held for Interested and Affected Parties. Refer to Appendix F for the minutes of the meeting.

### 2.3.2 Telephones and E-Mail Communication

These means of engagement have been some of the used methods of engagement for this particular application, some parties consulted didn't express any interest in attending a meeting, but rather preferred a

one-on-one engagement. It was expected that before the final public participation report was completed the applicant would have received more inputs from parties engaged, but unfortunately it wasn't to be. However, that aspect will still continue as the building of I&AP Database is a continuous exercise, the applicant took a decision to continue engaging anybody who so wish.

## 2.4 Presentation of Application Details

Details about planned mining development for Diamond kimberlite (DK) and Diamond General (DG) on the property was sent to the consulted parties, details included: Draft EIAR and EMP. Aspects of the mining operation such as: Site Mobilisation as well as Mining methods, its impact on the life of those around the properties and its benefits as well, were explained.

Other documentation sent to the interested and affected parties included a copy of the Notice.

## 3. **Comments and Responses**

All comments received through physical meetings, via email, mail or telephonically have been included into the Comment and Response Register (refer to Appendix E). Stakeholder comments will be closely considered and addressed, where applicable, by the project team.

### Comments received

- a) Cedric Robets Trust on the 15th March 2023
- b) Sara Parks on the 8<sup>th</sup> March 2023
- c) Department of Economics, Small businesses, Tourism and Environmental Affairs on the 30 June 2023

## 4. **Way Forward.**

A final copy of an BAR & EMPr will also be made available to all registered I&AP



**Table 1: Database of interested and affected parties for the proposed: Mining Right Application on Farm Viljoenshof 1655**

**DATA BASE: INTERESTED AND AFFECTED PARTIES REGISTER**

NAME(S)	Organisation or Farm Name	POSTAL ADDRESS	EMAIL ADDRESS	TELOPHONIC DETAILS
Mr. Willem Van Niekerk	Buffelcor Langkop Boedary	PO BOX 215 Boshof 8340	<a href="mailto:calla@buffelcorlb.co.za">calla@buffelcorlb.co.za</a>	083 713 9714
Mrs Carol Van Heerden		Stand 503 De Zalze Estate Stellenbosch	<a href="mailto:carol@grootvallei.co.za">carol@grootvallei.co.za</a>	082 442 3331
Mr Dawid van Schalkwyk		Box 115 Boshof 8340	<a href="mailto:hanja@africanfarmproducts.co.za">hanja@africanfarmproducts.co.za</a>	082 772 7719
Mr Jacobus Barnard	Welverdiend Farm	PO Box 62 Hoopstad 9479	<a href="mailto:abraham@eleo.co.za">abraham@eleo.co.za</a>	082 828 4119
Dr Malan Van Zyl	Farm Goede Uitsig Ged 1	CAMC Medicine Clinic 78 Rosmead Ave Kenilworth Cape Town 7708	<a href="mailto:mvanzyl@iafrica.com">mvanzyl@iafrica.com</a>	082 416 8105



Mr Tobie Wiese	Leeuwfontain	Box 228 Boshof 8340	_____	072 450 93 27
Ms Sara sparks	Rochelle Eco Farm and Consulting	Box 342 Boshof 8340	<a href="mailto:Sarasparks7@gmail.com">Sarasparks7@gmail.com</a>	082 821 0239
Mr Andrie De Kock	Farmer	Box 82 Boshof 8340	<a href="mailto:dekockandrie@gmail.com">dekockandrie@gmail.com</a>	082 345 8990
Mr Philip Pope	Success Trust	PO Box 6752  Highveld  Ext 2  0169	<a href="mailto:Philip.pope@pcc.co.za">Philip.pope@pcc.co.za</a>	082 886 8863
	Groenpunt Trust	PO Box 1  Kimberly  8300	<a href="mailto:andre@atmg.co.za">andre@atmg.co.za</a>	082 554 4433



Mr Johann Steenkamp	Afri Forum	P.O Box 141 Boshof 8340	<a href="mailto:Steenkampjihann69@gmail.com">Steenkampjihann69@gmail.com</a>	072 024 3029
Mrs Carol Gemay Heerden  Mr Neel van Heerden	Grootvallei Hunting & Guest Farm Van Heerden Boerdery	Physical Address Farm Grootvallei, Boshof, 8340	<a href="mailto:neel@grootvallei.co.za">neel@grootvallei.co.za</a>	082 442 3331 072 201 0967
	Southern Fissures (Pty) Ltd	Posbus 1 Kimberley 8300	<a href="mailto:andre@atmg.co.za">andre@atmg.co.za</a>	0825544433
	Groenpunt Trust	Posbus 1 Kimberley 8300	<a href="mailto:andre@atmg.co.za">andre@atmg.co.za</a>	0825544433
	Ukuchuma Trust	Posbus 1 Kimberley 8300	<a href="mailto:andre@atmg.co.za">andre@atmg.co.za</a>	0825544433

**Table 2: Database of stakeholders****STAKEHOLDERS REGISTER**

NAME OF STAKEHOLDER	POSTAL ADDRESS	CONTACT PERSON	CONTACT PERSON DETAILS
Tokologo Local Municipality	Private Bag X46 Boshof 8340  Physical: Market square Voortrekker Street Boshof.	Mr Molefi MB	<a href="mailto:molefimb@gmail.com">molefimb@gmail.com</a> 060 729 6752
Department of Environment, small business, tourism and environmental affairs	Private Bag X20801 Bloemfontein 9300  Physical address: 113 st Andrews street Bloemfontein 9301	Mrs D Masoetsa	<a href="mailto:mosoetsad@destea.gov.za">mosoetsad@destea.gov.za</a> 051 400 4817
ESKOM	120 Henry St City centre Bloemfontein 9301	Mr BF Williams	<a href="mailto:Williabf@eskom.co.za">Williabf@eskom.co.za</a> 083 634 6100
Department of water and sanitation	Sanlam Plaza East Burger street Bloemfontein 9301	Mr Blair V	<a href="mailto:blairv@dws.gov.za">blairv@dws.gov.za</a>
Department of Agriculture and Rural Development	Private Bag X01 Glen Bloemfontein 9360	Ms Dranoto	<a href="mailto:dranoto@dard.gov.za">dranoto@dard.gov.za</a>



South Africa Heritage Resource Agency	111 harrington Zonnebloem Cape town 8001	Mr C jackson	<a href="mailto:Cjackson@sahra.org.za">Cjackson@sahra.org.za</a>
Department of Police,Roads and Transport	45 Charlotte Maxeke st Bloemfontein Central Bloemfontein 9301	Mr Izak Roux	<a href="mailto:fsroadplanning@gmail.com">fsroadplanning@gmail.com</a> <a href="mailto:izalroux85@gmail.com">izalroux85@gmail.com</a> <a href="mailto:mareeh@freetrans.gov.za">mareeh@freetrans.gov.za</a> 082 059 9747

**Table 3: Public or Community Data Register**

<b>Name</b>	<b>Address</b>	<b>Email</b>	<b>Contact Personal Details</b>
Matshidiso	1170 Donkerhoek	Not listed	082 841 8168
Pinkie Visser	19 Nteo	Not listed	072 667 8310
Sabota Souls	286 Kareehof	Not listed	074 223 4122
Leepile Tshitlo	7627 Kageleng	Not listed	062 004 7189
Isak Mokwna	1196 Donkerhook	Not listed	076 549 5957
Abel Khalse	1763 New howlu	Not listed	078 135 3589
Tom Mouers	669 Donkrnoek	Not listed	078 135 3589
Leepile Kolasi	530 Bogosho str	Leepilekolasi1997@gami.com	060 331 5385
Kelbogile Tshitlo	762 Ikageleng	tshitlok@gmail.com	073 626 2229
Serame Laweng	1908 New section	Seramekaweng22@gmail.com	071 720 7672
J Moitsiemang	225 mooqi	Not listed	074 884 1817
S.A Lebitsa	620 Ikageng	Not listed	074 341 8088
Nobengezi Mothia	763 ikageng	Not listed	060 324 1739
Refiloe Mokhuoane	284 Bogosho	Not listed	071 335 5989
Tshepo Thokwane	1113 Sonderwater	thokwanegladwin@gmail.com	079 164 7690
Kele Kgwele	763 Ikagelong	Not listed	Not listed
Tau Moshoeu	720 Ikagelong	Not listed	083 973 1454
Sehemo Kagisho	270 kareehof	Not listed	066 447 7859
Ashwin Fanqu	256 kareehof	lencikileganqa@gmail.com	072 045 5878
Mpho Miobo	1555 Donker hoek	Not listed	083 505 3527
Paseka Kulaqi	1956	Not listed	073 768 7316
Kagishe Kotsepe	703 Ikaleng	Not listed	063 003 5487
Kotsepe Katlego	189 Moseki	Not listed	078 114 4184
Tsharelo Kotsepe	107 Mokhuoane	tsharelokotsepe@gamil.com	074 886 2927
Tumisang Serunya	379 Mothots Str	Not listed	078 901 8801

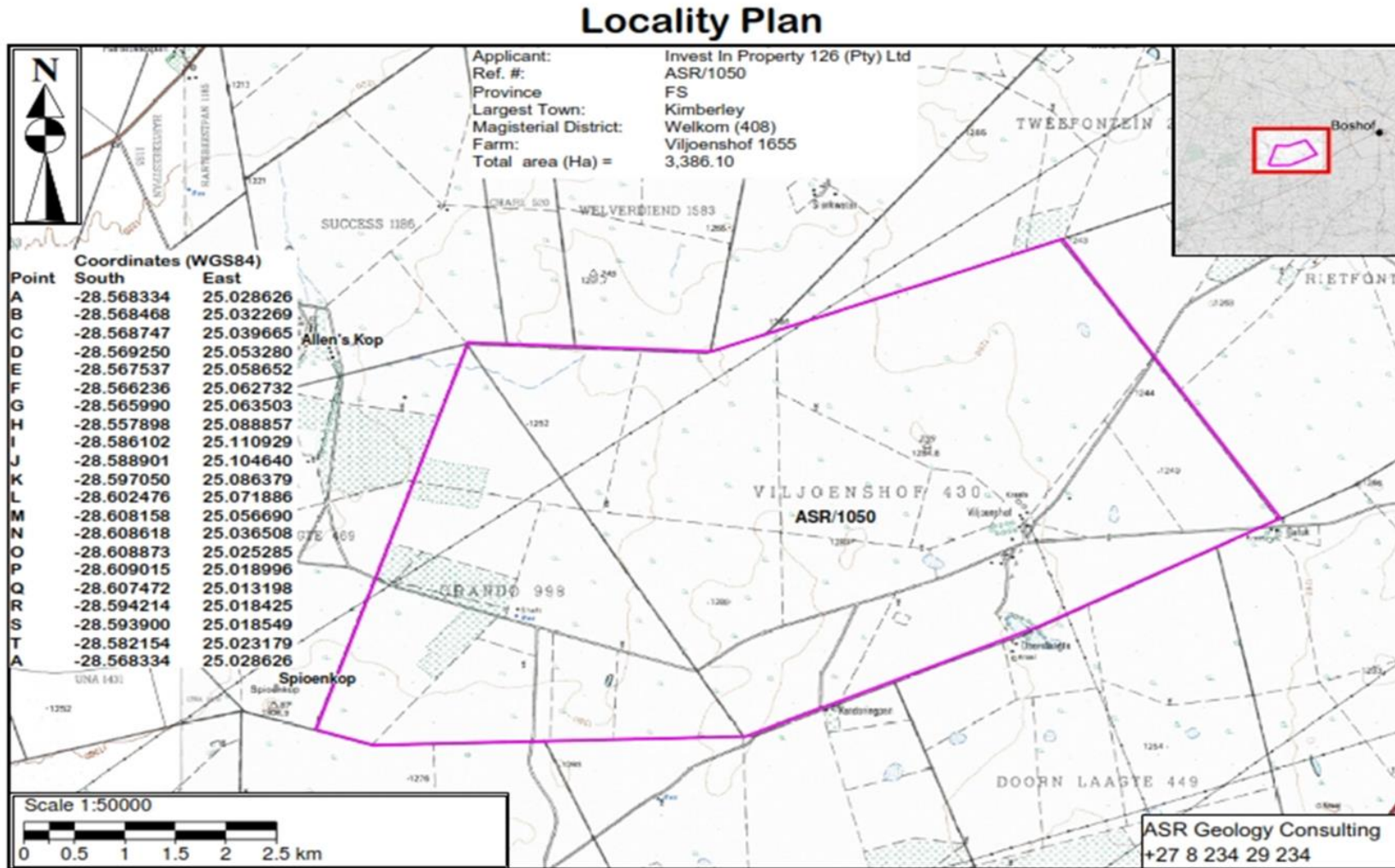


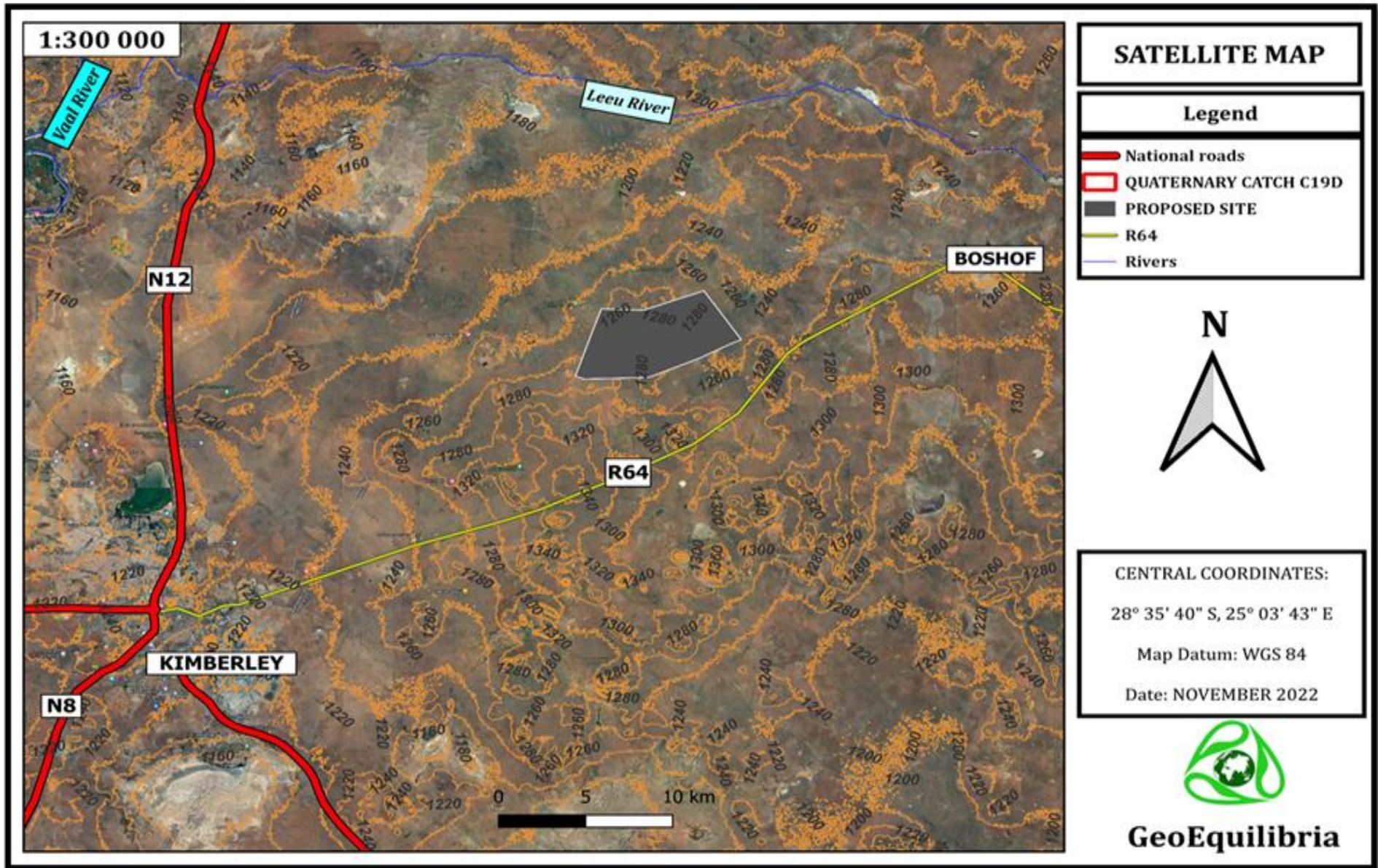
Isaac Sesitso	1233	Not listed	063 003 5487
Smoky Buys	198 kudu str	Not listed	071 042 5287
Meremi I	1166 Donkerhoek	Not listed	063 264 0321
Bairemia Bezant	17 kudu str	luzandrabairenomia@gmail.com	084 680 3452
Shanice Bezant	17 kudu street	Not listed	Not listed
Sonja Groep	21 A Kudu Street	Not listed	Not listed
Teboho ntobo	504 Ikageleg Seretse	tebohontobo@gmail.com	083 535 0609 072 475 7474
Junia Agus	236 Moog str	juniagobi93@gmail.com	078 009 7220
Desmond M	322 moog str	Not listed	083 535 0009
Dintwe Bonakwane	Sesetse 933	Not listed	073 320 1097
Dumusani	Dobe	Not listed	072 488 1232
Mokgethi	27 Nteo str	Not listed	061 7019 942
Jan	817 Setse	Not listed	Not listed
T Shomolekwe	290 Bogosho	Not listed	071 7074 220
G Mokpeledi	Not listed	Not listed	071 7127 527
S Parks	Rochelle 1416	<a href="mailto:Sarahparks7@gmail.com">Sarahparks7@gmail.com</a> 082	082 812 0239
Jaandre	46 fontain str	fouriejnandreas@gmail.com	072 5051 197
grove	TLM	Not listed	053 541 0011
I steenkaap	TLM	Johaasteenkamp89@gmail.com	073 471 82 88
K maarman	61 Blesbok Kareeshof	Not listed	Not listed
K shomoeile	170 Moseki	Not listed	071 1728566
T sebaile	110 Mokhuane str	Not listed	083 335 6873
W v niekerk	Box 215	calla@buffelcor.co.za	083 713 9714
Tabie Wiese	Leeuwfontain plaas	Not listed	Not listed
T Tladi	Moog str	Not listed	065 500 6913
Motsamai Madikwane	754 Bogosho	Not listed	060 476 9321
Antie Madito	947 Sanderwater	Not listed	078 200 8396

Piet Mogapi	1216 Donkerhoek	Not listed	078 279 2105
Puselotso Phiri	576 Ikageleng	Not listed	072 149 2298
Samane Tshepo	1595 New Extension	Not listed	073 392 1642
Sydney Mochwano	324 Mood str	Not listed	073 596 4681
Kedibone Megoje	1029 Sonderwater	Not listed	063 8726 987
Nella Moremi	564 Ikageleng	Not listed	071 094 0282
Kgotso Augs	224 Kareehof	Not listed	071 871 0297
flip	125 Karrehof	Not listed	078 678 5329
David Mabelo	309 Damme	Not listed	072 440 0420
Tshepo Maspeze	309 Damme	Not listed	065 573 3266
Kabelo Mogoiva	65 Bleshok str	Not listed	065 693 9201
Kimiesho Buys	15 kudu str	Kimieshabuys525@gmail.com	060 454 1018
Mpho Mahotalle	670 solly str	Mphopotr71@gmail.com	072 069 9630
Phiri Paseka	589 ikageleng	Pasekaphiri046@gmail.com	063 863 2930
Tshabalala sphiwe	2007 Ntex	Sphiwetshabalala23@gmail.com	083 700 1250
Thabo Phiri	870 somorwater	Not listed	Not listed
Mirriam Vrooyan	885 sonderwater	Not listed	063 512 1258
Martha	1237 Donkerhoek	Not listed	085 634 1513
Poqisho sebico	87 str	Not listed	076 954 8824
Tsosand Lebata	903 sonderwater	Not listed	078 561 1341



Figure 1: Locality Plan







## **Appendix A**

### **Formal Acceptance Letter from Free State DMRE**



mineral resources  
& energy  
Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

DMRE 11

Private Bag X20, Welkom, 9400, Tel: 057 991 1315, Fax: 057 357 6003  
The Strip Building, 314 Stateway Street, Welkom, 9400

Enquiries: Ms T.J. Makhokha  
Sub-Directorate: Mine Environmental Management

E-Mail: [Tsh@hwa.Makhokha@dmre.gov.za](mailto:Tsh@hwa.Makhokha@dmre.gov.za)  
Ref No.: FS 30/5/1/2/3/2/1 (10064) EM

**The Directors**

**Invest In Property 126 (Pty) Ltd**  
**234 Alexander Ave**  
**Midrand**  
**Gauteng**  
**1685**

Attention: Mr. V. Scholtemeyer  
Cc. Mr. T. Macebele (EAP: Tiyiselani Enviro-solutions (Pty) Ltd)  
e-mail: [Verdisc@gmail.com](mailto:Verdisc@gmail.com) and EAP: [tiyiselani@environmentalsolutions.co.za](mailto:tiyiselani@environmentalsolutions.co.za)

**APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION FOR MINING RIGHT  
LODGED IN TERMS OF REGULATION 16 OF THE ENVIRONMENTAL IMPACT  
ASSESSMENT REGULATIONS, 2014 (HEREIN REFERRED TO AS THE EIA  
REGULATIONS) IN RESPECT OF THE FARM VILJOENSHOF 1655; SITUATED IN THE  
MAGISTERIAL DISTRICT OF BOSHOF IN THE FREE STATE PROVINCE. APPLICANT:  
INVEST IN PROPERTY 126 (PTY) LTD.**

The Final Scoping Report (SR) and Plan of Study for Environmental Impact Assessment  
uploaded on the **09<sup>th</sup> of April 2021** and received by the Department on the **21<sup>st</sup> of May  
2021** has reference.

1. The Department has evaluated the submitted SR and Plan of Study for Environmental  
Impact Assessment dated **21<sup>st</sup> of May 2021** and is satisfied that the documents comply  
with the minimum requirements of Appendix 2(2) of the National Environmental  
Management Act, 1998 (as amended) (NEMA) Environmental Impact Assessment

Acceptance of receipt of an application for an environmental authorisation FS 30/5/1/2/3/2/1 (10064) EM

1

(EIA) Regulations, 2014. The SR is hereby accepted by the Department in terms of regulation 22(a) of the NEMA EIA Regulations, 2014.

2. You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the NEMA EIA Regulations, 2014.
3. Please ensure that comments from all relevant stakeholders are submitted to the Department with the Environmental Impact Assessment Report (EIAR). This includes but is not limited to the Provincial Heritage Resources Authority, Provincial Environmental Department, Department of Agriculture, Forestry and Fisheries (DAFF), Department of Water and Sanitation (DWS) and the local municipality. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments should be submitted to the Department.
4. In addition, the following amendments and additional information are required for the EIAR and EMPr:
  - a) The locality map and site layout plan on the scoping report are not clear, page 87 of the scoping report submitted. Please also make sure all the maps to be attached on the EIAR & EMPR are visible and clear so that it can give the clear indication of the area applied for.
  - b) Please note that your newspaper advertisement together with the notices must be visible so that the wording indicated can be readable to the person who is dealing with the document.
  - c) Should a Water Use License be required, proof of application for a license must be submitted.
  - d) Disclosure of vested interest and confirmation of the correctness of information by the EAP has not been provided under oath or affirmation on the scoping report.
  - e) Page 7 of the scoping report, widening of the road by more than 6 metres column the listing notice is not indicated only the GNR Number is indicated.
  - f) It is indicated on page 10 of the scoping report that there is a court case between the applicant and the landowner, it was further indicated that the matter would be heard by the 19<sup>th</sup> of June 2021. May you please attach the result of the court case on the EIAR and EMPr document to be submitted.
  - g) Plan of the application area map should to be in colour so that all the activities can be visible.

- h) Page 82 of the scoping report, there is a concern concerning access road to the mining area, may you please consult Department of Police, Road and Transport. Please include their comments on the EIAR and EMPr to be submitted.
  - i) Please note there is an objection raised by F.J. Senekal Attorneys, please check the attached letter. You need to address their objections and include the agreement or your response on the EIAR to be submitted.
  - j) Information on services required on the site, e.g. sewage, refuse removal, water and electricity. Who will supply these services and has an agreement and confirmation of capacity been obtained?
  - k) Please note that all the relevant specialist studies must be conducted and attached to the EIAR and EMPr document to be submitted. It is EAP's responsibility to identify the specialist studies required for this environmental authorization in order to avoid delay in processing and finalisation of the application.
5. Further, it must be reiterated that, should an application for Environmental Authorisation be subjected to any permits or authorisations in terms of the provisions of any Specific Environmental Management Acts (SEMAs), proof of such application will be required.
  6. The applicant is hereby reminded to comply with the requirements of regulation 3 of the EIA Regulations, 2014 with regards to the time period allowed for complying with the requirements of the Regulations.
  7. You are hereby requested in terms of regulation 23(1)(a) of the EIA Regulations, 2014 to submit by the **23<sup>rd</sup> of September 2021**, three (3) copies manually and one (1) electronic copy through SAMRAD, of an Environmental Impact Assessment Report, inclusive of any specialist reports and an EMPr which have been subjected to the public participation process of at least 30 days incorporating the comments received, including all comments from the competent authority. Kindly refer to section 24N(2) of NEMA and Appendix 3, 4 and 6 of the EIA Regulations for the minimum requirements set for the aforementioned reports. The public participation process should be conducted as stipulated in chapter 6 of the EIA Regulations and taking into considerations any guideline applicable for public participation.
  8. Kindly note that acceptance of your SR does not grant you a right to commence with any of the listed activity/ies applied for. Acceptance of the SR simply confirms that your





application will be processed further and a recommendation on granting or refusal of an environmental authorisation will be forwarded to the Minister or his delegate for consideration, and the decision will be communicated as stipulated in regulation 4(1) of the EIA Regulations, 2014.

9. You should also note that commencement with a listed activity without an environmental authorisation being granted by the competent authority contravenes the provisions of section 24F (1) of NEMA and constitutes an offence in terms of section 49A (1) (a) of said Act.

10. Further note that in terms of regulation 45 of the EIA Regulations; your failure to submit the documents or meet any timeframes prescribed in terms of the said Regulations will result in your application deemed to have lapsed.

Yours faithfully

A handwritten signature in black ink, appearing to read "K.C. Mphaphuli", written over a dotted line.

**K.C. MPHAPHULI**  
**ACTING REGIONAL MANAGER: MINERAL REGULATION**  
**FREE STATE REGION**  
**DATE** 05/06/2021

Please quote this office file number as reference for any correspondence regarding this application.



## **Appendix B**

### **Proof of Correspondences**



On Wed, 8 Feb 2023 at 12:10,  
<[fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)> wrote:

Good afternoon

Interested and Affected parties are notified of the public participation process in relations to Invest In Property 126 Mining Right application for Diamond Kimberlites and Diamond General over Farm Viljoenshof 1655 in Boshof, Free State Province.

The Draft EIAR & EMP is being distributed for the purpose of review, comments and submissions for a 30 days period. Please note that hard copies will be distributed either by registered mail or hand delivered where practically possible.

For any related queries, kindly contact us on the details below.

Kind regards

Fortunate

Tiyiselani Macebele

Email: [info@biomental.co.za](mailto:info@biomental.co.za)  
[tiyiselani@biomental.co.za](mailto:tiyiselani@biomental.co.za)

Tel: 068 [321 4288](tel:0683214288)  
060 [570 2461](tel:0605702461)

Nhlamulo Mahori

Email: [mahori@biomental.co.za](mailto:mahori@biomental.co.za)

Tel: 073 [140 4322](tel:0731404322)  
081 [768 0658](tel:0817680658)

Fortunate Ngubeni

Email: [fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)

Tel: [083 7437 012](tel:0837437012)



[fortunate@biomental.co.za](mailto:fortunate@biomental.co.za) wrote:

To: [sarasparks7@gmail.com](mailto:sarasparks7@gmail.com) and 6 others

Sent from my phone

## Re: Fw:Notice of Public Participation process- Invest In Property 126(Pty)Ltd Draft EIAR & EMP

Sat, Feb 11, 2023, 3:07 PM

----- Original message -----

From: sara sparks <[sarasparks7@gmail.com](mailto:sarasparks7@gmail.com)>

Date: Sat, Feb 11, 2023, 1:26 PM

To: [fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)

Subject: Re: Notice of Public Participation process- Invest In Property 126(Pty)Ltd Draft EIAR & EMP

Dear Fortunate,

Good day;

Kindly note that there will be a public meeting next week Thursday( 16/02/2023 )10:00am at Seretse community Hall,however the public meeting is exclusively for the community only while, consultantative meeting with I&APs will be communicated with all parties.Please note that we have decided to undertake consultative meeting with I&APs through a visual platform.The visual platform,date and time will be communicated in due course.

Please would you let me know where and when this Public meeting will take place and please will you forward the agenda.

Kind regards,

Regards

Sara Sparks

Tiyiselani

On Wed, 8 Feb 2023 at 12:10,  
<[fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)> wrote:

On 11 Feb 2023 14:35,  
[fortunate@biomental.co.za](mailto:fortunate@biomental.co.za) wrote:



----- Original message -----

From: [sarasparks7@gmail.com](mailto:sarasparks7@gmail.com)  
 Date: Wed, Feb 15, 2023, 6:23 PM  
 To: [fortunate@biomental.co.za](mailto:fortunate@biomental.co.za),  
[andre@atmg.co.za](mailto:andre@atmg.co.za), [neel@grootvallei.co.za](mailto:neel@grootvallei.co.za),  
[Steenkampjihann69@gmail.com](mailto:Steenkampjihann69@gmail.com),  
[andre@atmg.co.za](mailto:andre@atmg.co.za), [Philip.pope@pcc.co.za](mailto:Philip.pope@pcc.co.za),  
[mvanzyl@iafrica.com](mailto:mvanzyl@iafrica.com), [abraham@eleo.co.za](mailto:abraham@eleo.co.za),  
[hanja@africanfarmproducts.co.za](mailto:hanja@africanfarmproducts.co.za),  
[carol@grootvallei.co.za](mailto:carol@grootvallei.co.za),  
[calla@buffelcorlb.co.za](mailto:calla@buffelcorlb.co.za),  
[a.deckock@vodamail.co.za](mailto:a.deckock@vodamail.co.za)  
 Cc: 'Tiyiselani Macebele'  
 <[tiyiselani@biomental.co.za](mailto:tiyiselani@biomental.co.za)>, 'Tiyiselani  
 Macebele' <[info@biomental.co.za](mailto:info@biomental.co.za)>,  
[mahori@biomental.co.za](mailto:mahori@biomental.co.za),  
[rito@biomental.co.za](mailto:rito@biomental.co.za)  
 Subject: RE: Notice of Virtual Meeting for I &  
 AP- Invest In Property 126 (Pty) Ltd

Good evening Fortunate,

Thank you for your mail informing us that tomorrow's meeting is only for community members. I understand that it is a necessary part of the Public Participation Process to inform people who do not have access to electronic equipment and where home languages differs, etc.

What is concerning though is that time is marching on and we have had no discussion on the technical aspects of the project

Please could you inform Interested and Affected Parties what form of virtual meeting you will convene. Virtual covers a number of electronic forums (Teams/ Skype / Zoom/ Whatsapp video call) and it is not clear what you mean by virtual and what equipment would be necessary.

Will there be a presentation by your technical team technical for a group of IAAPs.?

An interactive forum is definitely required as there are unanswered technical questions with regards to mining methods, water abstraction, and electricity use. The EMP does not satisfactorily address some of these issues.

Thank you in anticipation of your response

Kind regards

Sara

From: [fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)  
 <[fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)>

Sent: Wednesday, February 15, 2023 1:21 PM  
 To: [andre@atmg.co.za](mailto:andre@atmg.co.za); [neel@grootvallei.co.za](mailto:neel@grootvallei.co.za);  
[Steenkampjihann69@gmail.com](mailto:Steenkampjihann69@gmail.com);  
[andre@atmg.co.za](mailto:andre@atmg.co.za); [Philip.pope@pcc.co.za](mailto:Philip.pope@pcc.co.za);  
 sara sparks <[sarasparks7@gmail.com](mailto:sarasparks7@gmail.com)>;  
[mvanzyl@iafrica.com](mailto:mvanzyl@iafrica.com); [abraham@eleo.co.za](mailto:abraham@eleo.co.za);  
[hanja@africanfarmproducts.co.za](mailto:hanja@africanfarmproducts.co.za);  
[carol@grootvallei.co.za](mailto:carol@grootvallei.co.za);  
[calla@buffelcorlb.co.za](mailto:calla@buffelcorlb.co.za);  
[a.deckock@vodamail.co.za](mailto:a.deckock@vodamail.co.za)

Cc: Tiyiselani Macebele  
 <[tiyiselani@biomental.co.za](mailto:tiyiselani@biomental.co.za)>; Tiyiselani  
 Macebele <[info@biomental.co.za](mailto:info@biomental.co.za)>;  
[mahori@biomental.co.za](mailto:mahori@biomental.co.za);  
[rito@biomental.co.za](mailto:rito@biomental.co.za)

Subject: Notice of Virtual Meeting for I & AP-  
 Invest In Property 126 (Pty) Ltd

Good afternoon

I hope this email finds you all well. Please note that there will be a virtual meeting for all Interested and affected parties. The time and date for this meeting will be communicated. The meeting that will take place tomorrow is only for community members.

Kind regards

Fortunate

Sent from [Mail](#) for Windows



**From:** Charles <[charles@biomental.co.za](mailto:charles@biomental.co.za)>  
**Date:** 22 February 2023 at 21:04:45 SAST  
**To:** [asr.geology.consulting@gmail.com](mailto:asr.geology.consulting@gmail.com)  
**Subject:** Fwd: Notice of consultative meeting of Invest in property 126(Pty) Ltd

Good evening

Please see the below invitation as per the subject line.

Sent from my iPhone

Begin forwarded message:

**From:** Charles Mabunda Mabunda <[outlook\\_D436A619EFC6B680@outlook.com](mailto:outlook_D436A619EFC6B680@outlook.com)>  
**Date:** 22 February 2023 at 14:26:26 SAST  
**To:** [maizevalleyfarms@gmail.com](mailto:maizevalleyfarms@gmail.com),  
[fsroadplanning@gmail.com](mailto:fsroadplanning@gmail.com),  
[lzalroux85@gmail.com](mailto:lzalroux85@gmail.com),  
[mareeh@frertrans.gov.za](mailto:mareeh@frertrans.gov.za),  
[calla@buffelcorib.co.za](mailto:calla@buffelcorib.co.za),  
[carol@grootvallei.co.za](mailto:carol@grootvallei.co.za),  
[hanja@africanfarmproducts.co.za](mailto:hanja@africanfarmproducts.co.za),  
[abraham@eleo.co.za](mailto:abraham@eleo.co.za),  
[Steenkampjihann69@gmail.com](mailto:Steenkampjihann69@gmail.com),  
[neel@grootvallei.co.za](mailto:neel@grootvallei.co.za),  
[charles@biomental.co.za](mailto:charles@biomental.co.za),  
[mahorie@biomental.co.za](mailto:mahorie@biomental.co.za),  
[tijiselani@biomental.co.za](mailto:tijiselani@biomental.co.za),  
[fortunate@biomental.co](mailto:fortunate@biomental.co)  
**Subject:** Notice of consultative meeting of Invest in property 126(Pty) Ltd

Dear all

You are cordially invited to a virtual consultation meeting that will be hosted via Microsoft Teams on the 7/03/2023. The meeting is in regard to Invest in property mining right application for Diamond kimberlites and Diamond General over farm Viljonshof 1655 in Boshof, Free State province.

Regards

To: [abraham@eleo.c...](mailto:abraham@eleo.c...) and 14 others

## Agenda: Consultation meeting of Invest in Property

Tue, Feb 28, 2023, 5:51 PM



Consultative...agenda.pdf  
154.5KB

Dear all

Subsequent to the Microsoft Teams invitation sent to you, kindly find the attached agenda of the meeting to be held on the 7th of March 2023(Via Microsoft Teams)

Regards

Charles Mabunda  
[0731027297](tel:0731027297)



### CONSULTATIVE MEETING OF INVEST IN PROPERTY 126(PTY) LTD

Date: 07/03/2023  
 Venue: Microsoft Teams (Virtual)  
 Time: 10h00

#### AGENDA

No	ITEM	PRESENTER
1.	Welcome & Opening Remarks	Chairperson
2.	Introduction & Apologies	All
3.	Business of the day:	
4.	• EIAR and EMP report	EAP
	• Project Technical aspect	Alex Rodoinov
	• Social and Labour plan	Peter De Bruin
	• Vijonshof access or identification of alternative access	
5	Discussion/questions and answers session	All
6.	Way Forward	All
7.	Closing remarks	All



## **Appendix C**

# **Newspaper Advertisement**





DIAMOND FIELDS ADVERTISER

CLASSIFIEDS

704 CREDITORS/DEBTORS
In the Estate of the late LENYANE SPEELMAN MAINE...

704 CREDITORS/DEBTORS
In the Estate of the late NEVILLE BAATJIES, identity number...

In the Estate of the late XOLISWA VIOLET LAWRENCE...

705 FIRST/FINAL NOTICES
In the Estate of the late RADINTWA APRIL SOLOMON...

705 FIRST/FINAL NOTICES
In the Estate of the late PERCY DAVID FRASER...

705 FIRST/FINAL NOTICES
In the Estate of the late SAADIK MA GITYA, identity number...

706 INSOLVENCIES
Insolvent Estate RUAN CAREL DORFLING...

706 INSOLVENCIES
Insolvent Boedel RUAN CAREL DORFLING...

MASTER'S REFERENCE NO: 2839/2022
All persons having claims against the above-mentioned Estate...

LM ATTORNEYS & PARTNERS INC
Senior Office Park, Ground Floor, Block E...

705 FIRST/FINAL NOTICES
In the Estate of the late EDWARD PERCYVAL ROSIER...

705 FIRST/FINAL NOTICES
In the Estate of the late ENGELBRECHT EXECUTOR AGENT ENGELSMAN MAGA...

705 FIRST/FINAL NOTICES
In the Estate of the late ISMAIL MOHAMMED SULIMAN...

AM KAZIE
Authorised Agent for Executive Testimentary PO Box 1684...

706 LEGALS
NOTICE OF PUBLIC PARTICIPATION PROCESS FOR MINING RIGHT APPLICATION...

706 LEGALS
NOTICE OF PUBLIC PARTICIPATION PROCESS FOR MINING RIGHT APPLICATION...

705 FIRST/FINAL NOTICES
In the Estate of the late THOMAS VIVIAN MOSIKARE...

705 FIRST/FINAL NOTICES
In the Estate of the late PIET MOGAMISI, identity number...

705 FIRST/FINAL NOTICES
The First and Final Liquidation and Distribution Account...

705 FIRST/FINAL NOTICES
In the Estate of the late ENGELBRECHT EXECUTOR AGENT ENGELSMAN MAGA...

705 FIRST/FINAL NOTICES
In the Estate of the late ELIZABETH OLIVIER (1950-11-06)...

705 FIRST/FINAL NOTICES
In the Estate of the late BOEDENOMMER: 232/2023...

706 LEGALS
Krediteure en debiteure in die boedel van die Erfenis van die...

706 LEGALS
MJS PROKUREURS
Prokureur vir die Eksekuteur...

POSITIONS AVAILABLE: MILLWRIGHT, BOILERMAKER, ELECTRICAL FOREMAN AND ECO

Closing date for Applications: 15 February 2023
Location: Prieska Copper Zinc Mine, Northern Cape



Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for MILLWRIGHT position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for BOILERMAKER position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ELECTRICAL FOREMAN position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Table with 3 columns: Minimum Qualifications, Minimum Experience, Responsibilities for ENVIRONMENTAL CONTROL OFFICER (ECO) position.

Please submit all applications to Orion Minerals by emailing your application to recruitment@orionminerals.com.au

714 PUBLIC NOTICES
NOTICE OF APPLICATION FOR A PROSPECTING RIGHT, AND SUBSEQUENT ENVIRONMENTAL IMPACT ASSESSMENT

714 PUBLIC NOTICES
NOTICE OF APPLICATION FOR A PROSPECTING RIGHT, AND SUBSEQUENT ENVIRONMENTAL IMPACT ASSESSMENT

714 PUBLIC NOTICES
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714 PUBLIC NOTICES
NOTICE OF APPLICATION FOR A PROSPECTING RIGHT, AND SUBSEQUENT ENVIRONMENTAL IMPACT ASSESSMENT



**TOWELL & GROENEWALD ATTORNEYS**  
 Attorneys for Executors  
 28 Ripper Street  
 Kimberley  
 8301

**FIRST/FINAL NOTICES**

In the Estate of the late **EDWARD PERCIVAL ROGER**,  
 Identity number 430613 5067 087,  
 widower, of 22 Sapphires Street, Gerdons, Kimberley, 8301.

**ESTATE NO: 1086/2020**

The First and Final Liquidation and Distribution Account in the above Estate will be for inspection at the office of the High Court Kimberley for a period of 21 days from the date of publication hereof. Any objections to the said account may be lodged with the said Master and the undersigned attorneys within the period mentioned.

**TOWELL & GROENEWALD ATTORNEYS**  
 Attorneys for Executors  
 28 Ripper Street  
 Kimberley  
 8301

Copies of the First and Final Liquidation and Distribution Account in the Estates specified above will be open for the inspection of all persons with an interest for a period of 21 days from the date of publication hereof, and at the offices of the Masters of the High Court and Magistrates, KIMBERLEY. Should no objection thereto be lodged with the Masters concerned during the specified period, the executors will proceed to make payments in accordance with the accounts.

**F. ENGELBRECHT**  
 Executor/Authorised Agent  
**ENGELSMAN MAGA-SANE INC**  
 Boshops Court,  
 9 Boshops Avenue  
 Labram  
 Kimberley, 8301  
 Ref: SOL47/0001/F  
**ENGELBRECHT**(tax)

**workplace**  
 Expanding? Need Staff?

**053 832 6261**

In terms of sections (j) of the Administration of Estates Act, No. 66 of 1965, notice is hereby given that copies of the amended First and Final Liquidation and Distribution account in the estates specified above will be open for the inspection of all persons with an interest therein for a period of 21 days from the date of publication hereof, at the offices of the Master of the High Court and Magistrates, KIMBERLEY. Should no objection thereto be lodged with the Masters concerned during the specified period, the executors will proceed to make payments in accordance with the accounts.

**F. ENGELBRECHT**  
 Executor/Authorised Agent  
**ENGELSMAN MAGA-SANE INC**  
 Boshops Court,  
 9 Boshops Avenue,  
 Labram  
 Kimberley, 8301  
 Ref: FRA36/0001/F  
**ENGELBRECHT**(tax)

In the Estate of the late **ISMAL MOHAMMED SULIMAN**,  
 Identity number 750608 5177 086,  
 who was married in community of property to Tasmea Cariboe Sulmar,  
 Kimberley, 8301, and who died on 9 August 2021.

**ESTATE NO: 863188/2021**

The First and Final Liquidation and Distribution Account in the above Estate will be for inspection at the office of the Master of the High Court, Kimberley, for a period of 21 days from the date of publication hereof.

Notice and Distribution Account in the above Estate will be for inspection for a period of 21 (twenty one) days at the office of the Master of the High Court Kimberley from date of publication thereof.

Dated at Kimberley on 27 January 2023.

**AM KAZIE**  
 Authorised Agent for Executor/Authorised Agent  
**KIMBERLEY**  
 Tel: (053) 831 2879 / (053) 833 5310  
 Email: kuz@vobemail.co.za

In die boedel van wyf **WILLEM-FREDERIK OLIVIER**  
 Identifikasienommer: 480421 5026 08 0  
 meerderejarige manlike persoon, getroud binne gemeenskap van goederne met **CATHARINA ELIZABETH OLIVIER** (1955-11-08)  
 in lewe van **PLAAS SPRONK/FONTEIN FRASE ROOIBOS DATUM VAN AFSTERWE: 2022-12-16**

**BOEDELNOMMER: 232/2023**

Krediteurs en debiteurs in boegewilde boedel word belywende versoek om hul rekeninge in te dien en hul rekeninge te betaal by ondergetekende binne 30 dae (rekening vanaf 15 FEBRUARIE 2023).

**MJS PROKURERS**  
 Prokureur vs Bv  
 Eksekutiewe Owerwagings 13  
**KIMBERLEY**  
 8301

the estate of the late of the High Court Kimberley and Magistrate Court KATHU, for a period of fourteen (14) days as from 10 February 2023.

**D & T TRUST**  
 PO Box 904  
 Florida Mills  
 1776  
 mail@dtrust.co.za

an expense by the late van Meester van die Hooggeregte Hof Kimberley en Landdroes KATHU vir 'n tydperk van veertien (14) dae vanaf 10 Februarie 2023.

**D & T TRUST (PTY) LTD**  
 Postbus 904  
 Florida Mills  
 1776  
 mail@dtrust.co.za

**700 LEGALS**

**700 LEGALS**

**NOTICE OF PUBLIC PARTICIPATION PROCESS FOR MINING RIGHT APPLICATION IN TERMS OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO. 28 OF 2002) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), FOR THE PROPOSED DIAMOND KIMBELITES AND DIAMOND GENERAL MINE IN BOSHOP, FREE STATE PROVINCE.**

Invitation for public participation, comment, review and submission pertaining to the Draft EIA/ & EMPR, Water Use License and Waste License application.

**INVERST IN PROPERTY PTY-LTD** have lodged a Mining Right application for Diamond Kimberlite and Diamond General over farm Vloepoort 1655 in Boshof, Free State Province. The mining right application extends over an area of approximately 3,289 ha and is located within Tokologo Local Municipality under the district jurisdiction of Lejoleleputswa District Municipality.

Biometal Services Pty-Ltd have been appointed to undertake an environmental impact assessment and environmental management programs process and water use license application.

Interested and Affected Parties (I&APs) are invited to make comments and submissions. The Draft EIA/ & EMPR report is available for public review and comment for a period of 30 days.

**For more information and inquiries, please contact:**  
 Tshetani Macosole  
 Tel: 068 321 4258; Email: tshetani@biometal.com  
 Nhlamulo Mabon  
 Tel: 073 140 4322; Email: mabon@biometal.co.za  
 Fortunate Ngubeni  
 Tel: 083 743 7012; Email: fortunaten@biometal.co.za

**AKER, AND ECO**  
 2023  
 logo

**BILLWRIGHT**

**Experience**  
 experience on underground

**Responsibilities**  
 • Safety monitoring and reporting.

**Orion Minerals**



## NOTIFICATION OF PAYMENT

To Whom it may Concern:

First National Bank hereby confirms that the following payment instruction has been received:

Date Actioned : 2023/01/31  
 Time Actioned : 18:35:00  
 Trace ID : GVPMMXDK

### Payer Details

Payment From : BIOMENTAL SERVICES  
 Cur/Amount : ZAR2544.61

### Payee Details

Recipient/Account no : .446988  
 Name : DFA  
 Bank : FIRST NATIONAL BANK  
 Branch Code : 250655  
 Reference : BIOMENTAL

END OF NOTIFICATION

To authenticate this Payment Notification, please visit the First National Bank website at [fnb.co.za](http://fnb.co.za), select the "Verify Payments" link and follow the on-screen instructions.

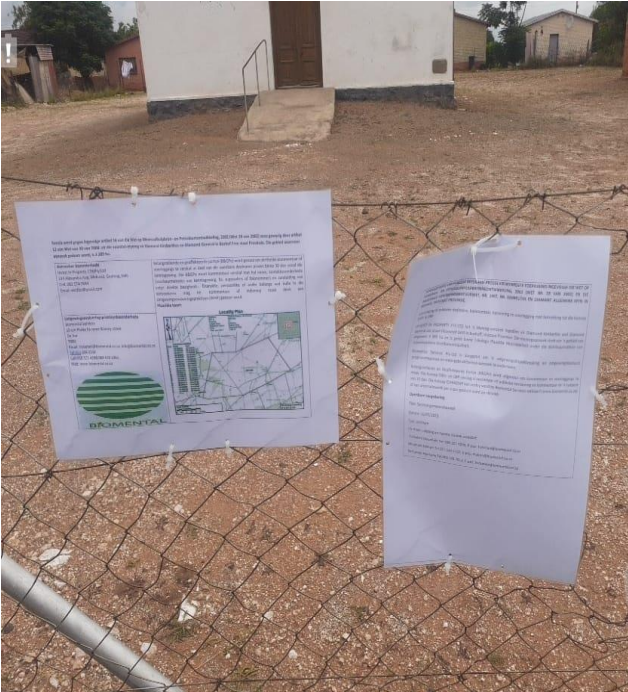
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## **Appendix D Copy of the Notice**





**KENNISGEWING VAN PUBLIEKE DEELNAME PROSES VIR MYNREGTE TOEPASSING INGEVOLGE DIE WET OP MINERAAL- EN PETROLEUMHULPBRONNEONTWIKKELING, 2002 (WET NR. 28 VAN 2002) EN DIE NATIONALE OMGEWINGSBESTUURWET, NR. 1907, NR. KIMBELITES EN DIAMANT ALGEMENE MYN IN BOSHOF, VRYSTAAT PROVINSIE.**

Uitnodiging vir publieke deelname, kommentaar, hersiening en voorlegging met betrekking tot die Konsep OIBV & OBP

INVEST IN PROPERTY PTY-LTD het 'n Mynreg-aansoek ingedien vir Diamond kimberlite and Diamond General oor plaas Viljoenhof 1655 in Boshoff, Vrystaat Provinsie. Die mynreg-aansoek strek oor 'n gebied van ongeveer 3 389 ha en is geleë binne Tokologo Plaaslike Munisipaliteit onder die distriksjurisdiksie van Lejweleputswa Distriksmunisipaliteit.

Biomental Services Pty-Ltd is aangestel om 'n omgewingsimpakbepaling en omgewingsbestuurs programmeproses en watergebruiklisensie-aansoek te onderneem.

Belangstellende en Geaffekteerde Partye (B&GPe) word uitgenooi om kommentaar en voorleggings te maak. Die Konsep OIBV- en OBP-verslag is beskikbaar vir publieke hersiening en kommentaar vir 'n tydperk van 30 dae. Die Konsep EJARSEMP kan verkry word by Biomental Services webwerf ([www.biomental.co.za](http://www.biomental.co.za)) of kan alternatiewelik per e-pos gestuur word op versoek.

**Openbare vergadering:**

Plak: Sereise-gemeenskapsaal

Datum: 16/02/2023

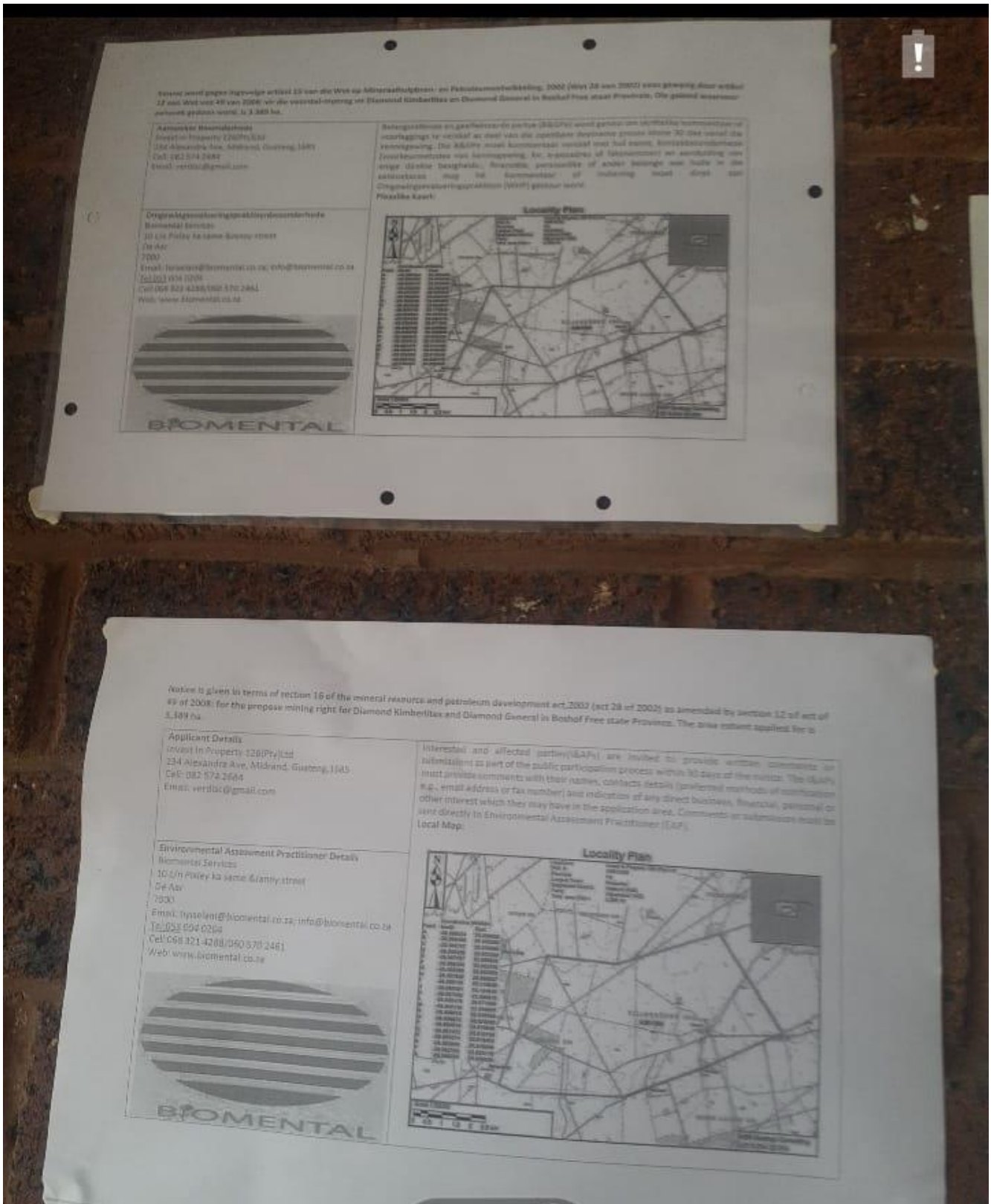
Tyd: 10:00am

Vir meer inligting en navrae, kontak asseblief:

Tiyiselani Macebele Tel: 068 321 4288; E-pos: [tiyiselani@biomental.co.za](mailto:tiyiselani@biomental.co.za)

Nhlamulo Mahori Tel: 073 140 4322; E-pos: [mahori@biomental.co.za](mailto:mahori@biomental.co.za)

Fortunate Ngubane Tel: 083 743 7012; E-pos: [fortunate@biomental.co.za](mailto:fortunate@biomental.co.za)



Notisie word gegee ingevolge artikel 23 van die Wet op Minerale hulpbronne - en Petroleumontwikkeling, 2002 (wet 28 van 2002) soos gewysig deur artikel 27 van Wet 49 van 2006, vir die voorstel om 'n Oorsigliging van Diamant Kimberlities en Diamant Generaal in Boshof Vrye Staat Provinsie. Die gebied waarvoor aansoek gedoen word, is 3,389 ha.

**Aansoek vir Oorsigliging**  
In Property 126(Pty) Ltd  
234 Alexander Ave, Midrand, Gauteng, 1485  
Tel: 082 574 2464  
Email: verdica@gmail.com

Betroegde partye en geïnteresseerde partye (B&APs) word gevra om skriftelike kommentaar of voorstelle te verskaf as deel van die openbare deelname proses teen 'n tyd wat in hierdie kennisgewing. Die B&APs moet kommentaar verskaf wat hul naam, kontak besonderhede (soos telefoniese nommers, e-pos, adres, persoonlike of professionele) en indien moontlik ook hul eie kommentaar. Die B&APs moet kommentaar of voorstelle wat direk aan die Oorsigligingvoorspanning (OVS) gestuur word.

**Oorsigligingvoorspanning Praktisierers Detail**  
Bio-Mental Services  
10 5/11 Pwley 12 Jamie & Lenny Street  
De Aar  
7800  
Email: hyselyni@biomental.co.za; info@biomental.co.za  
Tel: 053 604 0299  
Cell: 068 421 4288 / 060 570 2464  
Web: www.biomental.co.za

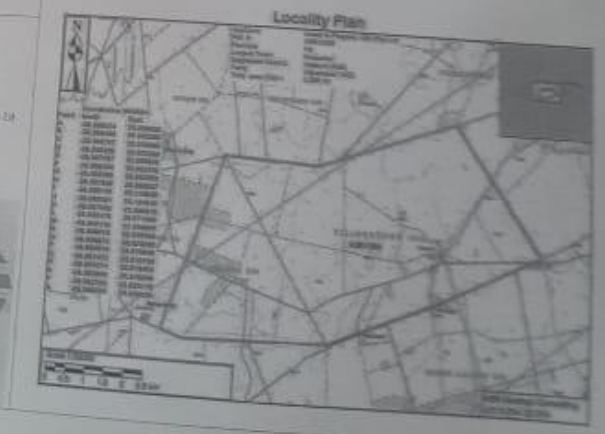


Notice is given in terms of section 16 of the mineral resources and petroleum development act, 2002 (act 28 of 2002) as amended by section 12 of act of 49 of 2006, for the proposing mining right for Diamond Kimberlites and Diamond General in Boshof Free State Province. The area extent applied for is 3,389 ha.

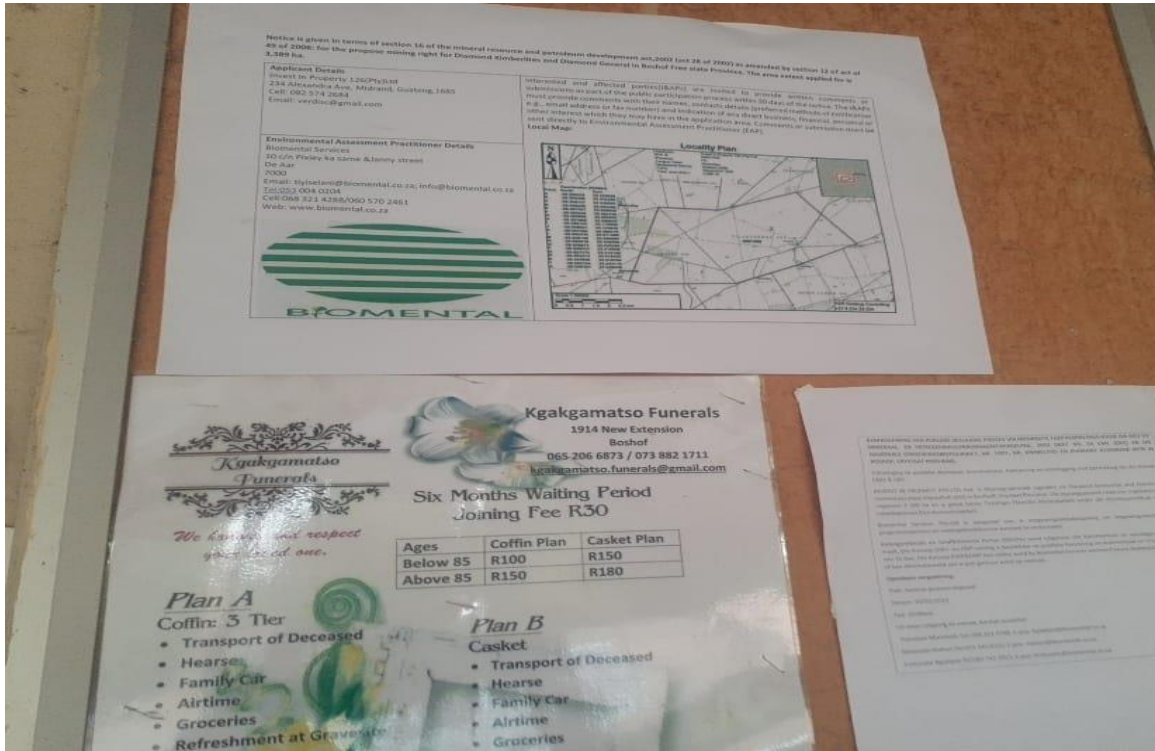
**Applicant Details**  
In Property 126(Pty) Ltd  
234 Alexander Ave, Midrand, Gauteng, 1485  
Tel: 082 574 2464  
Email: verdica@gmail.com

Interested and affected parties (B&APs) are invited to provide written comments or submissions as part of the public participation process within 30 days of the notice. The B&APs must provide comments with their names, contact details (preferred methods of notification e.g., email address or fax number) and indication of any direct business, financial, personal or other interest which they may have in the application area. Comments or submissions should be sent directly to Environmental Assessment Practitioner (EAP).

**Environmental Assessment Practitioner Details**  
Bio-Mental Services  
10 5/11 Pwley 12 Jamie & Lenny Street  
De Aar  
7800  
Email: hyselyni@biomental.co.za; info@biomental.co.za  
Tel: 053 604 0299  
Cell: 068 421 4288 / 060 570 2464  
Web: www.biomental.co.za









## **Appendix E Public Meeting Register**



## PUBLIC MEETING REGISTER

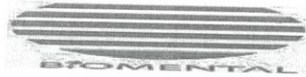
Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Matshidiso	1170 Donkerhoek	082 841 8168			M. Moremi
Pinkie Visser	19 Nteo	072 667 8310			V. ESS
SARATA SAUIS	286 Kageneke	074 223 4122			SAUIS
LEEPI le Tshika	762 Ikageleng	062 004 7189			LEEPI
Isack Mokwana	1196 Donkerhoek	076 549 5957			Isack
ABER KATHISO	1763 New Nwano	078 810 8058			ABER
TOM-MOUERS	669-Donkerhoek	078 1353 589			TOM
KERAJA SENTERRE	459	078 893 2156			KERAJA
LEEPILE KOLASI	530 Bogoshobu Str	060 331 5385	leepilekolasi9997@gmail.com		K. SENTERRE
SERAME LAWENG	1908 New Section	071 720 7672	Seramekweng22@gmail.com		SERAME
J. Moitsiemung	225 Mooq.	074 884 1817			J. Moitsiemung

SA. LEBITSI 620 Ikageleng 074 341 8088



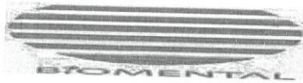
## PUBLIC MEETING REGISTER

Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Kelebagate Tshilo	762 Itageleng	0736262229	tshilok@gninet		
Mobengezi Motina	763 Itageleng	060324739	-	-	
Rejane Mokuwane	234 Bogosho	0713355937	-	-	
Tshupo Mokuwane	1112 Sonderwater	0791647690	tshupomokuwane@gmail.com	-	
Kelo Kquela	763 Itageleng	-	-	-	
Molatuji Sebata	741 Sonderwater	0735734184	-	-	
PAU / Tshilo	720 Itageleng	083 773 1454	leisa.tau@gmail.com	-	
Sehemo Kagiso	270 Karelhof	06664477859	-	-	
Ashwin fangu	256 Karelhof	072 045 5878	lencikilefangu@ymail.com	-	
MPHO MIBILI	1355 DONTFOR HOEK	083 5653527	N/A	-	
Pasika Kulea	1956 New East	073 7687216	pasikatula7@gmail.com	-	



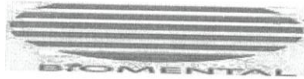
## PUBLIC MEETING REGISTER

Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Tirca	15710th-	-	Resthof	-	
Kagiste Tshwando	103 Kateng Kotsepe	0630035487	Boshef	-	
Kotsepe	107 Mochuane	074 886 2927	tshwando.kotsepe@gmail	-	
Katlego	181 Mosici	078 1144184	Katlego kotsepe	-	
Tumzang Seruny	574. Mathet's Strc	078 901 8801	Tumzang Seruny	-	
Sisane Sosisi	1235 Porter	0630035487		-	
Smoky Buys	19B kudu str	0710425284		-	
Movemi .L	1166 Donkerhoek	063 264 0821		-	
Baironomia Bezant	17 kudu street	0846808452	lizandra.baironomia@gmail.com	-	
Shaurice Bezant	17 kudu street	-	-	-	
Sonja Groep	21 <sup>st</sup> kudu street	-	-	-	



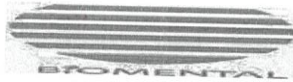
PUBLIC MEETING REGISTER

Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Tebogo Hobo	604 IRAGOLENE SERETSE BOSHOF	0835350609 0724757474	tebokoneto2@gmail.com	-	[Signature]
Junia Agus	236 Mag Street Boshof	0760097020	juniagubi93@gmail.com	-	[Signature]
Olehogeng Agus	1100 Sanderwater	0134688725	-	-	[Signature]
Desma Ntshona	322 mag str	0835350609	-	-	[Signature]
DINTWE BONOKWANE	Selobese Boshof 953	0753201097	-	-	[Signature]
DAMISANI	DOBÉ Boshof	0724881232	-	-	[Signature]
Mokgethi	27 NTEO STR SERETSE	0617019942	mokgethiseleda@gmail.com	Let the mine open	[Signature]
JAN	917 SETSE	0785929237	-	-	[Signature]
J. SAO MOLEKUE	290 Bogosho	0117074220	-	Let the mine open	[Signature]
EVANS MATLI	606 Mosaki	0686785097	evansmatli@gmail.com	-	[Signature]
Ei, mokgethi	90 mokhuni	0717127527	-	-	[Signature]



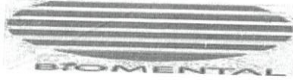
PUBLIC MEETING REGISTER

Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
SPARKS	ROCHELLE 1416 BOSHOF	0828 210239	Sava Sparks 70@gmail.com	Refer to comments on EIA/EMP	
Juandre GROVE	46 Fontein STR TLM	072 5051199	fouriejuan@g.co.za	Ref to comments on EIA/EMP	
J. Steenkamp	TLM	0535410461	John Steenkamp@gmail.com	None	
T. Dladwa	2019 New Sec	0720243029	thandicrbeauty@gmail.com	Councilor	
K. Maerman	#1 Blesbok Kareedof	-	-	CWP Coordinator	
E. Shindile	170 Moseki	071172 8566	-	CWP coordinator	
T. Sebale	110 Muthuane St	0833 358873	-	Economic Deputy	
W v Nieterk	Box 215	0837139714	call@buffelcar.co.za	Insurer	
bbie Wase	Heuwfontein pkw Boshof	-	-	-	
T. Tindi	Moug St 262	0655066113	-	-	



## PUBLIC MEETING REGISTER

Date: 16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Mokamai Madikwane	754 - BOGOSHONG	0604769321	-	-	Madikwane
Antie Madikwane	10947 Sonderwater	0782008396	-	-	Madikwane
Piet Mogaipi	1216 Donkershoek	0789792105	-	-	Mogaipi
Puseletso Phiri	516 Ilkegelenk	0721692298	-	-	Phiri
Samané Tshepiso	1595 New extension	0733921642	tshepiso.s@gmail	-	Tshepiso
David Mochworo	1434 Donkershoek	0730187907	-	-	Mochworo
Sydney Mochworo	324 Moo6 STR	0735964661	-	-	Mochworo
Kedibone Mogaipi	1029 Sonderwater	0638726987	-	-	Mogaipi
Nella Moxeni	564 Ilkegelenk	0710940282	-	-	Moxeni
Kgatso Augs Flip	224 Kareehof 125, Kareehof LINDS	0718710297 0786785329	-	-	Augs
David Mabelo	309 DAMME	0724400420	-	-	Mabelo
Tshepo Masepe	Boshof 309 DAMME	0655733266	-	-	Masepe





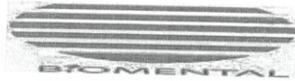
PUBLIC MEETING REGISTER

Date:16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Arbello Magoiwa	05 Blebhek St	0656939201	—	—	
Kimiesho Buys	15 Kudu STR	0604541018	kimieshobuys25@gmail.com	—	
Mpho Mabatlale	670 Solly STR	0720699630	mphopost71@gmail.com	—	
Phiri Paseka	589 ikageleng	063 863 2930	pasekaphiri046@gmail.com	—	
Tshabgala Sphiwe	2007 Ntex	0837001250	sphiwetshabalala23@gmail.com	—	
Thaba Phiri	870 Gnorwiler	0677391008	—	—	
Miriam Vrooyen	885 Sonderwater	0635121258	deem.vanvroyen@gmail.com	—	
Martha Mueliso	1237 Denkerhoek	0856341513	thabane@bongolungu.com	—	
Pogisho Sebiso	87 Str	076954882	—	—	
Tsatsa Sebiso	033 Sonderwater	0785611341	—	—	
Goetsimadi Sebiso	003 Sonderwater	0720649207	—	—	
SOMP Kgote	945 Sonderwater	0729599858	—	—	



PUBLIC MEETING REGISTER

Date:16/02/2023

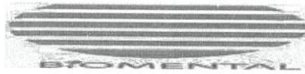
Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Tetogo Moremi	1544 Donkerhoek	078 034 2560	steeemoremi@gmail		[Signature]
JAFIA Mous	532 Sereshe	0710006473	Mous.gmail		J.Mous
Mokhele Morais	681 Kageleng	014 617 3446	engiemorris@gmail		[Signature]
Boiswerlter	2152 After Section	0640550442 0144576560	-		[Signature]
Kgamato Bonkore	890 Soendawala	0744576560	-		[Signature]
Fethuel Sebete	887 Sonderwater	0783289915	-		[Signature]
MICHAEL NYONGANE	75 JACOBS STR	0662233270 0835743778	mnyongane@gmail.com		[Signature]
David Mankwa	1759 N. Locality	0603027349			[Signature]
Kagisha Moremi	20 No 15e	-			[Signature]
Lethegole M.	50 Moshdodo	0826966824	-		[Signature]
Aran Phatjies	19 Koedo str	0630722438			[Signature]

T. Mottli 18 Shumboko 0630722438 ✓  
 T. Reballule 1237 Donkerhoek 0786487687 -

[Signature]  
 T.S. Rana



## PUBLIC MEETING REGISTER

Date:16/02/2023

Time: 10:00am

Venue: Community Hall

Name(s) Surname	Postal/Physical Address	Contacts Details	Email Address	Remarks/Comments	Signature
Disebo Goje	4479 Ikagelang	0634637947	Seboqo@igmoil.co		
Jeremiah Moremi	526 Ikagelang	—	—		J. Moremi
Raymond Sebiso	2751 Dame	0786555 955	Sebiso@fatsogmail.com		Sebiso
Isaac Sebiso	321 Donkerhoek	0824504074	—	—	Sebiso
Thuso JAS	996 Sonderwater	0791235949	—	—	
KAGISHO ISHIPA	1162 Donkerhoek	0616099517	—	—	
Lesego Mxoma	1774 New Extension	0812896337	—		
THAPELO JAS	996 SONDERWATER	0646904206	—		Bikro
Bareng Seballe	1978 Soundwater	0731459207	10gmita BarengSeballe96		
Lerato Pitane	375 New location	0637296439	—		
Kagisho Mromi	1139 Sonderwater	0713591739	www.20.29	—	



## **Appendix F**

# **Minutes of the Meeting**



## CONSULTATIVE MEETING WITH INTERESTED AND AFFECTED PARTIES

---

**Date: 07/03/2023**

**Venue: Microsoft Teams (Virtual)**

**Time: 10h00**

### MINUTES FOR THE CONSULTATIVE MEETING

Attendees of Meeting: 7 People Attended the meeting

- Miss Calla van Nierkerk
- Miss Rito Merry Gabeni
- Mr Tiyiselani Macebele
- Mr Charles Mabunda
- Miss Sara Spark
- Miss Fortunate Ngubeni
- Mr Alexander Rodionov
- Mr Peter de Bruin

#### 1) WELCOME AND OPENING REMARKS- Chairperson MR Charles Mabunda

- Indicated the purpose of meeting: The purpose is to implement public participation of interested and affected parties in the discussion of the mining right application over farm Viljonshof 1655 in Boshof Free State province
- Requested for each individual to introduce themselves

#### 2) INTRODUCTION AND APOLOGIES

- Mr Tiyiselani Macebele introduced himself as an environmental Assessment Practitioner employed by Invest In Property 126 (PTY) LTD
- Miss Sara Spark introduced herself as an environmental specialist in Boshof

- Miss Calla van Niekerk introduced made a proper introduction too
- Miss Alexander introduced himself as a geologist
- Miss Rito Merry Gabeni introduced herself as an Environmental Control officer from Biomental.
- Apologies for Mr Rodrick who is a neighbouring farmer and unfortunately won't be joining the meeting.

### 3) BUSINESS OF THE DAY: Mr Tiyiselani Macebele

- A brief explanation of the importance of separating community meetings from public meetings. The community has different issues to address when it comes to mining such as creation jobs and the public has different issues to raise, separation makes addressing these issues easier.
- An encouragement of raising views and concerns when it comes to operation of the mine and any discussion that takes place during the meeting
- An apology for land owner who won't be joining the meeting
- A) Sara Spark clarified that the land owner is represented by his lawyer and any queries or essential information may be sent to the lawyer.  
Response from Mr Tiselani: There will be a follow up meeting between land owner and stakeholders not available.

### 4) EIAR AND EMP REPORT: Mr Tiyiselani Macebele (EAP)

- A scoping report and the Public Participation process was done
- In the present moment there are four complete specialists done which are Ecological Impact Assessment, Archaeological Heritage Impact Assessment, Geological Impact Assessment and Social & Labour Plan. Three Specialist Studies were done using desktop and historical data due to lack of access to the property.
- Four specialist's studies known as Air quality assessments, Visual landscape assessments, Traffic Impact Assessments and Social and labour assessment report are still being done.
- A number of specialists were studied and completed in the mining area, more than 8 specialist studies were undertaken.
- A second EIA report will be circulated for edition
- An issue raised is game farming during mining activities, there's a huge concern of noise caused by mining which could affect game farming.
- A solution suggested is suspending mining activities for the period of game hunting, game hunting probably takes place during winter.
- Another issue was noise and safety for the neighbours and the farm
- A solution suggested is that the police will be involved for security of property and animals
- Another issue was noise through heavy equipment
- A solution suggested was that the level of noise was to still to be measured
- Air pollution issues will be addressed through air quality study still being done
- An issue raised was water supply issue, Boshof is said to have limited water issues and mining uses large amounts of water
- Solutions raised to address water supply issue is the use of water treatment plant, which means water supplied from borehole will be treated and then used again, there will be less demand of water.

Specialist studies indicate that mitigating measures are implemented, mining activities won't have a huge impact on boreholes and the aquifers don't have high sensitivity or exposure.

#### 5) Project Technical aspect: Alex Rodionov

- Mr Alex Rodionov asked the participants if they had any technical questions regarding the project of which a question was quickly asked that he should have an idea of what will happen with the commencement of this project, will there be any usage of water?
- On his response, he stated that a mining programme will be followed, the 1<sup>st</sup> phase being geophysics to further explore the site. Exploration might take a week to two weeks.
- A suggestion was made that a geohydrology study was needed to assist because the desktop study was limited, and only one borehole was tested.
- One of the main concerns of getting a mine, especially if it's going to be a depth of 600 meters, left water concerns. Might affect farmers all around
- Response to this concern was that there are certain advances in the diamond recovery process that can be explored, bourestnik are able to use a combination of several irradiation methods
- Mr Charles was informed that Mr Neel van Heerden hasn't received his invite, of which the response was that the invite was sent to his email address
- Mr Alex was thanked and told that there are still some technical questions that they have, water being the big concern, and a desktop study is not enough to point out all the impacts.
- A response was that the moment access is granted to the site, this will be the 1<sup>st</sup> study to conduct because in mining we need definite answers about water situations to be able to proceed.
- On the geology side, there aren't many questions. The only questions that are at present are concerning biodiversity and water.
- To respond to biodiversity, Mr Alex shared he worked on sites with different antelopes in the past, and stated that when animals see that there is no threat being posed to them, they generally don't get affected.
- A reminder was issued that this is a hunting operation that has been certified, the landowner has overseas clients all year long, there is a case that this area is declared a conservation area in 2001 and the government department seem to have lost the papers that can prove this. This place was declared a protected area because of the nature of the animals that he has on his farm. Red data plant species that are yet to be identified but have been identified on the farm adjacent to farm Viljoenshof. There is a concern that desktop study has a lot of gaps.
- An interjection was made that the farm has not been declared a protected area, based on research and ecological specialist the area falls under the CBA, but that doesn't mean that no other activity can take place. There is a room that the mine and hunting activity can coexist
- A question was posed about the buffer zone that's within 900 meters
- A response concerning the buffer zone was that the ultimate decision rests with the government but information showing that buffer zone was asked to be shared
- A suggestion was made to go to the next item as we still have a slot for questions and answers
- Chairperson introduced the next item on the agenda

**6) Social and Labour plan: Peter De Bruin**

- Started off by greeting the participants and asked the participants what they wish to know
- He was asked to give a summary of the social and labour plan, and how much money is going to be put to it.
- Social and labour plan talks about how a company is going to execute the human resource part and also the social projects that are there in the area. There were certain projects that had to be identified in the community.
- For the human resources part, the budget placed is R 566 000.00. Human resource part entails upscaling of employees as well as the broader community. This budget is for 5 years and needs to absorb the community to the work field
- Certain projects will be put in in certain times, certain amount of people will do learnerships, while others do internships in different departments of the project
- Local economic development project budget is R320 000 for the 5-year period and there have been local projects that have been identified.
- Retrenchments and down scaling budget is R480 000
- In total, the budget is 1.3 million
- The only challenge identified was identified was in the employment equity report
- Chairperson suggested we move to the next item on the agenda

**7) Viljoenshof access or identification of alternative access**

- Concerns were raised about the current access
- A question was posed asking if there will be any rezoning to the area including the access area of the mine as the area is agricultural and mining falls under industrial
- The answer was that this has to be checked with the legal department of DMR
- A rare plant was discovered, a schedule red 6 species was found in adjacent farm and this raised concern about the proposed access point.
- The current access is not the final access point; hence this meeting was called so that an alternative can be discussed
- An invitation was extended to come for a site meeting so that the I & AP can show their concerns
- An invitation was accepted to see the endangered species and fountain running on the site
- Chairperson called a question and answer section
- A concern about booked international hunters was raised, guests who have booked in advance and this will affect them financially
- The concern was noted and a wish was shared to sit with the I&AP to thoroughly outline these concerns about the game farms so that a solution can be found





## **PUBLIC MEETING WITH THE COMMUNITY**

**DATE: 16/02/2023**

**VANUE: Serete Cummunity Hall**

**TIME: 10:00am**

### **AGENDA**

1. Opening and prayer : National Anthem
2. Welcome and purpose of the day : Rep- Municipality/ward councillor
3. Introduction : Tiyiselani Macebele
4. Presentations : Tiyiselani Macebele
  - a. Draft EIAR Report
  - b. EMP
  - c. Specialist studies
    - I. Ecological Impact Assessment
    - II. Geohydrological Impact Assessment
    - III. Heritage Impact Assessment
    - IV. Social&Labour Plan
5. Questions and Comments : General Public
6. EAP Responses : Tiyiselani Macebele
7. Closing Remark : Tiyiselani Macebele
8. Vote of Thanks : Tiyiselani Macebele
9. closure

Comments and EAP Responses

- **How will the community benefits from this project?**

There are many benefits and contribution the project is bound to fulfil through the SLP. This will include community skill programs, mentorship, learnerships, business opportunities as well as employment opportunities

- **How long is it going to take before mining operations starts?**

It is unfortunate that we are not in a very better position to envisaged the timelines, however, the applicant has indicated that as soon as the mining right is guaranteed the mine project may commence immediately

- **How will the project uplift small businesses?**

Local businesses and entrepreneurs will be preferable given opportunities in rendering services the project will outsourced. Small businesses are the backbone of our economy as they have the potential to stimulate economic growth and contributes to job creating.

- **Will the projects be able to assist youth with scholarships and businesses?**

The Social & Labour Plan (SLP) for the project does cover this aspect whereby the SLP make commitment to make contribution in as far as providing scholarships for locals

- **We have in the past experiences a situation community are promised job opportunities but in the end people outside of these community are employed.**

Invest in property 126 is bound by its commitment through the SLP to ensure that local community get 1st preference in as far as job and business opportunity are concenered.in a case where the skills or services required is not readily available, such will be acquired outside the boundaries of the community however where practically possible locals will be given preference on that regard.

- **What guarantee do you have that the mining rights will be granted to the applicant.**

The DMRE is the competent authority that will take a final decision on whether or not to grant rights after having made all submission pertaining to the application.



**CONSULTATIVE MEETING WITH DEPARTMENT OF WATER AND SANITATION (WATER USE LICENSE APPLICATION)**

**DATE: 08/03/2023**

**TIME: 09:00**

**VENUE: Microsoft virtual meeting**

**ATTENDANCE REGISTER:**

- Mr Ramusiya Tshedza
- Mr Tiyiselani Machebele
- Mr Alexander Rodionov
- Mr Nhlawulo Mahori
- Ms Fortunate Ngubeni
- Ms Rito Gabeni
- Mr Charles Mabunda

**Minutes of the Meeting**

For the purpose of minutes, Mr Tshedza asked that this meeting be recorded, of which Mr Machebele was in agreement with this request.

**Business of the day: Mr Mahori**

- Mr Mahori took us through the Water Use License application with a prepared presentation.

- He initiated the application by informing the panel that Biomental was appointed by Invest In Property 126 (Pty) Ltd to apply for a Water Use License for the proposed development, which is a mine, over farm Viljonshof 1656.
- He informed the panel that this was a pre-consultation meeting, so that we can get some advice from the relevant officials to understand what is it that we need to prepare for in order for Biomental to get the Water Use License.
- The presentation took off by him giving a brief background about the farm and its location.
- The project area is situated in Free State Province in a small town Boshof. It falls within the Tokologo Local Municipality of the Lejweleputswa District Municipality; and is situated approximately 27,9km north-east of the Kimberly and 120km west of Bloemfontein. Areal size is 3,389 ha
- Stated that there is a water crossing, which is 10 to 15 km away from the proposed site, furtherly pointed out that we are obliged to take care of this source of water. He pointed out that we need to make sure that this river is not polluted through any means, hence its part and parcel of this application.
- He pointed out the specialists that were used as part of the Environmental Impact Assessment report (EIAr), and one of them being the geohydrological report because water will be abstracted from the ground through some a borehole.
- He explained the findings of the geohydrological report; The site is drained by means of run-off, with storm water collection towards the northwest and north of the site. No prominent surface drainage features are developed within the proposed site boundaries.
- The study area falls within water management area number 05– Vaal. WMA 05 includes the following major rivers Wilge, Liebenbergvlei, Mooi, Renoster, Vals, Sand, Vet, Harts, Molopo, and Vaal Rivers.
- He pointed out that we need to consider that we don't over dry or pollute these nearby rivers
- Mr Mahori explained that geohydrological assessment report stated that the study area is in a minor aquifer region and that groundwater management findings show that no identified impact disqualified the implication of the project.
- According to the ecological report, the status of the nearest river in question is largely modified (Class D) in this area. With only one NFEPA stream at the edge of the project area and a manmade dame that is being utilized for livestock purposes the figure below depicts the river ecosystem layout and river ecosystem.
- Mr Mahori asked that we go to the 2<sup>nd</sup> part of the presentation, that was prepared for the Water Use License.
- An interjection was made by Mr Tshedza to ask for clarity concerning the 1<sup>st</sup> part of the presentation

- He asked about the projections shown on slide 14, which were groundwater management findings for the geohydrological report that was conducted.
- Mr Tshedza's question was on water use, he needed clarity on borehole 1, which was labelled domestic. He needed to understand if the borehole was drilled for domestic use or whether the water quality parameters that were found there were fit for domestic use, and Mr Mahori answered that the latter as they were fit for domestic use. He furtherly asked which parameters were used to measure this and was answered that they included electro conductivity, pH and acceptable limits for drinking water. Mr Machebele added that on the farm application area, there is only one borehole available and others are neighbouring boreholes. The domestic one is a description of what purpose these boreholes are used for in these farms by the desktop study. These findings are describing what are the current water uses and not necessarily predicted uses for the mine.
- The question initially asked by Mr Tshedza was answered that the findings were for current water uses
- Mr Mahori continued with the 2<sup>nd</sup> part of the presentation by indicating that the mining method that will be used is an open cast mining, and since we have underground water, water will be used for dewatering, he stated that this will be one of the water use that we are triggering
- Based on the location, we are going to take water from boreholes, and we will have some reservoir and dams to store water.
- He stated that because there is a river nearby, there are chance that we will be impeding and diverting the water course when developing road networks since the area is not well developed, but asked Mr Tshedza to advise based on the location of the river.
- The discharging of waste water will undergo purification through waste water treatment plants that will be developed within the project area then it will be released back to the environment.
- He also pointed out water use triggers that included the disposing of waste into water course, the river banks and underground water since we will be dewatering the pits.
- We are anticipating to abstract around 20 520m<sup>3</sup> of water per day for the operation of the mine and for dewatering it is anticipated to be around 1150m<sup>3</sup> per day
- The benefits for this project will include bursaries, work opportunities and community investments for the Boshof community and surrounding areas.
- Mr Machebele added that as far as infrastructure goes, a slum dam will be constructed which will be used as a discharge and there will also be some water storage facilities. And in addition, the assessments and information received from stakeholders indicates that Boshof is a water scarce township and they rely on boreholes for water consumption and other different purposes. We have placed this into consideration hence the concern about groundwater depletion since there are a number of mines already in existence and this is an agricultural

invested community. Due to this high demand of water in this water scarce area, we thought of introducing a water recycling facility as a mitigation measure to prevent the over usage of water.

### **Response and advises by Mr Tshedza**

- The opening focus of his response was on the administration of the project. He started off by asking who is the owner of the property and was answered that the property owner is Mr Cedric Roberts and he was notified that gaining access to the site has been a struggle, this has made it hard to perform specialist studies, hence why those that were done were desktop studies. There have been some historic problems between that applicant and the landowner, these misunderstandings have compromised the project since access is not granted. The department has been informed about this, they are aware of these constrains. The studies done are not that comprehensive because site visit was not undertaken.
- Mr Tshedza responded that this is a big problem if there are disagreements with the landowner and the applicant as far as applying for a Water Use License goes because the Water Use License is attached to the property. A Water Use License cannot be Issued to a property where there is no agreement between the water use applicant and the property owner. Another concern is the geohydrological study, looking at the amount of water that needs to be used as presented earlier, it's unclear where such figures were fashioned if the study was not comprehensive. Another concern pointed out were there concerns from Public Participation, people have indicated that they are worried about the depletion of groundwater resources, the question was asked on how then will Biomental convince the department that there will be water left after dewatering and abstraction of this amount of water per day.
- Mr Machebele responded that when he indicated that the studies were not comprehensive, he was not saying that the studies had no meat to the skeleton, it was just to indicate that an actual site visit hasn't been done. When they do geohydrological studies, a site visit is needed to measure the water levels and water quality, but the historical data that was acquired by the specialist does answer other questions. Going to site is only to get the other needed percentage. Mr Machebele indicated that he does not see the landowner coming into agreement and asked Mr Alex to furtherly elaborate on the matter.
- Mr Alex responded by pointing out a few points, the 1<sup>st</sup> being that there are no drainage lines in our target areas, the drainage line is in the absolute north west corner and eastern side property. Its several meters away from our nearest target. There won't be any interference

with the drainage lines, he pointed out that he won't call it a stream or river because its dry, only during rainy seasons will you find running water. Another point that he indicated was that there has been talks of the project being an open cast mining without further explaining that its Dyke, maximum will be two benches, which is ten to twelve meters. Finally, with recommendations and report, he stated that we don't know if the water consumption at this current time is at its maximum rate, its only when we have access to the site that we can do metrological studies which will allow us to do the final plant and mine design. In recommendations and mining designs, he recommended two options to reduce water consumption. He recommended the usage of the latest generation concentration bouvestnik which can operate in in dry states and another recommendation was powered that can be used as a water treatment powder that can be used to reduce water consumption ten times less but this can be recommended only after the metrological studies. At this moment, this is only a model case.

- Mr Machebele asked that Mr Alex could kindly clarify on the issue between the land owner and the applicant, of which he answered that the final decision will be with the minister or the department of mineral resources. He indicated that this project will be beneficial as it will bring about employment opportunities, hence why the department should try to intervene. The government needs to propose mitigation measures.
- Mr Tshedza thanked Mr Alex for the explanation but stated that the fact remains that when you submit the application for water use license, and you are not a property owner, an agreement is needed between the property owner and the applicant. Mr Alex interjected that this issue will be a decision by the minister, but Mr Tshedza pointed out that the minister that is being brought up deals with mineral recourses and for water use licensing there is a minister that deals with water issues. There is an operating procedure for Water Use License, and in this procedure of getting a Water Use license, an agreement between the applicant and the landowner is needed.
- Just to get clarity, Mr Machebele asked if there is nothing the department can do to intervene on the matter at hand because he is not confident that the landowner will be willing to give them an agreement at this point, another issue being that the application with the department of mineral resources is also going through and might be granted and a Water Use licence will be needed. He asked if it was possible for the department to issue a letter or a notice of some kind to assist on the matter.
- Mr Tshedza answered that with his experience of working at the department of water and sanitation, he has never heard of such letter being issued as this is a matter that should be

dealt with by the applicant and the landowner before applying for a license. He then promised to try to check if there aren't any other measures in place to assist to get the consent in a situation such as this.

- Mr Alex pointed out that in the past a similar situation happened in a farm near Vaal river, the owner was objecting because of similar reasons that he is doing game farming. The applicant did not have an agreement, he then approached the court and that was seen as proof of full scale consultation and the right was granted. And said they would most probably go in this similar route. Mr Alex asked if we get a letter from the Department of Mineral Resources addressed to the Department of Water and Sanitation, will it be possible to do the processing of the paper work for the application. Mr Tshedza answered that he doesn't know but he will check if there are provisions of that nature. Mr Tshedza suggested that if this case that was mentioned can be put on paper for reference purposes and have at least a backup of a similar case and how it was resolved, maybe that will give some assistance to this case.
- Mr Tshedza asked about the size of the property, the answer was 3 386 ha but the minable area will be reduced. He asked who the mining right will be issued out to, and the answer was Invest In Property 126 (Pty) Ltd. He asked if the Public Participation was concluded, and he was answered that at this stage we are finalising the last phase which is the EIAR & EMPR. He asked if their advertisement was addressing EIA mining right and water use licence, and the answer was that the water use license was not included. He stated that we need to conduct the Public Participation with accordance to section 41 of the Water Act.
- Mr Tshedza asked about the authorisation if it has been finalized yet, he was answered that it hasn't been as the final EIAR still needs to be submitted. He asked how sanitary waste will be handled and he was told that we will be using chemical toilets that will be service by one of the local service providers. Mr Tshedza pointed out that the agreement will be needed for those chemical toilets. Mr Tshedza asked what is the period of the mining right and the answer that was shared was 32 year

## **Water Uses in detail**

- As the report has indicated that the project will source water from the boreholes, a question was posed that how many boreholes will be used and the response was that the studies that have been done have only identified one borehole on site. Mr Tshedza furtherly asked how much water will be abstracted from that borehole and Mr Alex interjected that there will be a new one borehole within one of the kimberlites because are full of water. Mr Macebele then added that there is a possibility of abstracting 20 520 m<sup>3</sup> per day. Mr Alex that this water will



come from several boreholes and not the one currently in existence, physical drilling needs to be done as its part of prospecting and after doing so, they will come back to the department for formal registry. Mr Tshedza asked that we all agree that at this point we don't have the information of section 21 A because section 21A should state the activities and that is part of the planning. When you state that you need to abstract a certain amount of water, then you need to be sure of exactly how much. Mr Alex answered that on phase one we will need absolute minimal, we will then have more details after exploration and not prospecting as mentioned earlier. We will have to define the size, shape and quality kimberlite, during this process we will then do all these addition measurements on water table and the capacity of the boreholes which can be used. Amendments will be made to the Department of Water Affairs and to the Department of Mineral Resources about the latest findings and also check up on the red book about vegetation and animals.

- Mr Tshedza pointed out that its becoming very difficult to assist or to advise because now he is getting new knowledge of there being a phase one which is exploration and phase two which then sounds like bulk sampling or full mining. Water balance is an issue because when you do the planning you need to account for your phase one where you will be doing your exploration which needs a clear time frame as well as your phase two which might include bulk sampling or mining. Mr Tshedza pointed out the lack of information in terms of water demand, there should be an indication of how much water each phase might require.
- Mr Macebele asked if it was possible to formally give the department these details after thorough discussions so that they can state how much water will be needed because at this point there are no specifics to give. Mr Tshedza fully agreed to this request, he also pointed out the gap between the amount of water that needs to be abstracted and the amount that need to be dewatered, a balance needs to be establish in this process.
- Mr Tshedza asked that we address the 21G, he asked how many section 21 G water uses are they applying for, Mr Mahori responded that as indicated that it will be closed system, he is not so sure if the Gs will be applicable. Mr Tshedza asked if there won't be any tailings dam, slums dam or waste lock dam and what is the capacity of each. Mr Alex said he will consult with the relevant people and get back to everyone.
- Mr Tshedza suggested that the panel goes back to review the water uses for this project because at this point they are unclear.

## **Freshwater on the property**

- Mr Tshedza asked if there were any wetlands that were identified during the fresh water studies, they answered him that there are no permanent water features on site. He asked what are permanent water features and the response was that they are talking about streams or non-perennial pans but no wetlands on site based on the geohydrological report that was done. Mr Tshedza pointed out the map showed otherwise, but Mr Alex said that this stream he was looking at was kilometres away from the mining site. Mr Tshedza explained that he was talking about the property itself and that the wetland was part of the property. Mr Mahori pointed out that freshwater studies were not done and these are some of the studies that need to be taken into consideration. Mr Tshedza pointed out that on the issue of perennial and non-perennial water features are regarded as regulated areas by the National Water Act which need to be protected, and if any activities will take place near these features then we will need to apply for (C) and (I) Water uses. Mr Mahori suggested that he will go back to the drawing board with his team to answer all the questions that Mr Tshedza brought forward and Mr Tshedza agreed to this. Mr Macebele asked if we can proceed in doing Public Participation and also the technical report, but Mr Tshedza asked that focus on getting access to the property 1<sup>st</sup> because there are costs involved in doing the technical report.
- In closing, Mr Tshedza suggested that the team takes back the application with the missing information, which is the agreement between the landowner and applicant, and on the side the team needs to give Mr Tshedza the reference point of past cases similar to this one so that he can consult internally so that he can find out if there are any grounds to get this agreement. Once we get the green light, the team can submit back the application to determine the process of the Water Use License so we can proceed with the phase one, we will need that agreement document in phase one because it is part of the admin document
- Mr Tshedza adjourned the meeting



# **Appendix G**

## **Background Information Document**



5/2/2023

# Background Information Document

**MINING RIGHT APPLICATION ON FARM  
VILJOENSHOF BY INVEST IN PROPERTY  
126 (PTY) LTD**



## **PROJECT INFORMATION**

### 1. Background

INVEST IN PROPERTY 126 (PTY)LTD propose to apply for mining right in a small town Boshof in Free State, South Africa. The area cover is approximately 3389 ha. The mining right application is for a proposed mining development for Diamond kimberlite (DK) and Diamond General (DG). The proposed development is located on Farm Viljoenshof 1655, located 27.9km km north east of Kimberly,120 km west of Bloemfontein and 13 km east of Boshof town. The applicant Mr Verdi Scholtermeyer is the permit holder for prospecting mining right permit granted by the Department of Mineral Resource and Energy (DMRE) in terms of Minerals and Petroleum Resource Development Act (Act 28 of 2002).

The project area is located within the Loxtonsdal kimberlite cluster which hosts two historical diamond mines. All known kimberlites in this cluster are of the Group II variety. Prospective work programs were undertaken at the proposed development mainly to investigate, determine and confirm the presence of diamond Kimberly on Farm Viljoenshof 1655. Non-invasive methods were explored to locate minerals using geophysical survey (magnetic and electromagnetic) soil sampling, google earth satellite images and exiting geological studies previously carried out in farm Viljoenshof 1655. The geological studies undertaken at the propose development area confirms presence of a number of additional anomalies. Mineral chemistry of kimberlitic indicator minerals (pyropic garnets, Cr-spinels and clinopyroxenes) verified high diamond potential of several targets. Moreover, geochemistry of kimberlites is also indicative of high interest mantle source.

The proposed overall activity will begin and be implemented in a pilot mining phase for a duration period of one (1) year. A contractor with readily available plants and earthmoving equipment will be responsible for the implementation of pilot phase. This phase is necessary given that the prospecting work program was only



limited to non-invasive approach. Additionally, invasive approach such as trenching/pitting and drilling was not conducted as a result of farm property owner restriction to access the property and proscription use of earthmoving plants, machinery and construction vehicles for related prospecting activities. The pilot stage will encapsulate further study of the diamond ore. The primary objective of the pilot mining phase is:

- Open complete area of the kimberlite body(ies) and cut first two benches into kimberlite;
- Process different kimberlite type separately and determine the grades and diamond quality variation;
- Carry out metallurgical studies of the ore for final design of the plant;
- During this stage geophysical survey and diamond core drilling will be implemented to study ore bodies morphology with depth;
- The outcome of geophysical survey and diamond core drilling will be implemented to study ore bodies morphology to be used for long term underground mining method to be used.

The open cast method for mining have been considered as a preferred method for minerals extraction. The open cast method will entail the trenching to the depth of two (2) benches (i.e.12 to 20 m) however, this is dependent on the hosting rock competence and stability. The pilot phase is envisaged to be disassociated with excessive blasting given that the hosting rock is black and grey Ecca shale, which is quite brittle. However, soft blasting will be applied where necessary in particular for cutting into kimberlites. The proposed mine property is characterised by game farming, livestock farming and related agricultural crop farming at a small scale. This necessitates the use of soft blasting to avoid and reduce impact on game farm with noise and flying rocks fragments.

## 2. Project description

The proposed overall activity will begin and be implemented in a pilot mining phase for a duration period of one (1) year. A contractor with readily available plants and earthmoving equipment will be responsible for the implementation of pilot phase. This phase is necessary given that the prospecting work program was only limited to non-invasive approach. Additionally, invasive approach such as trenching/pitting and drilling was not conducted as a result of farm property owner restriction to access the property and proscription use of



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- Carry out metallurgical studies of the ore for final design of the plant;
- During this stage geophysical survey and diamond core drilling will be implemented to study ore bodies morphology with depth;
- The outcome of geophysical survey and diamond core drilling will be implemented to study ore bodies morphology to be used for long term underground mining method to be used.

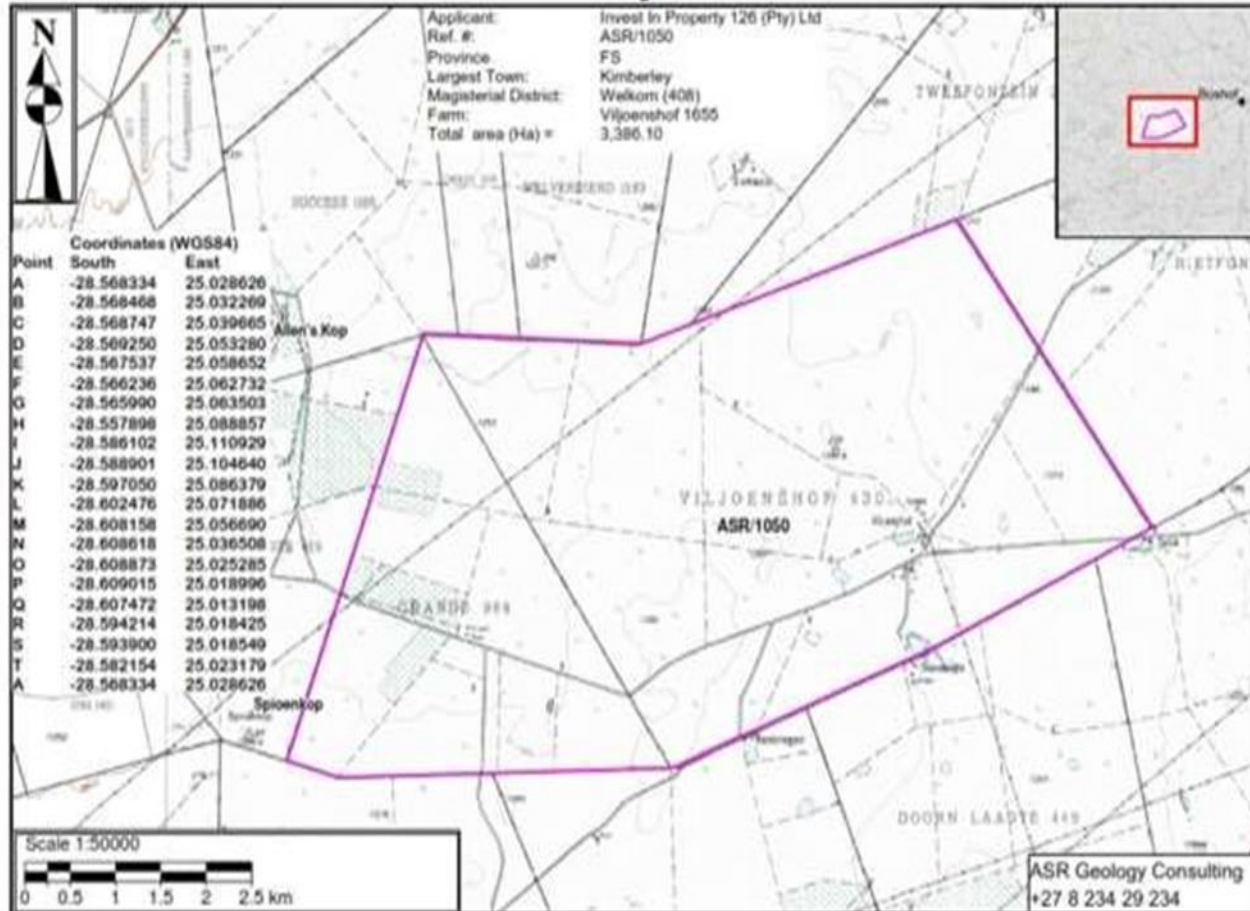
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### 3. Project Location

The project area is situated in Free State Province in a small town Boshof. It falls within the Tokologo Local Municipality of the Lejweleputswa District Municipality; and is situated approximately 27,9km north-east of the Kimberly and 120km west of Bloemfontein.



### Locality Plan







#### 4. Process Going Forward

In order to ensure due consideration of the potential issues and/or concerns which you may have, we would like to urge you to submit your issues and/or concerns to Biomental Services.

Your comments will be captured and addressed in the Consultation Report, which is to be submitted to the DMRE for inspection.

The draft EIAR & EMPr shall be made available for comment, Submissions and review.

**Final comments on the project and/or the EIAR & EMPr must be submitted in writing to Tiyyiselani Macebele, at the contact details provided below:**

**Tel: 068 321 4288**

**Email: [info@biomental.co.za](mailto:info@biomental.co.za)**

**Web: [www.biomental.co.za](http://www.biomental.co.za)**



## **Appendix H COMMENTS AND EAP RESPONSES**



## **Appendix H (i): ANDREW JOHN ROBETS TRUST**



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1 copy via mail 10*



**F.J. Senekal**  
INGELYF • INCORPORATED  
PROKUREURS • ATTORNEYS • BABUELEDI

Tel: +27 (051) 880 0077  
Faks/Fax: +27 (051) 880 0078  
Adres/Address: 42 President Steyn Ave  
Westdene,  
Bloemfontein, 9301  
Postbus/P.O. Box: Postbus/P.O. Box 42124  
Heuwelsig,  
Bloemfontein, 9300

References / Verwysings:

Ours / Ons: F J SENEKAL / KR0016

Yours / U:

e-mail / e-pos: [ksenekal@fjlaw.co.za](mailto:ksenekal@fjlaw.co.za)

*font*

15 MARCH 2023

TO ALL PARTIES CONCERNED

Dear Sir / Madam,

**RE: APPLICATION FOR MINING RIGHT IN TERMS OF SECTION 23 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 WITH REGARD TO DIAMOND KIMBERLITE (DK) AND DIAMOND GENERAL (DG) IN, ON OR UNDER THE FARM VILJOENSHOF 1655, FREE STATE:**

1. We refer to the above matter.
2. Please find enclosed hereto the comments by the registered interested and affected party in the above matter for your attention.

Yours Faithfully

**F.J. SENEKAL**

Please note that FJ Senekal Inc. will never change its bank account details via e-mail. Please do not rely on any form of electronic communication advising you differently. We urge you to contact our offices to verify banking details, prior to making any payments or deposits where you receive an e-mail from us. Also take note that FJ Senekal Inc. will not accept e-mail notifications concerning banking details from any client.

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Direkteur/Director: FREDERICK JACOBUS SENEKAL (B.Proc)  
Professionele Assistent/Professional Assistant: CHARL COETZEE (B.Com (Law), LLB); PERSEVILL DE VILLIERS (LLB) (Candidate Attorney)  
Registrasie nr./Registration no.: 2017/482348/21 B-BBEE Certificate: Level 4



*no min date  
authorisation*

*2.*

Mrk **IN THE MINING RIGHT APPLICATION  
BEFORE THE REGIONAL MANAGER: FREE STATE REGION**

**DMRE Ref No: FS 30/5/1/2/2/10064 MR**

**Invest in Property 126 (Pty) Ltd**

**Applicant**

**and**

**Trustees of Andrew John Roberts Trust**

**Registered landowner**

**In re: Application for mining right in terms of section 23 of the Mineral and Petroleum Resources Development Act 28 of 2002 with regard to Diamond Kimberlite (DK) and Diamond General (DG) in, on or under the Farm Viljoenshof 1655, Free State**

**COMMENTS BY REGISTERED INTERESTED AND AFFECTED PARTY**

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**Introduction**

1. The trustees of the Andrew John Roberts Trust (collectively referred to as "*the Trust*") are not only registered interested and affected parties for purposes of the mining right application and the environmental authorisation application by the

3.

-2-

shelf company Invest in Property 126 (Pty) Ltd (*"the Applicant"*) under the departmental reference FS 30/5/1/2/2/10064 MR. The Trust is also the registered land owner as well as the lawful occupier of the land in question, to wit the Farm Viljoenshof 1655 (as appears from Deed of Transport T 238/2002 of which a copy is attached as annexure 'AJR 1' hereto).

#### **Farm Viljoenshof 1655**

2. The Farm Viljoenshof 1655 measures 3372.6633 ha in extent and is utilised as a fully-operational game farm upon which the hunting for game is authorised by law. For that reason the whole farm is fenced off with specialised game fencing and access to the property is controlled, not only to protect the game and the general public from injury by dangerous animals (such as buffalo) but also to prevent any shooting accidents during a hunt. As a consequence of this land use, the surface of this farm is from an environmental perspective effectively in an undisturbed condition.
3. The description of the property as one "*characterised by game farming, livestock farming and related agricultural farming at a small scale*" (p. 11 of the Draft Environmental Impact Assessment Report, January 2022, hereinafter referred to as "*the Draft EIA Report*") it is therefore false or incorrect or misleading and constitutes the submission of inaccurate, incorrect or misleading information in connection with any matter required to be submitted for the purposes of the application for a mining right (as contemplated in section 98(b) of the Mineral

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and Petroleum Resources Development Act 28 of 2002 (*the MPRDA*) and/or the provision of incorrect or misleading information in connection with an application for an EA (as contemplated in regulation 48(1)(a) of the Environmental Impact Assessment Regulations, 2014 (*the EIA Regulations*)). Although this false/incorrect/misleading description is formally given by the Environmental Assessment Practitioner (*the EAP*), it is clear that the whole Draft EIA Report was a desktop study with the EAP relying on information received from the Applicant in this regard (par 2.3 thereof). In any event, the said Draft EIA Report was submitted to the Regional Manager and/or the Department of Mineral Resources and Energy (*the Mining Department*) on behalf of the Applicant (p. 9, 27 thereof).

4. In the Draft EIA Report the accusation is made that the EAP had to do a desktop study because the Trust allegedly prohibited access to the game farm. This accusation is also false. The truth is that the Trust insisted on reasonable notice before access could be given, because hunting opportunities are arranged months in advance and special precautions had to be taken if somebody wanted to traverse the game farm whilst there was hunting going on and stray bullets may well result in fatalities or serious injury. Requesting access the evening before the day upon which access was required, was simply not on and to boot not reasonable. In this regard the Trust, for example, entered into a written agreement with the Applicant in which the time-frames, terms and conditions for access to conduct prospecting activities on the game farm were spelled out. A copy of the written agreement is attached as annexure 'AJR 2' hereto.



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Furthermore and in any event, the Applicant at all relevant times had a remedy in section 54 of the MPRDA as a mechanism by means of which to obtain access to the Farm Viljoenshof 1655, failing which such access could have been obtained by way of a court interdict (which was the route that the Applicant followed for purposes of obtaining access for prospecting and which resulted in the said written agreement).

5. In addition and because there were (and are) dangerous wild animals on the property (such as buffalo, giraffes and even lions), the Trust insisted that a professional hunter accompanied any representatives of the Applicant wishing to access the game farm so as to protect those representatives from injury; however, the Applicant was not able and/or prepared to pay the daily fee of the professional hunter in the amount of R 1000.00 per day.

*nature reserve:*

6. The true legal status of the Farm Viljoenshof 1655 has also been misrepresented (on p. 68) in the Draft EIA Report. The EAP states that, according to the data for protected areas, no "portions" (sic: plural) fall within a protected area but the area allegedly forms part of the Vhembe Biosphere Reserve.

- 6.1 The Farm Viljoenshof 1655 is a consolidation of two portions of land, namely the Farm Viljoenshof 403 (also shown on p. 136 of the Draft EIA Report) and the Farm Orando 998, as appears from the Certificate of Consolidated Title 4606 of 1995 of the predecessor in title of the Trust





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protected area; however, it is stated that the area is part of the Vhembe Biosphere Reserve (p. 68 of the Draft EIA Report). Firstly, this is again false and/or incorrect and/or misleading and/or a misrepresentation which is made to the Regional Manager and/or the Mining Department. Secondly, the Vhembe Biosphere Reserve (one of 10 South African Biosphere Reserves registered with the United Nations Educational, Scientific and Cultural Organization, known by its acronym UNESCO) is not located in the Free State but is located north-east of South Africa near the border with Botswana, Mozambique and Zimbabwe in the Limpopo Province. On the one hand this allegation is also false and/or incorrect and/or misleading and/or a misrepresentation; on the other hand this allegation demonstrates that the EAP did not do a proper investigation and assessment of the relevant site but did a copy-and-paste job from some or other study that was prepared for a proposed site with various portions (plural) in the Limpopo Province (the consolidated Farm Viljoenshof 1655 is one single and undivided portion of land).

**Purpose**

- 7. The purpose of this document is to provide comments by the Trust on this mining right application with regard to especially the following:
  - 7.1 firstly, whether this mining right application complies with the minimum legal requirements or jurisdictional conditions for the granting of a mining



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right as contained in section 23(1) of the MPRDA; and

7.2 **secondly**, whether the Applicant should be granted an environmental authorisation ("EA") in terms of section 24 of the National Environmental Management Act 107 of 1998 ("*the NEMA*") for the listed activities that will be triggered by the proposed open-cast diamond mine.

8. These comments are provided in the context of the integrated process required for decision-making and/or the interrelationship between the MPRDA and the NEMA under the One Environmental System.

**Mining Right requirements**

9. The minimum legal requirements or jurisdictional conditions for the granting of a mining right are contained in section 23(1) of the MPRDA, namely:

- 9.1 that the mineral in question can be mined optimally in accordance with the mining work programme (section 23(1)(a) of the MPRDA);
- 9.2 that the applicant has access to financial resources (section 23(1)(b) of the MPRDA);
- 9.3 that the applicant has the technical ability to conduct the proposed mining operation optimally (section 23(1)(b) of the MPRDA);



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9.10 that the granting of the mining right applied for will further the objects referred to in section 2(d) and (f) of the MPRDA and [will be] in accordance with the charter contemplated in section 100 and [will further the objects of] the prescribed social and labour plan (section 23(1)(h) of the MPRDA).

10. Absent any one or more of these minimum legal requirements or jurisdictional conditions, the application for a mining right cannot succeed.

**Environmental Authorisation requirements**

11. The decision, whether or not to grant the concomitant application by the Applicant for an EA in terms of section 24 of the NEMA for the relevant listed activities to lawfully commence and continue (for the purpose of which the Regional Manager is effectively the "competent authority" as defined in the NEMA), is a polycentric decision for the purpose of which the provisions of both section 2 as well a section 24O(1) of the NEMA must be taken into consideration.

12. Section 2(1)(c) of the NEMA provides that the principles set out in that section serve as guidelines by reference to which any Organ of State (such as the Regional Manager) must exercise any function when taking any decision in terms of the NEMA and/or the NEMA Regulations or any statutory provision concerning the protection of the environment.

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- 12.1 The first principle is that environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably (section 2(2) of the NEMA).
- 12.2 The second principle is that development must be socially, environmentally and economically sustainable (section 2(3) of the NEMA), with sustainable development requiring the consideration of all relevant factors (section 2(4)(a) of the NEMA) including the following:
- that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied (section 2(4)(a)(i) of the NEMA);
  - that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied (section 2(4)(a)(ii) of the NEMA);
  - that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied (section 2(4)(a)(iii) of the NEMA);
  - that waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner (section 2(4)(a)(iv) of the NEMA);
  - that the use and exploitation of non-renewable natural resources

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is responsible and equitable, and takes into account the consequences of the depletion of the resource (section 2(4)(a)(v) of the NEMA);

- that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised (section 2(4)(a)(vi) of the NEMA);
- that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions (section 2(4)(a)(vii) of the NEMA); and
- that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied (section 2(4)(a)(viii) of the NEMA);

12.3 The third principle is that environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option (section 2(4)(b) of the NEMA).

12.4 The fourth principle is that environmental justice must be pursued so that



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Trust), and this includes recognising all forms of knowledge, including traditional and ordinary knowledge (section 2(4)(g) of the NEMA).

**12.9** The ninth principle is that community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means (section 2(4)(h) of the NEMA).

**12.10** The tenth principle is that the social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment. (section 2(4)(i) of the NEMA).

**12.11** The eleventh principle is that the right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected (section 2(4)(j) of the NEMA).

**12.12** The twelfth principle is that decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law (section 2(4)(k) of the NEMA).

**12.13** The thirteenth principle is that there must be inter-governmental co-ordination and harmonisation of policies, legislation and actions

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relating to the environment (section 2(4)(l) of the NEMA).

**12.14** The fourteenth principle is that actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures (section 2(4)(m) of the NEMA).

**12.15** The fifteenth principle is that global and international responsibilities relating to the environment must be discharged in the national interest (section 2(4)(n) of the NEMA).

**12.16** The sixteenth principle is that the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage (section 2(4)(o) of the NEMA).

**12.17** The seventeenth principle is that the costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment (section 2(4)(p) of the NEMA).

**12.18** The eighteenth principle is that the vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted (section 2(4)(q) of the



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NEMA).

**12.19** The nineteenth principle is that sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure (section 2(4)(r) of the NEMA).

**13.** Except for a passing reference to the national environmental management principles as contained in section 2 of the NEMA, there is no discussion whatsoever of these principles in the Draft EIA Report nor is there any discussion whatsoever of their application to the facts in this report (which is typical of a desktop study where the site-specific facts are not available).

**14.** Section 24O(1) of the NEMA (under the heading "*Criteria to be taken into account by competent authorities when considering applications*") commands that when the Mining Minister (or the Regional Manager by virtue of a delegation of power) considers an application for an EA, the Mining Minister must:

- "(a) *comply with this Act* [defined as the NEMA and any NEMA Regulations];
- (b) *take into account all relevant factors, which may include-*
  - (i) *any pollution, environmental impacts or environmental degradation likely to be caused if the application is approved or refused;*
  - (ii) *measures that may be taken-*
    - (aa) *to protect the environment from harm as a result of the activity which is the subject of the application;*



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- and
- (bb) to prevent, control, abate or mitigate any pollution, substantially detrimental environmental impacts or environmental degradation;
  - (iii) the ability of the applicant to implement mitigation measures and to comply with any conditions subject to which the application may be granted;
  - (iiiA) the ability of the applicant to comply with the prescribed financial provision;
  - (iv) where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment;
  - (v) any information and maps compiled in terms of section 24(3), including any prescribed environmental management frameworks, to the extent that such information, maps and frameworks are relevant to the application;
  - (vi) information contained in the application form, reports, comments, representations and other documents submitted in terms of this Act to the Minister, Minister responsible for mineral resources, MEC or competent authority in connection with the application;
  - (vii) any comments received from organs of state that have jurisdiction over any aspect of the activity which is the subject of the application; and
  - (viii) any guidelines, departmental policies, and environmental management instruments that have been adopted in the prescribed manner by the Minister or MEC, with the concurrence of the Minister, and any other information in the possession of the competent authority that are relevant to the application; and
- (c) take into account the comments of any organ of state charged with the administration of any law which relates to the activity in question."

15. There is no reference to or demonstration of the application of section 24O of the NEMA to the facts in the Draft EIA Report (which is typical of a desktop study where the site-specific facts are not available).



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16. In the result, the Draft EIA Report is not fit for purpose and cannot assist the Mining Minister (or the Regional Manager) in coming to any kind of decision on the application for a mining right.

**Mining right application not properly before Mining Minister**

17. At the outset the Trust submits that the mining right application is not properly before the Mining Minister (or the Regional Manager as his delegatee) and that any decision on this application will therefore be *ultra vires*.
18. On 19 February 2021 the Regional Manager: Free State gave the Applicant written notice of acceptance of the application for a mining right, as contemplated in section 22(4) of the MPRDA. ✓
19. Section 22(4) of the MPRDA requires that the Applicant must submit the relevant environmental report, as required in terms of chapter 5 of the NEMA, within 180 days from the date of the notice. ✓
20. The work "day" is defined in section 1 of the MPRDA to mean "a calendar day excluding a Saturday, Sunday or public holiday and when any particular number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day."
21. The Applicant therefore had approximately 36 weeks to submit the relevant



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environmental report, which period expired about 3 November 2021, within a legal framework under the MPRDA which does not make provision for a power to extend the period of 180 days (contrary to, for example, section 47C of the NEMA).

22. As at the date of this submission (15 March 2023), the relevant environmental report has not yet been submitted to the Regional Manager so that in law the mining right application could not have been forwarded to the Mining Minister for consideration, and which non-compliance with the prescribed period constitutes a fatal flaw for the granting of the application for a mining right.

**Optimal mining of mineral in accordance with mining work programme**

23. For the convenience of the Regional Manager and/or the Mining Department, a copy of the mining work programme is attached as annexure 'AJR 5' hereto.
24. At the outset it is to be noted that the Applicant never completed prospecting for diamonds in, on or under the Farm Viljoenshof 1655. In this regard, the Applicant puts the blame on the Trust by falsely alleging that the Trust refused access for prospecting (and for the specialist studies required for an application for a mining right) to the Farm Viljoenshof 1655, whilst the true reason can only be that the Applicant did not have either the technical ability or the financial resources to conduct the required prospecting or specialist studies. What happened on the ground was that the Trust reasonably requested that proper

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and timeous notice be given of any proposed access, so that the necessary arrangements would be made in advance. This mechanism was essential because the Farm Viljoenshof 1655, as a private nature reserve, was and is utilised as a fully-operational game farm on which hunting trips are permitted all year round, by virtue of exemptions given to the Trust under the Free State Nature Conservation Ordinance 8 of 1969. To prevent shooting accidents, fatalities and injuries from dangerous animals such as buffalo, giraffes and even lions, the Trust insisted on reasonable notice of any proposed access for prospecting activities so that the necessary safeguards and precautionary measures could be taken.

25. The point is, however, that in order to consider whether there would be "optimal mining of the mineral", the Mining Minister requires the benefit of at least a "successful commercial viability study" complying with the South African Code for the Reporting of Exploration Results, Mineral Resources and Mineral Reserves, 2016 ("the SAMREC Code"). In this regard we draw attention to the fact that in table 1 of the mining work programme (annexure 'AJR 5'), it is specifically recorded that the "model resource statement" is based on a model calculation and not compliant with the requirements of the SAMREC Code.
26. In this instance and given that in substance the Applicant has not done any prospecting despite the written agreement (annexure 'AJR 2'), there is no information to show whether or not the mineral (in this case diamonds) is part of:
- an inferred, indicated or measured mineral resource (as contemplated in



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the SAMREC Code); or

- a probable or proved mineral reserve (as contemplated in the SAMREC Code).

In other words, there is no point of departure for the Mining Minister (or the Regional Manager) to consider whether there would be any optimal mining: the Mining Minister is not in a position to determine what the nature, size or characteristics of the mineral resources are that are to be mined. In fact, in the written agreement of 23 March 2020 (annexure 'AJR 2') the Applicant and/or one Scholtemeyer as the director and surety thereof conceded or admitted (in clause 3.1 thereof) that the Applicant will only be able to monetise the value of the resources and the economic viability thereof upon and after invasive prospecting which, to date, has not been completed.

27. The lack of prospecting information is confirmed by the Draft EIA Report (in par 3.2). The approach is to first implement a so-called "*pilot mining phase*" for the purpose of doing a "*further study of the diamond ore*". In other words, the Applicant wants to complete prospecting under the guise of a mining right before a decision can be taken whether or not to embark upon mining operations. In addition, the mining work programme (annexure 'AJR 5') is also premised thereon that certain prospecting activities still have to be carried out during an alleged extended validity of the existing prospecting right (par 4.4-4.5).
28. The context within which to decide whether the mineral can be mined optimally, namely the mining work programme (annexure 'AJR 5'), is also fraught with



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uncertainties.

**28.1** In the first place, the size of the relevant area over which the mining activities will take place, is not clear. As appears from **paragraph 2 above**, the Farm Viljoenshof 1655 measures 3372.6633 ha in size. The application for a mining right refers to the area to be covered by the mining right as measuring 3389 ha. The social and labour plan refers to an area measuring 4646 ha. The mining work programme (annexure 'AJR 5') refers to the mining area as requiring 10 ha and the infrastructure area as requiring 15 ha (thus, only 25 ha is required). The question is now what area the Mining Minister should take into consideration.

**28.2** In the second place, the Draft EIA Report contemplates an open-pit mining method with a depth of between 12-20 m, but the mining work programme (annexure 'AJR 5') contemplates a depth of 500 m whilst the Draft EIA Report records that the current "*mining plan*" was targeting a depth of 600 m. The Kimberly Mine, opened in 1871 and closed in 1914, is for example already 215 metres deep. The question is now what actual mining depth the Mining Minister should take into consideration, and what mining method will be utilised to mine down to a depth of 500 m or a depth of 600 m (opencast mining or underground mining by sinking a shaft down the kimberlite pipe).



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- 28.3 In the third place, the social and labour plan contemplates the mining of alluvial diamonds only, whilst the mining work programme (annexure 'AJR 5') deals with the mining of fluvial (or kimberlite) diamonds and does not mention any mining to be done in respect of alluvial diamonds. 3
- 28.4 In the fourth place, and again falsely blaming the Trust for the incomplete prospecting programme, the mining work programme (annexure 'AJR 5') is not based on actual prospecting result but on abstract model calculation (par 4.7). This does not provide any basis alternatively adequate and firm basis upon which the Mining Minister is in a position to decide whether there will be optimal mining of the mineral in accordance with the mining work programme. 4
- 28.5 In the fifth place, given the fact that, in the absence of actual prospecting results, the Applicant does not have the details of the identified mineral deposit concerned with regard to the type of mineral or minerals to be mined, its locality, extent, depth, geological structure, mineral content and mineral distribution (as contemplated by regulation 11(1)(d) of the MPRDA Regulations), the Applicant is also not in a position to provide the details of the market for, the market's requirements and pricing in respect of the mineral concerned (as contemplated by regulation 11(1)(e) of the MPRDA Regulations). The attempts to provide this detail in the mining work programme (annexure 'AJR 5') is nothing else but untested speculation or abstract and generalised statements. 5



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**28.6** In the result, the mining work programme (annexure 'AJR 5') cannot assist the Mining Minister (or the Regional manager) to come to the conclusion that there will be an optimal mining of the mineral in question in accordance with the mining work programme.

29. Furthermore the disconnect between the application for a mining right, the mining work programme (annexure 'AJR 5'), the social and labour plan and the Draft EIA Report demonstrate that this mining right application is a "*paper exercise*" so that the Applicant can speculate with mining rights and the mineral resources belonging to the Nation, of which the Mining Minister is the custodian in terms of section 3 of the MPRDA.

#### **Access to financial resources**

30. The Trust submits that, on the available information, the Applicant does not have the necessary access to financial resources. This is demonstrated by any one or more or all of the following paragraphs.
31. In the first place, ever since the Trust became aware of the proposed prospecting for and/or mining of diamonds on the Farm Viljoenshof 1655 by the Applicant, the Trust repeatedly requested proof of access to financial resources by the Applicant. No such proof or any corroborating documentation was provided by the Applicant to the Trust at any stage, resulting in the reasonable inference (also if the cumulative factors mentioned herein below are taken into



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account) that the Applicant does not have the necessary access to financial resources. The Mining Department also refused to provide the Trust with such proof and/or with any corroborating documentation which should have been submitted as part of the application for a mining right, as a result of which the Trust was deprived of a fair and reasonable opportunity to comment on the application for a mining.

32. In the second place, the Applicant on 30 April 2019 made a written offer to purchase the whole of the Farm Viljoenshof 1655 for a purchase price of R 84,3 million (of which a copy is attached as annexure "AJR 6" hereto) but that written offer did not contain the usual terms for the provision of guarantees in respect of the purchase price. When pressed for such a guarantee, the Applicant provided a letter from Standard Bank dated 23 May 2019 (of which a copy is attached as annexure "AJR 7" hereto) and which stated that another person, a certain Mr NJ de Wet, was a client of the bank and had the ability to procure a sum of R 100 million by means of finance and own contributions to purchase the Farm Viljoenshof 1655 but only subject to a successful commercial viability study in terms of the Kimberlite deposits on the farm. On the one hand, the director of the Applicant is one Scholtemeyer and the shareholder therein is the farming trust of the said Scholtemeyer. No information was provided how Mr NJ de Wet fits into the broader picture but it is clear that neither the director and shareholder of the Applicant nor the Applicant itself had the financial resources to honour this written offer of purchase. On the other hand, the funding was conditional upon a successful commercial viability study which the Applicant



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would have had to conduct with its own funding and which, as is generally known, is very expensive and was not conducted to date. At no stage did the Applicant disclose any documents or facts on the basis of which the said Mr NJ de Wet would be legally obliged to provide the necessary financial resources.

33. In the **third place**, the Trust and the Applicant entered into a written agreement (annexure 'AJR 2') on 23 March 2020 in terms of which the prospecting to be done in three phases over a period of 10 months was regulated but, except for a few samples grabbed from the surface of abandoned works on the Farm Viljoenshof 1655, that prospecting programme was never completed. The only plausible inference to be drawn is that the Applicant did not have the finances or resources to complete the prospecting.
34. In the **fourth place** and as appears from **paragraph 5 above**, the Applicant did not have the finances to pay R 1000.00 per day for a professional hunter to accompany the workers and representatives of the Applicant during prospecting on an operational game and hunting farm where they would be surrounded by dangerous animals and exposed to the risk of shots fired by hunters.
35. In the **fifth place** and as appears from an article dated 4 December 2020 (of which a copy is attached as annexure "AJR 8' hereto), the Canadian firm Metalex Ventures Ltd announced an agreement with the Applicant to acquire an interest in the "*prospecting licence*"(sic: the MPRDA provides for a prospecting



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right and not for a prospecting licence). From an analysis of the reported structure of this agreement, it is clear that the Applicant did not have the necessary financial resources to complete the prospecting and that Metalex Ventures Ltd would fund the prospecting; however, the contemplation in this agreement is also that the mining right application be submitted immediately but the prospecting then conducted thereafter. In the meantime, no further announcement has been made by Metalex Ventures Ltd during the past two years and this firm has simply disappeared from the South African landscape.

36. In the sixth place, the written notice of acceptance dated 19 February 2021, in paragraph 4-5 thereof, reminded the Applicant to ensure that payment of all prospecting fees were up to date because of the requirement that the Mining Minister can only grant an application for a mining right if an applicant is not in contravention of the MPRDA or the MPRDA Regulations. There is no evidence available to show that these prospecting fees have in fact been paid.
37. In the seventh place, the Applicant did not provide a finance plan as required by regulation 11(1)(g) of the MPRDA Regulations. In such a plan, all the funding required for a mining venture is consolidated and provides an overview of all financial matters. Not only is this a jurisdictional condition for an application for a mining right to be considered, but from the lack of one the justifiable inference must be made that the Applicant does not have access to the necessary financial resources.



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38. In the eighth place, section 24O of the NEMA prescribes, as part of the criteria that must be taken into consideration when considering an application for an EA, (1) the ability of the applicant to implement mitigation measures and to comply with any conditions subject to which the application may be granted; and (2) the ability of the applicant to comply with the prescribed financial provision. There is no allegation, discussion or evidence in the Draft EIA Report the fact that the Applicant has such an ability or abilities. The conspicuous absence of such an important criteria justifies the inference that the Applicant has no such ability.

**Technical ability to conduct the proposed mining operation optimally**

39. The Trust does not know of any other prospecting or mining venture by the Applicant and there is no demonstrated track record of any actual experience on the part of the Applicant in this specialised and capital-intensive industry.
40. The Trust is aware that the director of the Applicant (the said Scholtemeyer) is behind various applications for prospecting rights and/or mining rights on various properties all over the country but, to the best of its knowledge, the said Scholtemeyer normally sells a project once the paperwork is in order and does not have any experience or history in actual prospecting or mining conducted by himself or under his direct supervision.
41. Nowhere in either the mining work programme (annexure 'AJR 5') or in the Draft EIA Report is there any allegation, discussion, documentary proof or other

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evidence that the Applicant or its only director (the said Scholtemeyer) has any experience in conducting the proposed mining operations or has the necessary technical ability to do so.

**Financing plan compatible with intended mining operation and duration**

42. Regulation 11(1)(g) of the MPRDA Regulations requires in peremptory terms that the mining work programme (annexure 'AJR 5') must contain a financing plan that must contain the following:

- " (i) the details and costing of the mining technique, mining technology and production rates applicable to the proposed mining operation;*
- (ii) the details and costing of the technological process applicable to the extraction and preparation of the mineral or minerals to comply with market requirements;*
- (iii) the details and costing of the technical skills and expertise and associated labour implications required to conduct the proposed mining operation;*
- (iv) the details and costing of regulatory requirements in terms of the Act and other applicable law, relevant to the proposed mining operation;*
- (v) the details regarding other relevant costing, capital expenditure requirements, and expected revenue applicable to the proposed mining operation;*
- (vi) a detailed cash flow forecast and valuation, excluding financing of the proposed mining operation, which forecast must clearly indicate how the applicable regulatory costs will be accommodated therein;*
- (vii) the details regarding the applicant's resources or proposed mechanisms to finance the proposed mining operation, and details regarding the impact of such financing arrangements on the cash flow forecast; and*
- (viii) provisions for the execution of the social and labour plan; ...".*



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43. There is no such single and combined finance plan, either in the mining work programme (annexure 'AJR 5'), in the Draft EIA Report or in the application for a mining right.
44. Such a finance plan consolidates all the capital and operational expenditure anticipated for a particular mining operation, and thus provides an overview of the totality of the funding that is required. The absence of such a finance plan is also another ground upon which to infer that the Applicant does not have the necessary access to financial resources.

**Mining will not result in unacceptable pollution, ecological degradation or damage to environment**

45. At the outset it is to be noted that this requirement is structured in a very particular way by using a negative formulation: it is the duty of the Applicant to convince the Mining Minister that the proposed mining will not result in unacceptable pollution, ecological degradation or damage to the environment. In this regard the Applicant obviously relies on the desktop study elaborated upon in the Draft EIA Report in order to convince the Mining Minister of compliance with this jurisdictional condition for the granting of a mining.
46. However, the Draft EIA Report is totally defective and not fit for purpose.
47. In the first place, regulation 16(1)(b)(v) of the EIA Regulations requires that an application for an environmental authorisation must be accompanied by the

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transmission corridor so that the impact of a mine on that strategic transmission corridor had to be investigated;

- the development site fell in renewable energy development zone 5 (Kimberley) so that the impact of a mine on renewable energy projects had to be investigated; and
- the development site fell within South African protected areas so that the impact of a mine on that protected area had to be investigated.

**47.3.2** With regard to the environmental sensitivity of the proposed development site, the following themes with a high sensitivity were identified, namely:

- agriculture;
- animal species;
- aquatic biodiversity;
- palaeontology; and
- terrestrial biodiversity.

**47.3.3** This screening report then identify the following specialist assessments that should be included in an assessment report, namely:

- an agricultural impact assessment;

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- a landscape and/or visual impact assessment;
- an archaeological and cultural heritage impact assessment;
- a palaeontology impact assessment;
- a terrestrial biodiversity impact assessment;
- an aquatic biodiversity impact assessment;
- an hydrology assessment;
- a noise impact assessment;
- a radioactivity impact assessment;
- a traffic Impact assessment;
- a geotechnical assessment;
- a climate impact assessment;
- a health impact assessment;
- a socio-economic assessment;
- an ambient air quality impact assessment;
- a seismic assessment;
- a plant species assessment; and
- an animal species assessment.

47.3.4

To be noted is that this screening report provides an indication of what studies and assessments are required. The next step for the EAP is then to do a site verification so as to determine, with due regard to site-specific characteristics, what studies and assessments are essential



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and must be conducted. This verification is supposed to be explained and motivated in the environmental impact assessment report.

47.4 As already pointed out, there is no indication that this compulsory screening tool was used at any stage by the EAP. This constitutes a fatal flaw in the Draft EIA Report and makes the report unfit for purpose. In this regard it is, under regulation 17 of the EIA Regulations, the duty of the competent authority to check upon the receipt of an application that the application is accompanied by any other documents as required in terms of the EIA Regulations and that the application conforms to the requirements of the EIA Regulations.

47.5 In the Draft EIA Report the EAP (on p. 16) arbitrarily selected 10 specialist studies to be conducted, namely:

- a soil, land-use and land-capability assessment;
- a surface water assessment;
- a geohydrological impact assessment;
- an air quality assessment;
- an ecological impact assessment;
- an archaeological impact assessment (which, according to the map of relative archaeological and cultural heritage theme sensitivity in annexure "AJR 9", is not indicated for the Farm Viljoenshof 1655 classified as an area of LOW SENSITIVITY);

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- a social labour plan;
- a visual assessment;
- a traffic impact assessment; and
- a socio-economic assessment.

There is no dedicated study or assessment of the impact of the proposed mine on existing development incentives, restrictions, exclusions or prohibitions (such as those on the strategic transmission corridor, renewable energy development zone 5 and the protected area on the Farm Viljoenshof 1655), nor was any of the following considered:

- a palaeontology impact assessment (which, according to the map of relative palaeontology theme sensitivity in annexure "AJR 9", is indicated for the Farm Viljoenshof 1655 as some areas are classified as areas with a HIGH SENSITIVITY and other areas as areas with a MEDIUM SENSITIVITY);
- a terrestrial biodiversity impact assessment (which, according to the map of relative terrestrial biodiversity theme sensitivity in annexure "AJR 9", is indicated for the Farm Viljoenshof 1655 as an area classified as one with VERY HIGH SENSITIVITY);
- an aquatic biodiversity impact assessment (which, according to the map of relative aquatic biodiversity theme sensitivity in annexure "AJR 9", is indicated for the Farm Viljoenshof 1655 as an area classified as one with VERY HIGH SENSITIVITY because of wetlands and estuaries in the area as well as the presence of a freshwater ecosystem priority area);

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- a noise impact assessment;
- a radioactivity impact assessment;
- a geotechnical assessment;
- a climate impact assessment;
- a health impact assessment; and
- a seismic assessment.

**47.6** In the results and absent the proper and legal-required studies and assessments, there is no empirical basis upon which to conclude that the proposed mining will not result in unacceptable pollution, ecological degradation or damage to environment. What should have been investigated and reported on by law, was simply not done.

**48.** In the **second place**, the Draft EIA Report is in essence nothing more than a glorified desktop study with no site investigations or site-specific verifications.

**48.1** In the Draft EIA Report there is no mention whatsoever of any site investigation or fieldwork done by the EAP. From a perusal thereof, it is clear that this report is in fact the result of a desktop study. The EAP is therefore not in any position to express an independent opinion as to whether or not the mining will result in unacceptable pollution, ecological degradation or damage to environment.

**48.1.1** On p. 15 of the said report, the EAP states that a number

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of negative impacts have been identified which will cause significant damage to the natural environment, including the deterioration of soil, of air quality, of fauna and flora, of groundwater sources, of heritage, of traffic and of the visual environment.

48.1.2 Not all of the specialist reports and studies required by law, were done or conducted. The summary in paragraph 7 of the said report is therefore incomplete and/or fundamentally flawed. In any event there is no specific environmental impact or consequences listed in this paragraph 7 and the EAP resorts to general but meaningless statements of impact. No specific mitigation measures are identified or assessed, and again refuge is sought in general but meaningless statements regarding mitigation.

48.1.3 In chapter 9 of the said report, a purported impact assessment is done. Impacts on topography are considered but without any landscape and the visual impact assessment. Impacts on the soil are considered but without any soil, land-use and land-capability impact assessment. Impacts on the geology are considered but without any geological study or assessment. The impact on fauna and flora are considered but without any terrestrial or



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aquatic biodiversity impact assessment. Impact on air quality are considered but without any dedicated study or assessment in this regard, including one concerning the impact of dust not only during construction but also during operation of the mine. Most importantly, the Applicant intends to extract water from the existing borehole and aquifer and underlying the Farm Viljoenshof 1655 for the purpose of the proposed mining operations. There is no allegation, study or assessment quantifying the volume of water that will be required with diamond mining using large volumes of water for the purpose of caching, screening and producing the diamonds. The said report is completely silent in what is arguably one of the most important impacts of the proposed mining. This speaks either of bias, ignorance or incompetence - on any scenario the purported impact assessment is fatally flawed.

48.1.4

In chapter 10 of the said report, a table with a summary of environmental impact after mitigation is provided. Again, this table is based upon a mere desktop study but the assessment of these impacts was clearly subjective and arbitrary. Loss of topsoil as a result of an opencast mining method is not a medium impact but a high impact. The impact on creating employment and developing skills



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cannot be regarded as high: this report assumes (without any factual basis) the creation of some 686 job opportunities whilst the social and labour plan anticipates that only 50 employees will be required of which a number (either 10 or 40, depending on the paragraph referred to in that plan) will have to be assisted in an adult education programme (which means, essentially, that they will be assisted in getting an education equivalent to that of matric). The impact of generating tailings from an opencast diamond mine cannot be regarded as a medium impact - hundreds of tons of overburden has to be removed before a few carats of diamonds can be produced (if any), from an opencast diamond mine with a depth of anything between 20 m and 600 m. In this regard it must be remembered that soil *in situ* expands by a factor of 1.25 when it is excavated.

**48.1.5**

Lastly, chapter 10 of the said report concludes that the proposed project may be authorised but this conclusion is in substance based on desktop studies. Nowhere does the EAP specifically address the issue of whether or not the proposed mining will result in unacceptable pollution, ecological degradation or damage to environment.

**48.2** The purported geohydrological investigation (dated November 2022)



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records the methodology used as that of a desktop assessment, with no mention of any site investigation or fieldwork done by the specialist. Without any discussion of mitigation measures (in a report with no chapter 8 and in which the first page of chapter 9 follows numerically upon the last page of chapter 7), the conclusion is that the identified potential impact significance was rated negligible to low with mitigation. Most importantly, there is no dedicated analysis or any assessment in this report of the impacts of mining on the environment and this specialist expressed no opinion as to whether the mining will not result in unacceptable pollution, ecological degradation or damage to environment.

**48.3** From the archaeological and heritage impact assessment specialist report (also dated November 2022), it appears that the specialist spent only one day to do a field survey on 4 November 2022 of the whole area of the game farm (that is, of some 3372.6633 ha) in which a number of dangerous animals were free-ranging. Furthermore this report is characterised by mostly general statements and very little information about site-specific detail. Most importantly, there is no dedicated analysis or any assessment in this report of the impacts of mining on the environment and this specialist expressed no opinion as to whether the mining will not result in unacceptable pollution, ecological degradation or damage to environment. To this must be added that the author of this report declares (on p. ii thereof) that he conducted the work "*relating to*



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*the proposed mall development*" in an objective manner and he further states (on p. 18 thereof) that, under the heading of the purpose of the cultural study, the study involves the identification and recording of heritage resources that may be affected by the "*proposed development of the mall*". The integrity and the reliability of this report can therefore also be questioned because it seems to be nothing more than a copy-and-paste job.

- 48.4** By its very nature, the social and labour plan does not require a site investigation or fieldwork but can be done by way of a desktop study. In this case the social and labour plan was completed on 16 January 2023, but there is a total disconnect between this theoretical document and the other documents that are used in support of the application for a mining right. In this regard, the social and labour plan contemplates (1) mining on two properties (the Farm Viljoenshof 1655 and the Farm Rowden 703) but in none of the other reports or documents is there any mention of the Farm Rowden 703; (2) mining for the commodity of alluvial diamonds but in the other documents or reports the plan is to mine fluvial diamonds or kimberlites; (3) a total number of 50 employees are to be drawn from the local community but in the rest of the documentation there is an allegation that the proposed mine will provide 686 job opportunities; (4) a mining area of some 4646.0052 ha but the contemplated size of the mining area in the other documents differ; and (5) that there are no workers on levels lower than level 3 of the Adult Basic Education and Training Programme,





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but then provides a graph showing that there are 10 employees at the lower level 4 and provides a table showing that 40/50 workers should ideally receive further training under this programme. Lastly and most importantly, there is no dedicated analysis or any assessment in this report of the impacts of mining on the environment and this specialist expressed no opinion as to whether or not the mining will result in unacceptable pollution, ecological degradation or damage to environment.

48.5 The ecological desktop study of 8 November 2022 was precisely that: a desktop study. The inherent flaws of a desktop study is firstly revealed by the bald but false statement that, according to the data for protected areas, no portions of the Farm Viljoenshof 1655 fell within a protected area. In this regard the contents of paragraph 6 above are repeated. The inherent flaws of a desktop study is secondly revealed by the description of the proposed development site as one with a low sensitivity because of past degradation due to impacts such as change in land use to an agriculture use, overgrazing due to livestock farming, deforestation, uncontrolled veld fires, settlement development and desertification - no single aspect of this description is valid for the Farm Viljoenshof 1655, of which the land use since about 1991 was exclusively game farming. Thirdly, there is no animal study or biodiversity study in this report. Lastly and most importantly, there is no dedicated analysis or any assessment in this report of the impacts of mining on the environment



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- 49.2** Establishing the proposed opencast diamond mine as a land use on the Farm Viljoenshof 1655 will not be compatible or harmonious with the existing land use thereof as a game farm. Because this game farm is exempted from the provisions pertaining to hunting seasons and hunting takes place all year round, there is a risk of shooting accidents for the employees and visitors of the proposed mine and also for the vehicles travelling to and from the proposed mine. If the hunting is compromised by the proposed mining activities, many people will lose their employment. Furthermore the noise and dust from mining operations as well as from blasting in any form in the middle of game breeding and farming areas, will have a major disturbance on animals and animal behaviour - especially in a bushveld area which is normally relatively quiet and in which the slightest noise travels for kilometres.
- 49.3** The abstraction of groundwater for purposes of mining is a great concern. The contemplated life of mine is 30 years, with the possibility of opencast mining down to a depth of 600 m (if not deeper). The processing of kimberlite ore is very water intensive: the ore is crushed and screened using water, and the mining waste is then deposit as a slurry (a contaminated, watery liquid containing the fine kimberlite wastes). The Farm Viljoenshof 1655 is located in a water-scarce area, with approximately 72 boreholes drilled to date but of which only 12 boreholes yield water with an average yield of between 4500-9000 litres per hour. This volume of water available from the underlying aquifer is just sufficient



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to sustain the animals and wildlife on Farm Viljoenshof 1655. No quantitative impacts have been assessed by the Applicant or the EAP (or any other specialist) but these impacts will be considerable and will undermine the game farm activities of the Trust. In addition, no qualitative impacts have been assessed by the Applicant or the EAP (or any other specialist) but these impacts will also be serious and significant: opencast diamond mining will without a doubt contaminate the aquifer. Kimberlite is known for its salinity and heavy metal content, with kimberlite slurry having the significant potential to pollute groundwater.

- 49.4 The Trust is not the only farmer in the vicinity that relies on water from the aquifer and all the surrounding farmers abstract water for their domestic and agricultural use from the same aquifer. Topographically the Farm Viljoenshof 1655 lies much lower than the surrounding properties. A lowering of the water table as a result of the extraction of water for use in the proposed mining venture will not only impact directly upon the Trust, but will also have a very significant and serious impact upon the water supply and/or the security of water supplied to the surrounding properties.
- 49.5 The lack of water is precisely the reason why crops are not cultivated in this area and why there is practically no commercial irrigation farming in this area. Game breeding and farming is essentially the only viable or justifiable option for sustainable development within the environmental constraints of this landscape.



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49.6 As appears from p. 49 of the Draft EIA Report, the EAP concedes that the proposed project will require bulk water for its proposed mining operations as well as domestic water for drinking and ablution purposes (described on p. 47 as a requirement of excessive volumes of water). Strangely, it is stated that possible water supply options will be identified and their suitability evaluated during the "*detailed EIA investigation*". Apparently this was copied and pasted from another document. In this report, however, it is clear that no such identification and evaluation of possible water supply options were conducted during the "*detailed EIA investigation*" (which was in fact only a desktop study) and apparently the water supply issue is still under investigation. We submit that this is a fatal flaw, because at this stage of the EIA process the water supply issue should have been fully investigated and reported on. Without this information, it is simply not possible to ascertain what the impact on the water resources will be. Furthermore the "*anticipation*" (p. 47) of sourcing water from the existing borehole located on the Farm Viljoenshof 1655 is, to say the least, completely unrealistic. That borehole belongs to the Trust and is already in full use. Nobody on behalf of the Applicant approached the Trust to discuss this possibility to provide details of the potential yield of this particular borehole. Again this is a case where a desktop study showed a borehole or windmill on the property and this is then milked in order to sell and promote the application for a mining right.

49.7 For these reasons the proposed mining will result in unacceptable



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pollution, ecological degradation or damage to environment.

50. In the fourth place, the lack of access to financial resources on the part of the Applicant and the failure to properly make financial provision as is required by section 24P(1) of the MPRDA read with Financial Provisioning Regulations, 2015 (published under GN R.1147 in Government Gazette No 39425 of 20 November 2015) also in fact demonstrates that the proposed mining will result in unacceptable pollution, ecological degradation or damage to environment.
51. In the fifth place, attention is drawn to the following criticisms of the Draft EIA Report:
- 51.1 On p. 9 thereof, it is alleged that "*the applicant Mr Verdi Scholtemeyer*" is the "*permit holder*" for a "*prospecting right permit*" granted by the Mining Department in terms of the MPRDA. The EAP is clearly not even familiar with the correct terminology in terms of the MPRDA. Furthermore the actual applicant is Invest in Property 126 (Pty) Ltd, a juristic person and not a natural person. The said Scholtemeyer was furthermore never the holder of a prospecting right and, in addition, the prospecting right has already expired through the lapse of time. The EAP, to say the least, is simply sloppy.
- 51.2 On p. 11 thereof, reference is made to "*soft blasting*" but there is no explanation of what "*soft blasting*" entails. No specialist study or report

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by a qualified mining engineer is attached to explain the use of "soft blasting" in the context of an opencast mining method, and the EAP did not disclose any qualification or experience to express an opinion in this regard. The claim by the EAP, that the use of "soft blasting" (whatever that is) will avoid and reduce impact on the game farm, is completely unfounded.

- 51.3 On p. 15 thereof, it is acknowledged that part of the EIA process was to undertake a range of specialist studies which relate to the physical, biological and socio-economic aspects potentially affected by the proposed project. In this regard a desktop study is only useful to provide an overview (also of the presence of possible species) but in the final analysis a site-specific study, especially of the fauna and flora, is indispensable for a consideration of whether or not the proposed mining will result in unacceptable pollution, ecological degradation or damage to environment.
- 51.4 On p. 20 thereof, the specialist studies that were conducted are listed. Although the unfounded and false accusation is made that access to Farm Viljoenshof 1655 was denied to the Applicant for the purposes of the specialist studies (on p. 11 and p. 16), this is not true and is denied for reasons already canvassed. Firstly, in the past such access has been regulated in terms of an agreement between the parties for the purposes of prospecting activities. Secondly, there is no explanation as



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to how and why the archaeological specialist was then able to do his field survey on 4 November 2022 (sic). **Thirdly**, a specific remedy is provided for in section 54 of the MPRDA where a landowner denies access to the land and, furthermore, the Applicant could have approached a court for an order granting such access. Consequently the excuse for only doing desktop studies is false and, moreover, ecological, hydro-geological and environmental impacts of a proposed open-cast mine over and on an area of more than 3700 ha of bushveld cannot be investigated, reported and assessed if the specialists were never on the site. This is a recipe for providing the Regional Manager and/or the Mining Department with false or unreliable information.

**51.5** On p. 29-32 thereof, the EAP reveals his lack of knowledge of the Environmental Legislation. For the purpose of identifying the relevant listed activities requiring an EA, he refers to and relies upon GN R. 544, GN R. 545 and GN R. 546. These are the listing notices that were applicable in the period between 2 August 2010 and 7 December 2014, but they have been repealed and replaced on 8 December 2014 by:

- Listing Notice 1 of 2014 (as published in GN R. 983 of 4 December 2014 and amended thereafter);
- Listing Notice 2 of 2014 (as published in GN R. 984 of 4 December 2014 and amended thereafter); and
- Listing Notice 3 of 2014 (as published in GN R. 985 of 4 December 2014 and amended thereafter).

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- 51.6 On p. 68 thereof, it is recorded that no species found in the study area were listed in the 2009 Red Data Listing and no such species has any threat status. The EAP then continues by stating that no Orange Data species or species of conservation concern were observed during "overview field investigations". There is no explanation as to what a so-called "overview field investigation" is nor is there any detail concerning such an investigation; in addition, there is no explanation as to how this alleged "overview field investigation" took place where it is claimed in the same breath that access was denied by the landowner. Such claims as the ones made by the EAP in this regard stand to be rejected: the presence or absence of Red Data species or Orange Data species can only be determined by an intensive site and field investigation. Neither a desktop study nor a quick and superficial overview provides reliable information in this regard.
- 51.7 On p. 69 thereof, the EAP claims that, based on a desktop data analysis (which normally is on a large scale and not site-specific, and in this instance was not done by the EAP but the person that did the ecological study), the proposed development site has a low sensitivity rating because it is characterised by low shrublands with a bare landscape, and degraded due to impacts such as change in land-use, overgrazing due to livestock farming, deforestation, uncontrolled veld fires, settlement development and desertification. None of this is applicable to the actual specifics of the site itself. If any site-specific investigations were done,





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this would have been obvious.

**51.8** On p. 90-92 thereof, there are further indications that the Draft EIA Report is a cut-and-paste job. In the column dealing with proposed mitigation measures, the recommendation is that a buffer zone should be implemented surrounding the watercourse areas but there are no such watercourses on the Farm Viljoenshof 1655.

**51.9** On p. 127 thereof, it is claimed that no issues were raised by interested and affected parties during the public participation process. This is completely untrue and shows how superficial this desktop study was done and how biased it is. Already during the scoping phase, various issues were raised. In this regard we refer to the letter dated 30 April 2021, of which a copy is attached as annexure 'AJR 11' hereto. So, for example, was the EAP specifically informed beforehand that a large part of the property (1000 ha) was a protected area as per Proclamation 23 of 2001 (annexure 'AJR 4'). The absence of meaningful consultation, because the Trust was not placed in possession of the relevant information, was raised as an issue. So was the fact that the prospecting has not been completed and therefore there was not sufficient geological knowledge to proceed with a viable mining works programme and, moreover, with a viable mining operation. The belief that the Applicant did not have sufficient financial support to undertake this venture was recorded, and also recorded was the view that the Applicant was not able to provide the



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required rehabilitation guarantees or financial provision as required by law.

52. In the last place, during 2021 and under cover of the letter dated 30 April 2021 (annexure 'AJR 11'), the EAP was provided with the GreenThorn Environmental Review of April 2016 (of which a copy is attached as annexure 'AJR 12' hereto). We draw attention to the following:

52.1 Despite having received this review, there is no mention or discussion whatsoever thereof by the EAP.

52.2 The review points out that a further land use which must be highlighted, is the use of the land for hunting activities. The review records that most of the surrounding properties will arrive hunters on, and more specifically foreign hunters. The impact of the proposed mining on this land use was is not investigated by the EAP despite having had this knowledge.

52.3 The review reports that the Farm Viljoenshof 1655 falls within the Kalahari Thornveld Centre of Endemism, which is an area in which the Rangers of restricted-range species overlap or a localised area which has a high occurrence of endemics. That nothing of this is mentioned or investigated by the EAP.

52.4 The review reports that a dominant tree species on the Farm Viljoenshof

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1655 is *Vachelia erioloba*, which is formally listed as a Red Data Species. Despite knowing this, the EAP (on the basis of a desktop study of the ecology) claims that there are no Red Data Species on the property.

- 52.5 The proclamation of 1000 ha of the Farm Viljoenshof 1655 as a private nature reserve is also reported in this review, which was provided to the EAP. Nevertheless, the EAP continues to state in the Draft EIA Report (p. 68) that no species found in the study area were listed in the 2009 Red Data Listing.
- 52.6 Various problems with water supply were pointed out in this review. This included problems with regard to sustainability of the groundwater resource, whether the existing boreholes will have a capacity to meet the high demand for the proposed activities, as well as the severe long-term impact of a disruption in groundwater on the surrounding land owners, communities and environment.
- 52.7 The review also motivated why the alterations to soil and local geology must be regarded as a high impact on a local scale, why the removal of vegetation should be regarded as a high impact and why the impact on animals should also be regarded as high.
53. The Trust submit therefor that the proposed opencast mining in this arid area will result in unacceptable pollution, ecological degradation or damage to



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environment.

**Issue of Environmental Authorisation**

54. Under the facts and circumstances of this matter, no EA can be granted to or issued for the Applicant and the listed activities triggered by this proposed mining operation.
55. In the **first place**, there was no proper environmental impact assessment and a desktop study does not provide sufficiently-reliable information upon which it can be decided to grant or issue the EA.
56. In the **second place**, the Applicant did not provide sufficient or adequate financial provision.
- 56.1 Section 24P(1) of the NEMA commands that an applicant for an environmental authorisation relating to mining (such as the Applicant in this case) **must, before** the Mining Minister issues the EA, comply with the **prescribed** financial provision for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts.
- 56.2 Previously, section 41 of the MPRDA regulated the prescribed financial provision for rehabilitation, closure and ongoing post decommissioning management of environmental impacts but this provision was already



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repealed with effect from 7 June 2013 and replaced by section 24P of the NEMA read with the Financial Provisioning Regulations, 2015 (published under GN R.1147 in Government Gazette No 39425 of 20 November 2015).

- 56.3** Without going into any detail, generally the dispensation under the repealed section 41 of the MPRDA resulted in much lower financial provision than the financial provision now required by the current section 24P of the NEMA.
- 56.4** From annexure G to the Draft EIA Report and from paragraph 10 of the mining work programme (annexure 'AJR 5'), it is clear that this application for a mining right is premised upon the previous dispensation under section 41 of the MPRDA and does not comply with the new dispensation under section 24P of the NEMA read with the Financial Provisioning Regulations, 2015.
- 56.5** In fact, there is no compliance with section 24P of the NEMA read with the Financial Provisioning Regulations, 2015 in any of the documentation forming part of this application for a mining right.
- 57.** In the result, no EA can be issued to the Applicant under the circumstances and, absent the issue of an EA, the application for a mining right cannot be granted.



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**Provision for prescribed social and labour plan**

- 58. The social and labour plan upon which the Applicant relies for the granting of a mining right, does not correspond with the application by the Applicant.
  
- 59. In the first place, whereas the application is concerned with diamonds in respect of the Farm Viljoenshof 1655, the social and labour plan refers to the location of the mine as being on the Farm Viljoenshof 1655 and the Farm Rowden 703, with no mention whatsoever of the Farm Rowden 703 being made in the Draft EIA Report.
  
- 60. In the second place, the application is concerned with the mining of diamonds over a period of 30 years was the social and labour plan is premised upon a life of mine of 20 years.
  
- 61. In the third place, the application is concerned with the mining of Diamonds Kimberlite (DK) and Diamonds General (DG) whilst the social and labour plan refers to the relevant commodity as alluvial diamonds (DA), for which the mining method differs markedly from the mining method for fluvial diamonds.
  
- 62. In the fourth place, the application is premised upon an anticipated 686 job opportunities for the local community to be created in a five year period but the social and labour plan contemplates the creation of a total of only 50 job opportunities for the local community.

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63. In the result, there is such a disconnect and contradiction between the application, on the one hand, and the social and labour plan, on the other hand, that one can only infer that the social and labour plan was not independently developed specifically for this application but is nothing more than a cut-and-paste job typical of a desktop study - because of this disconnect, the social and labour plan in question cannot be the one as prescribed by regulation 46 of the MPRDA Regulations, which should clearly be one which has a connection with the relevant mining right applied for and the mining operations that will be conducted in terms thereof.

**Ability to comply with relevant provisions of Mine Health and Safety Act, 1996**

64. In none of the documentation is there any analysis of what is required legally in terms of the relevant provisions of the Mine Health and Safety Act, 1996. Nor is there any discussion of what resources must be made available in order to comply with these provisions.
65. In this regard, there is also no specific discussion of the ability of the Applicant specifically to comply with these provisions.
66. Consequently, the Applicant has also not satisfied this jurisdictional condition.



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**Applicant not in contravention of any provision of regulatory framework**

- 67. In the first place, it appears that the Applicant is in contravention of the MPRDA and/or the MPRDA Regulations in that the Applicant has not paid all prospecting fees due to the State or paid such fees timeously. The actual records of such prospecting fees due and/or paid are with the Regional Manager and/or the Mining Department.
- 68. In the second place, as appears above, the Applicant is in contravention of section 98(b) of the MPRDA by having provided false incorrect or misleading information and is therefore disqualified from being granted a mining right.

**Furthering of objects referred to in section 2(d) and (f) of MPRDA**

- 69. The objective stipulated in section 2(d) of the MPRDA is to "*substantially and meaningfully expand opportunities for historically disadvantaged persons, including women and communities, to enter into and actively participate in the mineral and petroleum industries and to benefit from the exploitation of the nation's mineral and petroleum resources; ...*".
- 70. The objective stipulated in section 2(f) of the MPRDA is to "*promote employment and advance the social and economic welfare of all South Africans; ...*".
- 71. In the written notice of acceptance of the application for a mining right, dated





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19 February 2021, the Regional Manager: Free State instructed the applicant to submit proof of compliance with the requirements for black economic empowerment on or before 28 February 2021.

72. There is no indication on the available documentation that this instruction has been complied with or that the granting of this application will further the objects referred to in section 2(d) or (f) of the MPRDA.
73. We therefore submit that the Applicant has also not complied with this jurisdictional condition.

**Concluding remarks**

74. In view of the foregoing, we respectfully submit that the Regional Manager should dismiss both the application for a mining right as well as the application for an EA by the Applicant in respect of diamonds in, on or under the Farm Viljoenshof 1655.

~~F.J. Senekal  
Attorney for Trust  
15 March 2023~~

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**Annexures**

Annexure 'AJR 1':	Deed of Transport T 238/2002
Annexure 'AJR 2':	Written agreement of 23 March 2020
Annexure 'AJR 3':	Certificate of Consolidated Title 4606 of 1995
Annexure 'AJR 4':	Free State Proclamation 23 of 2001
Annexure 'AJR 5':	Mining work programme
Annexure 'AJR 6':	Written offer of purchase date 30 April 2019
Annexure 'AJR 7':	Letter from Standard Bank dated 23 May 2019
Annexure 'AJR 8':	Article on Metalex Ventures Ltd dated 4 December 2020
Annexure 'AJR 9':	Screening tool report
Annexure 'AJR 10':	Email dated 5 June 2021
Annexure 'AJR 11':	Letter dated 30 April 2021
Annexure 'AJR 12':	GreenThorn Review dated April 2016



43 .

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and this specialist expressed no opinion as to whether or not the mining will result in unacceptable pollution, ecological degradation or damage to environment.

**48.6** In the result, there is with respect no reliable and/or adequate factual basis in the Draft EIA Report to show that the proposed mining will not result in unacceptable pollution, ecological degradation or damage to environment.

**49.** In the third place, we draw attention to the following:

**49.1** New access and haulage roads will have to be constructed for the proposed diamond mine. Not only will this take up space, destroy vegetation and create a lot of noise and dust, but will also change an impact upon the sense of place making the Farm Viljoenshof 1655 the unique hunting destination that it is for the national and international hunting industry. In addition, this construction and operation will produce fine dust that will be suspended in the ambient air as particulate matter and which can be breathed in by human beings. Particulate matter on its own is already very dangerous for human health but in this case the particulate matter will be particularly unsafe because of the heavy metal content of kimberlite dust. The impacts of this noise and dust cannot be adequately mitigated.

13.

-12-

adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons (section 2(4)(c) of the NEMA).

- 12.5** The fifth principle is that equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination (section 2(4)(d) of the NEMA).
- 12.6** The sixth principle is that responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle (section 2(4)(e) of the NEMA).
- 12.7** The seventh principle is that the participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured (section 2(4)(f) of the NEMA).
- 12.8** The eight principle is that decisions must take into account the interests, needs and values of all interested and affected parties (such as the



9.

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- 9.4 that the financing plan is compatible with the intended mining operation and the duration thereof (section 23(1)(c) of the MPRDA);
- 9.5 that the mining will not result in unacceptable pollution, ecological degradation or damage to the environment (section 23(1)(d) of the MPRDA);
- 9.6 that an environmental authorisation is issued (section 23(1)(d) of the MPRDA);
- 9.7 that the applicant has provided for the prescribed social and labour plan (section 23(1)(e) of the MPRDA);
- 9.8 that the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act 29 of 1996 (section 23(1)(f) of the MPRDA);
- 9.9 that the applicant is not in contravention of any provision of "this Act", that is inclusive of the provisions of "*the regulations and any term or condition to which any permit, permission, licence right, consent, exemption, approval, notice, closure certificate, environmental management plan, environmental management programme or directive issued, given, granted or approved in terms of this Act, is subject*" (section 23(1)(g) of the MPRDA);

6.

-5-

and of which a copy is attached as annexure 'AJR 3' hereto.

- 6.2** A portion of 1000 ha of the old Farm Viljoenshof 403 (generally known as Maize Valley and now part of the new consolidated Farm Viljoenshof 1655) has been declared and is still a private nature reserve in terms of section 36(1) of the Free State Nature Conservation Ordinance 8 of 1969. A copy of Proclamation 23 of 2001, published in the Free State Provincial Gazette of 26 April 2001, is attached as annexure 'AJR 4' hereto. As a result, a portion of 1000 ha (some 29.6%) of the Farm Viljoenshof 1655 is in fact a proclaimed private nature reserve. The allegation to the contrary in the Draft EIA Report is false, incorrect and misleading.
- 6.3** By virtue of Proclamation 23 of 2001 (annexure 'AJR 4'), this 1000 ha portion of the Farm Viljoenshof 1655 also falls within the definition of a "protected environment" for the purposes of the National Environmental Management: Protected Areas Act 57 of 2003 ("the NEMPA") and therefore section 48(1)(b) of the NEMPA becomes applicable, which provides that despite other legislation, no person may conduct commercial prospecting, mining, exploration, production or related activities in a protected environment without the written permission of both the Environmental Minister and the Mining Minister.
- 6.4** With regard to protected area status, the EAP simply states that according to the data for protected areas, no portions (sic) fall within a



60 -

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**Annexures**

Annexure 'AJR 1':	Deed of Transport T 238/2002
Annexure 'AJR 2':	Written agreement of 23 March 2020
Annexure 'AJR 3':	Certificate of Consolidated Title 4606 of 1995
Annexure 'AJR 4':	Free State Proclamation 23 of 2001
Annexure 'AJR 5':	Mining work programme
Annexure 'AJR 6':	Written offer of purchase date 30 April 2019
Annexure 'AJR 7':	Letter from Standard Bank dated 23 May 2019
Annexure 'AJR 8':	Article on Metalex Ventures Ltd dated 4 December 2020
Annexure 'AJR 9':	Screening tool report
Annexure 'AJR 10':	Email dated 5 June 2021
Annexure 'AJR 11':	Letter dated 30 April 2021
Annexure 'AJR 12':	GreenThorn Review dated April 2016



**Appendix H (ii): EAP RESPONSE TO ANDREW JOHN ROBERTS  
TRUST**





Dear sir/Madam

**REF: Objections by Andrew Jons Roberts Trust – Draft Environmental Impact Assessment Report Environmental Management Programme**

**In light of the objection received on the 15 March 2023 herewith are our submission.**

1. Note that the Draft EIAR and public participation report purpose is to receive information, and offers opportunity to raise any issues of concern or interest regarding the proposed establishment. The sharing of information forms the basis of the Public Participation Process (PPP) and offers you an opportunity to become actively involved in the project from onset. Input from I&AP ensures that all potential environmental issues are considered within the context of the proposed project. In this case all parties are encouraged to make submissions to that effect. Therefore, in our view we appreciate the information provided on that regard and will be incorporated in the final EIAR as per your submission.
2. request for access has been made on several occasion without any success on our site. The proof of such request has been appended on the draft EIAR.
3. We are well aware that there are dangerous game animals in the farm however as EAP we have not receive any correspondence or any information regarding the arrangement between the landowner and the applicant regarding access fee.
4. we have consulted with the specialist who undertook the study to make amend with regard to what appears to be an error in as far as the description of the biome referred to as “Vhembe Biosphere reserve).
5. Consultation with the free state provincial department of Environmental Affairs has been initiated to give clarity and to confirm if indeed the farm Viljoenhof has been proclaimed as a protected area.
6. With regard to 2021 proclamation of 1000 ha a consultation with the Free state department of Economics, Small Business Development, tourism and Environmental Affairs was done primary to get clarity and confirmation. It appears that Viljoenhof 430 and Orlando 998 were amalgamated to form Viljoenhof 1655. Orlando 998 was prior to amalgamation proclaimed as protected area. Farm Viljoenhof 1655 was not proclaimed as per gazette in 2001 as protected area as it did not exist at that time, moreover there is no records and proof as evidence that there is proclamation at farm Vijoeshof. This was confirmed on an affidavit disposed by Mr D Hyter of DESTEA. **(Affidavit and correspondence form DESTEA attached)**
7. As indicated that only 1000 hector of the area has been proclaimed as protected area meaning the remaining extent of approximately 2000 hectors can be used for other activity provided that environmental authorisation is granted. This will be determined by relevant competent authorities detailing with the matter.
8. we are of the view that the regional manager will take a decision after strong consideration of all factors social, economic and ecological in terms of the NEMA Regulation. This process will assist the competent authority a great deal in making a considerate decision the best interest not only

economically but also enhancing social and ecological justice in as far the mining right application is concern (Reference to section 12).

9. Section 2(1)(c) of the NEMA provides that the principles set out in that section serve as guidelines by reference to which any Organ of State (such as the Regional Manager) must exercise any function when taking any decision in terms of the NEMA and/or the NEMA Regulations or any statutory provision concerning the protection of the environment.
  - a. first Principle; the draft EIAR is accompanied by EMPr which considered all potential environmental impacts and outlined the mitigating strategy to prevent or avoid ramifications within the surrounding community and neighbouring famers.
  - b. Second Principle; The draft EIAR and EMPr makes considerations of factors highlighted.
  - c. Third Principle; The draft EIAR and EMPr makes considerations of factors highlighted.
  - d. Fourth Principle; The draft EIAR and EMPr makes considerations of factors highlighted.
  - e. Fifth Principle; The Social and Labour Plan has been developed and seek to address the societal needs in the proposed development community of Boshof.
  - f. Sixth Principle; irrelevant at this stage, however this principle can only apply when the mining operation commences.
  - g. Seventh Principle; Public Meeting was convened with the community of Boshof on the 16<sup>th</sup> February 2023. Furthermore, Consultative meeting was convened with Interested and affected parties whereby prior an invitation was extended to all parties including the landowner who indicated that his unavailability on the set date. We further requested that the landowner together with the legal representative arrange and confirm suitable date that is convenient and consequently we haven't received feedback to date.
  - h. Eighth Principle; no decision has been taken as this stage as the application process is still on motion.
  - i. Ninth Principle; the only form of environmental education relevant at this stage was through the public participation process undertaken to date.
  - j. Tenth Principle; The draft EIAR and EMPr considered the social, economic and environmental impacts associated with the proposed activity. Mitigating measures has been outlined. The competent authority will make a decision whether or to grant environmental authorization after taking into considerations all factors in line with this principle
  - k. Eleventh Principles; irrelevant at this stage.
  - l. Twelfth Principle; no decision has been taken yet as pertain to the mining right in relation to the proposed application.
  - m. Thirteenth Principle; The application process is in accordance and in line with this principle in as far as policies, legislations and actions. All statutory bodies including organs of states has been consulted.
  - n. Fourteen Principle; No conflict of interest has arisen in regard to this application among the organs of states
  - o. Fifteen Principle; recognised
  - p. Sixteenth Principle; this is recognised
  - q. Seventeenth Principle; No environmental harm has been incurred as a result of the application at this stage.
  - r. Eighteen Principle; This is recognised.
  - s. Nineteenth Principle; specialist studies have been undertaken.

10. in our view the NEMA principles as rightly quoted shouldn't necessary be discussed or outlined in the EIAR report but the EIAR phase should recognise or be premised based on the principles and moreover paying attention to social, economic and environmental factors upon which this process is based.
11. We are of the view that the competent authority considered Section 240(i) of the NEMA when considering the application for the EA and rightfully took an informed decision to accept the application.
12. it is in our view that making reference to section 240(i) is immaterial as alluded in section (13)
13. The Minister or competent authority reserves the rights to grant or not to grant the Environmental Authorisation after taking all considerations into account
14. it is true that the competent authority indeed granted acceptance letter on the 21 February 2021 meaning that the competence authority was satisfied with the Environmental Authorization application form submitted together with relevant the NEMA regulation to that effect
15. The objector is well aware of the legal litigations between the applicant and the landowner which resulted to the application being derailed.
16. The statement in (section 23) is false as the numerous requests were made to access the property but were refused. Correspondence letter has been appended on the draft EIAR&EMPr. We will advise that the objector furnish proof based on the statement that the Trust required proper notice to made prior for access request. We have no records or correspondence from the objector where these remarks were made.
17. Please note that only the draft EIAR&EMP has been submitted to the competent authority and stakeholders for comment, review and submissions final decision has been made by the DMRE. (in refecence to section 45)
18. Note that we are on record wherein we requested to gain access at the farm for the purpose of doing specialist studies and we were therefore denied on numerous times as a result desktop studies were conducted. (With refecence to section 48)
19. Noted as already stated that the draft EIAR &EMPr has been published for comment, review and submission and amiable for amendment. (With reference to section 51)
20. The draft EIAR made acknowledgement of the game hunting activity at the property and made recommendation for continuous consultation with the landowner.
21. we are of the view all identified impacts highlighted on the report can be minimised sufficed that EMP are implemented during construction and operation phase of the project
22. The environmental impact assessment process has not reach it conclusion as at this stage only the draft EIAR&EMP has been published for review, comments and submission.in our view, we construe this submission by the Trust fulfilling its obligation as an affected party/landowner by making submissions to that effect.
23. The competent authority will determine whether or not to grant environmental authorisation however, we are of strong view that the EA should be granted to the applicant.
24. The environmental impact assessment process has not reach it conclusion as at this stage only the draft EIAR&EMP has been published for review, comments and submission.in our view, we construe this submission by the Trust fulfilling its obligation as an affected party/landowner by making submissions to that effect.



25. Bullet points 28.3, 48.4, 58 – 63 will be summarized as follow:

Firstly, I must be highlighted that that there is a difference between the Mining Works Program and the Social & Labour Plan, although both is required for submission of a Mining Right. However, there will be a slight deviation of both documents because of the following:

- i. The Mining Works Program takes a holistic approach to the entire operation over a 20 to 30-year lifespan. All the information contained in the Mining Works Program has a projection that spans over a 30-year period. The Mining Works Program contains a summary of the financial commitments contained in the Social & Labour Plan over a 30-year period.
- ii. The Social and Labour plan takes a different approach in which the information contained in the document has a 5-year period and not a 30-year period. The Social & Labour Plan thus commits to promises made in a 5-year term mannerism.
- iii. And please keep in mind that the mine is not operational yet, which means all information contained is based on some projections.

So, with that said, there will be a difference in...

- a) Number of employees according to the mining works program will definitely differ from the Social & Labour Plan as the 686 employees has been projected over a 30-year lifespan. The 50 employees, as per the SLP is only for the first five years, whereupon the document is reviewed by the department and recommendations be furnished to the company. The company must adhere to the recommendations and can now commit to new “promises” based on a more realistic target for the following 5-year term. In essence, the company will have to review the SLP after every five years in a 30-year term.
- b) The SLP finds expression in the mining right that will be issued; however, it does not mainly concentrate on the difference of the commodity, which in this case, is between Kimberlite Diamonds, General Diamonds or alluvial diamonds as mentioned in the letter. If it does have an impact on the application itself, then the terms of reference can be amended.
- c) The SLP concentrates on the host communities nearby, in order words, previously disadvantage communities that stands to gain socially and financially from the mining activities, instead of concerning itself with the area on which the mine will physically operate on. So, whether the operation is on Farm Viljoenshof 1655 of Rowden 703 or both, what matters is the host communities involved. That information is already addressed in the mining works program.
- d) The basic education levels mentioned in the report has been added and is based on the forecast of potential employees that might be employed. I must mention here that this is a projected forecast and not the real thing. Once a workforce is employed, a more detailed and accurate reporting can be done. That will also tell what educational services (such as FET Colleges, Night School, etc.) must can be engaged to assist employees on different skills levels say from Abet level 2 to a grade 12 and beyond.
- e) And lastly, the SLP does not concern itself with issues such as pollution, ecological degradation or damage to the environment. The purpose of the SLP is to assist employees and the broader previous



disadvantage communities to grow in terms of education, workers' skills, life skills and improve the quality of life by providing decent housing, sanitation facilities, clean water, etc.

Yours Sincerely  
Macebele Tiyiselani

A handwritten signature in black ink, appearing to read "Macebele Tiyiselani".

Signature:  
Date:23/08/2023



**ASR** ASR Geology Consulting and Mineralogical  
Services  
GEOLOGY CONSULTING

3, Poole Str., Memorial Road Area  
Kimberley, 8301  
Northern Cape, RSA  
Mobile: +27 (82) 342 9234  
E-mail: [asr.geology.consulting@gmail.com](mailto:asr.geology.consulting@gmail.com)

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TO ALL PARTIES CONCERNED

**REF:** Objections by Andrew Jons Roberts Trust – Mining Work Program and Mining Right application as a whole.

Dear Sir or Madam,

After studying the document with objections, I must state the following:

1. The objector is absolutely correct in stating that a mining project develops in phases:
  - a. Reconnaissance study and identification of high interest blocks;
  - b. Prospecting phase combining non-destructive and destructive methods;
  - c. If the ore bodies are found – bulk sampling and/or pilot mining in parallel with more detailed contouring of the ore bodies;
  - d. Mine design and launching of the mining operation.
2. The above sequence is general and not related to the format a mineral right.
3. In the case of this Project in question 1 (b) and 1 (c) above are done only partly.
4. Due to the fact that heavy machinery (drilling rig, excavator, loader trucks, etc.) never operated on the farm, the Prospecting Work Program was not completed as planned.
5. ASR accepted statement by Mr Scholtemeyer that access was denied by the farm owner in a good faith and refer this dispute to his Affidavit.



6. However, Mineral Act (28, 2002) does not explicitly require that Prospecting Right application MUST be done prior to Mining Right application (Section 22).
7. Funding Partner of the Invest In Property 126 (Pty) Ltd is not only financially strong, but is prominent Canadian diamond mining company successfully and viably running two kimberlite mines in that country.
8. Applying their extensive expertise in the field of diamond geology and mining, decision was done that although incomplete, available prospecting data overweight financial risks related to the Mining Right application and further Project development.
9. Track record of this company does not leave any doubt, that final phases of prospecting with following pilot mining and eventually mining will be done in the most efficient manner and in full compliance with all applicable regulations.
10. When the Mining Right will be granted, 1 (b) and 1 (c) will be completed first to proceed with Project development. DMRE will be duly provided with the results summary and accordingly adjusted MWP.
11. When objectively comparing *pros* and *contras* of a mining project versus a game farm the Minister has to consider all aspects. Though protection of natural environment is very important factor, the scale of this farm is not significant. Only 1000 Ha, which was proclaimed protected area (though no plan is available) in comparison with Mokala National Park – 26,485 Ha.
12. There was a precedent in the past, when Vaalbos National Park was reproclaimed for the benefit of local community and animals were transferred to the Mokala National Park.

Overall the entire discussion regarding Mining Work Program and insufficient prospecting results becomes irrelevant in a view of (6) above.

Sincerely,

Dr Alexander S. Rodionov

Independent Geology Consultant

DMRE ref no: FS 30/5/1/2/2/10064MR



GeoSoc (RSA), MinSoc (Rus)  
Prof. Sci. Nat., Reg. No 400018/2000





**Appendix H (iii): Department of Economic, Small Businesses  
Development, Tourism and Environmental Affairs**



**destea**  
department of  
economic, small business development,  
tourism and environmental affairs  
FREE STATE PROVINCE

**Mr T Mohlomi**

**30 June 2023**

**Re: CONFIRMATION OF EXCLUSION OF DEVELOPMENT FOOTPRINT FROM  
PROTECTED AREA BASED ON THE NEM: PA NO.57 OF 2003 FOR THE MINING  
RIGHT APPLICATION AT FARM 1655 BOSHOF FREE STATE**

Good afternoon Tumelo

The farm Viljoenshof 1655, Boshof, is a complicated matter. A 1000 hectare portion of the parent farm, Viljoenshof 430, was declared in 2001 as the Maize Valley Nature Reserve under declaration notice 23 of 2001 published in the Provincial Gazette on the 26 February 2001. This was done, as is my understanding, prior to consolidation of the Title Deeds of the two farms and in this regard this 1000 hectare portion is therefore subject to the conditions of Section 48 of NEMPAA (57 of 2003).

Hope this assists

Regards

**D Hayter**

**Acting Director: Biodiversity Management and Conservation**

---

Dave Hayter

Acting Director: Biodiversity Management and Conservation  
Email: [hayterd@destea.gov.za](mailto:hayterd@destea.gov.za)  
Mobile: 079 507 8820  
Tel: 051 400 9502

113 St Andrews Street  
Private Bag X20801  
Bloemfontein, 9300



**Appendix H (iv): Affidavit by David John Hayter (DESTEA)**



①  
AFFIDAVIT

FULL NAMES AND SURNAME... DAVID JOHN HAYTER

I am an adult male/female... MALE 51 years old, with ID no... ESCG035096080

Residing at... (Address) with telephone

number (079...) 507 8820 and employed as ASSIST. DR. at DETERA

98 ZAARSTRON STREET (business address) with work telephone number (051) 400 9502 My cell phone number 079 507 8820

①  
In or about 2010, I was requested by DETERA to administer the Biodiversity Stewardship Programme for the then DETERA. This responsibility included the administration of the previously declared Private and local Nature Reserves. I set about trying to find the old files for these nature reserves, which had apparently been archived sometime around 2000.

②  
According to the Protected Areas Register for the province, there should be approximately 204 files for the Private and local nature reserves, however only approximately 146 files were brought to me from storage. It must be assumed that the missing files were damaged and/or destroyed. It is apparent that one of the files that is missing is that of Maize Valley Farms Nature Reserve, declared on the farm Vrijershof in Boshof (Vrijershof 430).

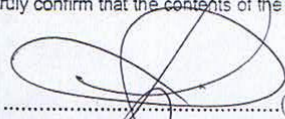
③ Continued on next page ②

I know and understand the contents of the above statement.

I have no objection to taking the prescribed oath.

I consider prescribed oath to be binding on my conscience.

I truly confirm that the contents of the statement are true.

  
.....(Signature of Deponent)

I certify that the above statement was taken by me and the deponent declares that he/she knows and understands the contents thereof.

The statement was sworn to/affirmed to before me and the deponent's signature/mark/thumb print was placed there on in my presence at

BAINSVLEI on 20/6/2015 (date) at 08:30 (time)

NAME OF COMMISSIONER 25/5/1/1A

COMMISSIONER OF OATH 25/5/1/1A

RANK  
BAINSVLEI





②

AFFIDAVIT

FULL NAMES AND SURNAME DAVID JOHN HAYTER

I am an adult male/ female 51 years old, with ID no. 6506035096080

Residing at 079 507 8800 (Address) with telephone number 079 507 8800 and employed as ASSIST DR at DESTER

98 ZAIBON STREET (business address) with work telephone number (051) 4 00 9502 My cell phone number 079 507 8800

It is possible that this file could have contained all of the relevant information relating to the declaration of the Maize Valley Farm Nature Reserve, including the relative location of the 1000 hectares declared area.

④

It is not possible to obtain information from the officials or other parties who dealt with the original declaration of the Maize Valley Farm Nature Reserve, as these officials and other parties are either deceased or have long since left the service of the department. There is therefore no manner by which the exact location of the 1000 hectare declared portion of the nature reserve can be ascertained with any certainty by myself or any other DESTER official.

- I know and understand the contents of the above statement.
- I have no objection to taking the prescribed oath.
- I consider prescribed oath to be binding on my conscience.
- I truly confirm that the contents of the statement are true.

[Signature] (Signature of Deponent)

I certify that the above statement was taken by me and the deponent declares that he/she knows and understands the contents thereof. The statement was sworn to/affirmed to before me and the deponent's signature/mark/thumb print was placed there on in my presence at BAINSVLEI on 2016/08/01 (date) at 08:30 (time)

NAME OF COMMISSIONER LS SUIA

[Signature]  
COMMISSIONER OF OATH SUIA

[Signature]

RANK  
BAINSVLEI





## **Appendix I COMMENTS FROM DESTEA**



**destea**  
department of  
economic, small business development,  
tourism and environmental affairs  
FREE STATE PROVINCE

**Mr T Mohlomi**

**30 June 2023**

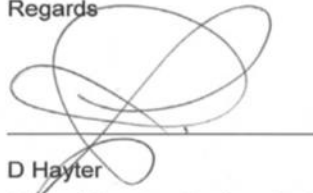
**Re: CONFIRMATION OF EXCLUSION OF DEVELOPMENT FOOTPRINT FROM PROTECTED AREA BASED ON THE NEM: PA NO.57 OF 2003 FOR THE MINNING RIGHT APPLICATION AT FARM 1655 BOSHOF FREE STATE**

Good afternoon Tumelo

The farm Viljoenshof 1655, Boshof, is a complicated matter. A 1000 hectare portion of the parent farm, Viljoenshof 430, was declared in 2001 as the Maize Valley Nature Reserve under declaration notice 23 of 2001 published in the Provincial Gazette on the 26 February 2001. This was done, as is my understanding, prior to consolidation of the Title Deeds of the two farms and in this regard this 1000 hectare portion is therefore subject to the conditions of Section 48 of NEMPAA (57 of 2003).

Hope this assists

Regards



D Hayter

Acting Director: Biodiversity Management and Conservation

---

Dave Hayter

Acting Director: Biodiversity Management and Conservation  
Email: [hayterd@destea.gov.za](mailto:hayterd@destea.gov.za)  
Mobile: 079 507 8820  
Tel: 051 400 9502

113 St Andrews Street  
Private Bag X20801  
Bloemfontein, 9300



**Appendix J:  
COMMENTS FROM SARA PARKS**





## COMMENT ON THE DRAFT EIAR AND EMP FOR MINING RIGHT APPLICATION ON VILJOENSHOF 1655, BOSHOF

DMRE ref no: FS 30/5/1/2/2/10064MR

### Received from Biomental Environmental Consulting 8 February 2023, Public Participation Process

Page No. of the Draft EIAR/EMP	Draft EIAR / EMP Text Quoted	Legal / Formal Reference	Comment	EAP Response
<b>Page 8</b> Objective of the Environmental Impact	“ “The objective of the environmental impact assessment process is to, through a consultative process: -	“Identify the location of the development footprint within the preferred site <u>based on an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified development footprint alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects of the environment.</u> ”	The EAP for Invest In Property did not come on to site to do this Environmental Impact Risk Assessment.  Access was denied	The EAP undertook a site visit in December 2020 with the landowner present. Please conform with the landowner Mr Cedric Roberts.



<p><b>Page 9</b></p> <p><b>Executive Summary</b></p> <p><b>A. background</b></p>	<p><i>“Invest In Property 126 (Pty)Ltd propose to apply for mining right in a small town Boshof in Free State, South Africa. The area cover is approximately 3,389 ha.”</i></p>	<p>National Conservation Ordinance No 8 of 1969</p> <p>Proclamation No 23 of 2001. in terms of S36(1)</p> <p><b>1000Ha of the farm Viljoenshof No. 430 (Reserve No 12, known as Maize Valley Reserve). Was declared a private nature reserve in 2015</b></p>	<p><b>1000Ha of the farm Viljoenshof No. 430 (Reserve No 12, known as Maize Valley Reserve).</b></p> <p><b><u>Was declared a private nature reserve in Government Gazette dated 19/11/2015</u></b></p> <p><b><u>2,411.26 Ha was designated as Nature Reserve. Date declared 4/26/2001.</u></b></p> <p><b>Taken from the database in 2018</b></p>	<p>This is not true.The DESTEA confirmed contrary that Viljoenshof No 430 was declared in 2021 as a protected area.The Viljoenshof 430 was amalgamated with Farm Orlando 998 to form Farm Farm Viljoenshof 1655.This entails that farm Viljoenhof 430 is no longer existing and moreover there are no existing layout where portion of 1000ha of now amalgamated Viljoenshof 430 is situated.The Department does not have a data base nor file of Viljoenhof 1655 declared as protected area or nature reserve.</p>
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<p><b>Page 9</b> <b>Executive Summary</b> <b>A. background</b></p>	<p><i>“The applicant Mr Verdi Scholtermeyer is the permit holder for prospecting right permit granted by the Department of Mineral Resource and Energy (DMRE) in terms of Minerals and Petroleum Resource Development Act (Act 28 of 2002)”</i></p>	<p>A prospecting right is a permit which allows you or your company to survey or investigate an area of land for the purpose of identifying an actual or probable mineral deposit. A prospecting right is valid for five years. A renewal is valid for 3 years</p>	<p><b>The Prospecting right expired 2 April 2021.</b> <b>Mr Verdi Scholtermeyer or Invest In Property does not hold a valid prospecting right</b></p>	<p>The Prosecting right have since expired Verdi Scholtermeyer was the prospecting right holder</p>
<p><b>Page 11</b> <b>C Project description and Location</b> Last paragraph</p>	<p><i>“However, soft blasting will be applied where necessary in particular for cutting into kimberlites.”</i></p>		<p>“Please explain soft blasting”?</p>	
<p><b>Page 15</b> <b>D Need and Desirability of the Study</b></p>	<p><i>“Part of the EIA process was to undertake a range of specialist studies which relate to the physical, biological and socio-economic aspects potentially affected by the proposed project. The findings of the studies are appended on the EIA/ EMPr”</i></p>	<p><b>ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014</b> <i>Government Notice R982 in Government Gazette 38282 dated 4 December 2014.</i> <i>Commencement date: 8 December 2014</i> <b>48. Offences</b> <i>(1) A person is guilty of an</i></p>	<p><b>1 specialist study was undertaken on the farm 22 Nov 2022 (Archaeologist)</b> <b>Biological Specialist studies must be site specific especially the flora and fauna aspects. A desktop study is useful but can only provide an overview of the</b></p>	



		<p>offence if that person - (a) provides incorrect or misleading information in any form, including any document</p>	<p>presence of possible species.</p>
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		<p>submitted in terms of these Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority;</p>	
<p>Page 20 <b>F</b> Identification of Key Environmental</p>	<p><i>“Specialist studies assisted with the development and understanding of the system processes and the potential impacts of the proposed development on both the biophysical</i></p>	<p>ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 <i>Government Notice R982 in</i></p>	<p><b>1 specialist study was carried out on Viljoenshof farm.</b> <b>Access was denied.</b></p>



<p><b>Issues</b></p>	<p><i>and social environments. The following specialist were conducted to augment this EIAR:</i></p> <ul style="list-style-type: none"> <li>• <i>Ecological Report;</i></li> <li>• <i>Geo-hydrological Studies;</i></li> <li>• <i>Heritage Impact Assessment; and</i></li> <li>• <i>Social Labour Plan</i></li> </ul> <p><i>Each issue was assessed and mitigation measures proposed such that impacts will be minimised or negated. It is this assessment that allowed the EAP to make an informed analysis and provide an opinion of the proposed development.”</i></p>	<p>Government Gazette 38282 dated 4 December 2014. Commencement date: 8 December 2014</p> <p><b>48. Offences</b> (1) A person is guilty of an offence if that person - (a) provides incorrect or misleading information in any form, including any document submitted in terms of these Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority;</p>	<p><b>Ecological, Hydrogeological and Environmental impacts cannot be assessed on &gt; 3000 ha of bushveld if the specialists were never on the site. This EIA process at the moment is questionable and poses a possibility of providing the competent authority with false information.</b></p>



<p>Page 21 G</p>	<p><i>“Site notices shall also be pasted on and around the proposed site. The Draft EIA/EMPr Report Document shall be</i></p>	<p>PP <i>“In accordance with Regulation 41(2) (c), published under</i></p>	
<p><b>Public Participation process</b></p>	<p><i>distributed to key government stakeholders and other Interested and Affected Parties (I &amp; APs) this is in a form of electronically and hard copies (evidence will be provided under the Public Participation section of the final EIAR. <b>A newspaper advertisement has been secured and due to make publication on the 9 February 2023 through DFA</b></i></p>	<p><i>Government Notice No.982 of December 2014 as amended on 07 April 2017 of the National Environmental Management Act, 1998 and Regulation 50 of the Minerals and Petroleum Development Act (MPRDA, Act 28 of 2002)”</i></p>	<p><b>An e mail 9 Feb from Biomental stated that registered IAAPs would have a virtual meeting in February.</b></p> <p><b>This took place 7 March where it was stated that further meetings were required and would take place due to unresolved issues</b></p>



<p>Page 22</p> <p><b>H. Conclusions and Recommendations</b></p>	<p><i>“Following the completion of the various specialist studies appended in this report and the identification and assessment of the expected impacts, it is the opinion of Biomental Services that the proposed project can be authorized. This opinion holds provided that all the recommendations proposed in the specialist studies and the EIA and EMP as well as legislative requirements are implemented and adhered to.”</i></p>	<p><b>Only 1 specialist study was undertaken on Viljoenshof 1655</b></p> <p><b>Ecological, Hydrogeological and Social aspects and impacts were not adequately assessed on the &gt; 3000 ha of bushveld land and the entire hunting and game farm operation of Viljoenshof 1655.</b></p> <p><b>The specialists were not on the site.</b></p>	<p>The draft EIA R does not currently identify and assess the hydrogeological, ecological and social impacts of Viljoenshof 1655 adequately due to the fact that the specialist studies which would include various types of site surveys, land use functions, borehole pump tests to name only a few, were not carried out on site.</p>
<p>Page 27</p> <p><b>1. INTRODUCTION</b></p> <p><b>1.1 Background of the Study</b></p>	<p>“The applicant Mr Verdi Scholtermeyer is the permit holder for prospecting mining right permit granted by the Department of Mineral Resource and Energy (DMRE) in terms of Minerals and Petroleum Resource Development Act</p>	<p><b><u>Mr Verdi Scholtermeyer does not hold a valid prospecting right</u></b></p> <p><b>The 3-year renewed Prospecting right expired 2 April</b></p>	





	(Act 28 of 2002”	2021. _	
<p><b>Page 27</b></p> <p><b>1. INTRODUCTION</b></p> <p><b>1.1 Background of the Study</b></p>	<p>“Invest In Property 126 (Pty)Ltd propose to apply for mining right in a small town Boshof in Free State, South Africa. <b>The area cover is approximately 3,389 ha.</b>”</p>		<p>1000Ha of the farm Viljoenshof No. 430 (Reserve No 12, known as Maize Valley Reserve).</p> <p>Was declared a private nature reserve in Government Gazette dated 19/11/2015</p> <p>2,411.26 Ha was designated as Nature Reserve. Date declared 4/26/2001.</p> <p>Taken from the database in 2018</p>
<p><b>Page 29</b></p> <p><b>Table 4:</b> Listed Activities</p>	<p>“<b>APPLICABLE LISTING NOTICE (GNR 544, GNR 545 or GNR 546)/NOT LISTED</b>” heading in <b>Table 4</b></p>		<p>REPEAL OF NOTICE 545 DATED 18 JUNE 2010 4. Notice 545 published in Gazette 33306 is hereby repealed.</p> <p>This table heading is invalid</p>



<p><b>Page 31</b> <b>Listed Activities</b></p>		<p>194 No. 40772 GOVERNMENT GAZETTE, NO. 325, 7 APRIL 2017</p> <p>ACTIVIES 19, 20 of Listing Notice 2</p>	<p><b>LISTED ACTIVITIES</b></p> <p>The table in the draft EIAR has omitted to include Activities No 19 and 20 of Listing Notice 2 of the amended EIA regulations No 325, 7 April 2017</p>
<p><b>Page 38</b> <b>2. LEGISLATION AND LEGAL REQUIREMENTS</b> <b>Table 2: Legislation and Legal</b></p>		<p>Published in Government Notice <b>No. 320 GOVERNMENT GAZETTE 43110 20 MARCH 2020</b></p> <p>1. BIODIVERSITY: protocol for the specialist assessment</p>	<p>The protocols for the specialist studies to assess and report on Biodiversity. Terrestrial Animals and Terrestrial plants were not mentioned in the legal Table 2. EIA regulations 2017</p> <p>Viljoenshof 1655 is managed as a</p>
<p>Requirements</p> <p><b>Page 38</b> <b>2. LEGISLATION AND LEGAL REQUIREMENTS</b> <b>Table 2: Legislation</b></p>		<p>and minimum report content requirements for environmental impacts on terrestrial biodiversity</p> <p>2. TERRESTRIAL PLANT SPECIES protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species</p> <p>3. TERRESTRIAL ANIMAL SPECIES protocol for the specialist</p>	<p>hunting and nature conservation farm.</p> <p>It is a transgression if the plant and animal impact assessment studies have not been carried out according to these protocols</p> <p>An endemic succulent plant species has recently been found and formally documented on the adjacent farm.</p>



<p>and Legal</p> <p>Requirements</p>		<p>assessment and minimum report content requirements for environmental impacts on terrestrial plant species</p>	
<p><b>Page 38</b></p> <p><b>2. LEGISLATION AND LEGAL REQUIREMENTS</b></p> <p><b>2.2 Guidelines</b></p>	<p>:</p> <p><i>"a. Guideline for determining the scope of specialist involvement in EIA Processes (June 2005)</i></p> <p><i>b. Guideline for involving biodiversity specialists in EIA processes (June 2005)</i></p> <p><i>c. Guideline for involving heritage</i></p>	<p><b>Points a, b c, d, e, are all outdated.</b></p> <p><b>The more recent guidelines were promulgated for implementation in 2020</b></p> <p><b>Point f, has been replaced with a</b></p>	



<p><i>This EIA process is</i></p>	<p><i>specialists in EIA processes (June 2005)</i></p>	<p><b>newer version 2014,</b></p>	
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<p><i>informed by the series of national Environmental Guidelines and, the following were applicable and relevant</i></p>	<p><i>d. Guideline for Environmental Management Plans (June 2005)</i>  <i>e. Draft Guideline on Public Participation (November 2006)</i>  <i>f. Draft Guideline on the interpretation of the listed activities (November 2006)</i>  <i>g. Department of Water and Sanitation guidelines</i>  <i>h. Stats SA, 2011”</i></p>	<p><b>amended in 2017.</b></p>	
<p><b>Page 39</b> <b>2.3 Assumptions and Limitations</b></p>	<ul style="list-style-type: none"> <li>• <i>“The following limitations and assumptions are implicit this report –</i></li> <li>• <i>The primary assumption underpinning this EIA and the individual specialist studies upon which the Draft EIAR is based, that all information received from the client and other stakeholders including registered I&amp;APs was correct</i></li> </ul>		<p><b>The draft EIAR and EMP are based on desktop specialist studies. There was only 1 specialist on site.</b></p> <p><b>On Site assessments are required by the protocols in terms of the EIA regulations</b></p> <p><b>Protocols Published in Government</b></p>



	<p><i>and valid at the time of the study.</i></p> <ul style="list-style-type: none"> <li>• <i>To ensure that the significance of impacts was not under-estimated, the specialists assessed impacts under the worst-case scenario situation.</i></li> </ul> <p><b><u>• It must be noted the following studies were undertaken through a desktop method. This is a result of the landowner prohibits to access into his property. See Annexure I'</u></b></p>		<p>Notice <b>No. 320</b> GOVERNMENT GAZETTE <b>43110</b> 20 MARCH 2020</p>
<p><b>Page 41</b> <b>2.6</b></p>	<p><i>"During the EIAR phase for the Project the following activities were carried out carried out</i> :</p>		<p><b>The draft EIAR and EMP are currently based on desktop specialist studies. The only specialist on site was an</b></p>



<p><b>Environmental Impact Assessment Report</b></p>	<ul style="list-style-type: none"> <li>• <i>Specialist investigations.</i></li> <li>• <i>Compilation of a draft EIAR report.</i></li> <li>• <i>Compilation of an Environmental Management Programme (EMP);</i></li> <li>• <i>Compilation and distribution of a letter announcing the availability of draft EIA report for comment and distribution of copies of the report to Interested and Affected Parties (I&amp;APs) upon request;</i></li> <li>• <i>Conduct key stakeholder meetings;”</i></li> </ul>	<p>archaeologist.</p>
<p>Page 49</p> <p><b>4. SERVICES PROVISION</b></p> <p><b>4.1 Water supply</b></p> <p>Page 49</p> <p><b>4. SERVICES PROVISION</b></p>	<p><b>4. SERVICES PROVISION</b></p> <p><b>4.1 Water supply</b></p> <p><i>The proposed project will require bulk water for its mining operations as well as domestic water for drinking and ablutions.</i></p> <p><i>purposes. Bulk water is required for dust suppression and any other mining operations that may require large volumes of water. Possible water supply options will be identified, and their suitability evaluated during the detailed EIA investigation. A preliminary water balance will be designed for the proposed Mine to determine bulk water requirements during peak production and a</i></p>	<p><b>The water supply for the proposed mining activities as stated is still under investigation. An adequate water source is a prerequisite for diamond mining.</b></p> <p><b>This aspect is possibly a fatal flaw.</b></p> <p><b>At this stage in the EIA process a water supply should have been established and water quantities for prospecting and mining going forward calculated.</b></p>



<p><b>4.1 Water supply</b></p>	<p><i>mine safety factor (to be determined) will be applied to ensure adequate water supply to the mine.</i></p>	
<p><b>Page 68</b> <b>Priority Floral Species</b></p>	<p><b>“Priority Floral Species</b> <i>No species found in the study area is listed in the 2009 Red Data Listing (RDL) nor has any threat status.</i>  <i>No Orange Data species or species of conservation concern were observed during overview field investigations.”</i></p>	<p><b>No flora studies were undertaken on Viljoenshof.</b>  <b><u>Critically Endangered Red Data Species of South African plants are to be found on the neighbouring farm</u></b></p>





<p><b>Page 68</b></p> <p><b>Protected Area status.</b></p>	<p><i>Protected Area status</i></p> <p><i>According to the data for protected areas, no portions fall within a protected area, however the area is part of <u>the Vhembe Biosphere Reserve. (Limpopo)</u></i></p>	<p>1000Ha of the farm Viljoenshof No. 430 (Reserve No 12, known as Maize Valley Reserve).</p> <p><u>Was declared a private nature reserve in Government Gazette dated 19/11/2015</u></p> <p><u>The Vhembe Biosphere Reserve is in Limpopo. ???</u></p>
<p><b>Page 60</b></p> <p><b>Sensitivity Areas</b></p>	<p><b>Sensitivity Areas</b></p> <p><i><u>“Based on a desktop data analysis, the area of the proposed development site has a LOW SENSITIVITY RATING as it is characterized by low shrublands with a bare landscape. Furthermore, the desktop analysis also confirms that the proposed development site sensitivity status is degraded due to impacts such as change in land use (Agriculture), overgrazing due to livestock farming, deforestation, uncontrolled veld fires, settlement development and desertification (See Figure 3).”</u></i></p> <p>Furthermore, the proposed development site is located more than 500m away from any river catchment</p>	<p><b>This whole statement is not true</b></p> <p><b>This information does not relate to Viljoenshof 1655.</b></p> <p><b>Viljoenshof does not support a bare landscape and low shrublands, deforestation or overgrazing due to livestock farming</b></p> <p><b>If the proper sensitivity studies were done this would have been obvious.</b></p> <p><b>Site Sensitivity verification must be done</b></p>



	buffer zone or any natural water body or feature.	
<b>Page 70 Figure 11:</b>	.	<b>The legends on these maps are illegible</b>
Sensitivity/Landcover Area Map		
<b>Page 73 Heritage and cultural settings</b>	<i><u>"No Stone Age sites were found within the footprint of the area proposed for the development. Although no Stone Age sites were found, the region has evidence to suggest that the area was inhabited by Stone Age people in the past. The wider study area has yielded a lot of tools cutting across the Stone Age period. Most ESA and MSA tools have been found in open sites"</u></i>	<b>A heritage specialist was on site. The report also makes several references to a mall which possibly means that a copy and paste from a source other than that pertaining to Viljoenshof was implemented in compiling the report</b>
<b>Page 74 The Iron Age</b>	<i><u>"No Iron Age sites were noted in the study area"</u></i>	<b>A proper archaeological assessment was not done but recommendations were made in the report to have one done</b>



<p><b>Page 79</b></p> <p><b>7.SPECIALIST REPORTS</b></p>	<p><i>Appropriately qualified and experienced specialists were appointed to undertake the various assessments. The Specialists assisted in gathering baseline information relevant to this study and assessed the impacts associated with the development. Specialists made recommendations to mitigate negative impacts and enhance benefits. The resulting information was synthesised into the Environmental Impact Report (EIR), whilst the full specialist reports are attached on this EIR as a Specialist Volume. The specialists' studies assisted with the development of an understanding of the system process and the potential positive and negative impacts of the proposed development on both the social and biophysical environments</i></p>	<p><b>The Specialists had to extrapolate information from other studies to make recommendations to mitigate impacts For Viljoenshof 1655.</b></p> <p><b>This procedure does not comply with the EIA regulations.</b></p>
<p><b>Page 92</b></p> <p><b>9: IMPACT ASSESSMENT PLANNING&amp; CONSTRUCTION PHASE</b></p>	<p><i>6. Ground Water</i></p> <p><i>No impacts to ground water are expected from the construction phase.</i></p> <p><i>Temporal: Short-term (2)</i></p> <p><i>Spatial: Localised (0)</i></p> <p><i>Significance: high (1)</i></p>	<p><b>There will be impacts to groundwater during the construction phase because water will be abstracted and used for building infrastructure, dust suppression etc.</b></p>



	<p><i>Likelihood: May occur (0)</i>  <i>Certainty:</i>  <i>No impacts to ground water are expected during construction phase.</i></p>	
<p>Page 123  <b>9: IMPACT ASSESSMENT</b>  <b>PLANNING&amp; CONSTRUCTION/OPERATIONAL PHASE</b></p>	<p><b><i>“Direct impacts:</i></b>  <i>No direct impact is expected from the planning; construction and operational phase of the activity</i></p> <p><b><i>Indirect impacts:</i></b>  <i>No indirect direct impact is expected from the planning; construction and operational phase of the Activity</i></p> <p><b><i>Cumulative impacts:</i></b>  <i>No cumulative impact is expected from the planning; “construction and operational phase of the activity.”</i></p>	<p><b>These statements are untrue because the environmental impacts have not been assessed for Viljoenshof 1655. Information in this EIAR report appears to be taken from an EIA for a site in Limpopo</b></p>



<p>Page 127</p> <p><b>9.11 Environmental Authorization</b></p>	<p><b>9.11 Environmental Authorization</b></p> <p><i>Biomental Services is still in the process of engaging stakeholders and I&amp;APs, responding and providing solutions to some questions still being raised. Registered I&amp;APs, will be informed of the environmental authorization and its associated terms and conditions be made public by letters, emails and advertisement once the record of decision is received from the competent authority (positive or negative) for the project. All documents related to the proposed mining project will also made available to the Public.</i></p> <p><i>The assessment of impacts must adhere to the minimum requirements in the EIA Regulations, 2014, and should take applicable official guidelines into account.</i></p>	<p><b>The EIAR has many inconsistencies, There appears to be text that has been a copy and paste from a document that refers to a site in Limpopo.</b></p> <p><b>There certainly were issues raised by Interested and Affected parties during the public participation process. Refer</b></p>
<p>Page 127</p> <p><b>9.11 Environmental Authorization</b></p>	<p><b><i>There were no issues raised by interested and affected parties during public participation process.</i></b> <i>The impact that may result from the proposed mining activity have been prepared planning and design, construction, operational phases as well as proposed management of identified impacts and proposed mitigation measures.</i></p>	<p><b>to the comments attached to the scoping report</b></p>



<p>Page 128</p> <p><b>10. CONCLUSIONS AND RECOMMENDATIONS</b></p>	<p><b>10.1 Activity and Possible Impacts</b></p> <p><i>The following Mining activities and associated impacts have been indicated below</i></p> <p><b>Table. Summary of environmental impacts after mitigation</b></p>	<p><b>Omitted from the table of activities &amp; impacts are:</b></p> <p><b>Slimes dam wall failure, Contamination of surrounding land with Kimberlite slurry, Contamination of surface and ground water with heavy metals found in kimberlite ore, Abstraction of groundwater and depleting groundwater table if water is intercepted and has to be pumped</b></p>
<p>Page 130</p>	<p><b>10.2 Fatal Flows</b></p> <p><i>The Scoping Phase did not identify any fatal flaws and as a result the Competent Authority permitted the application process to proceed to the EIR phase for further assessment.</i></p>	<p><b>There appear to be fatal flaws in this EIAR document, namely the EIA itself.</b></p>

1. Specialist Studies

1.1 Geohydrological assessment

*“By October 2022, Geo Equilibria (Pty) Ltd was appointed by Biomental Services (pty) Ltd on behalf of Invest In Property 126 (pty) Ltd to conduct a geohydrological investigation as part of an environmental application process to obtain the required authorization to mine*



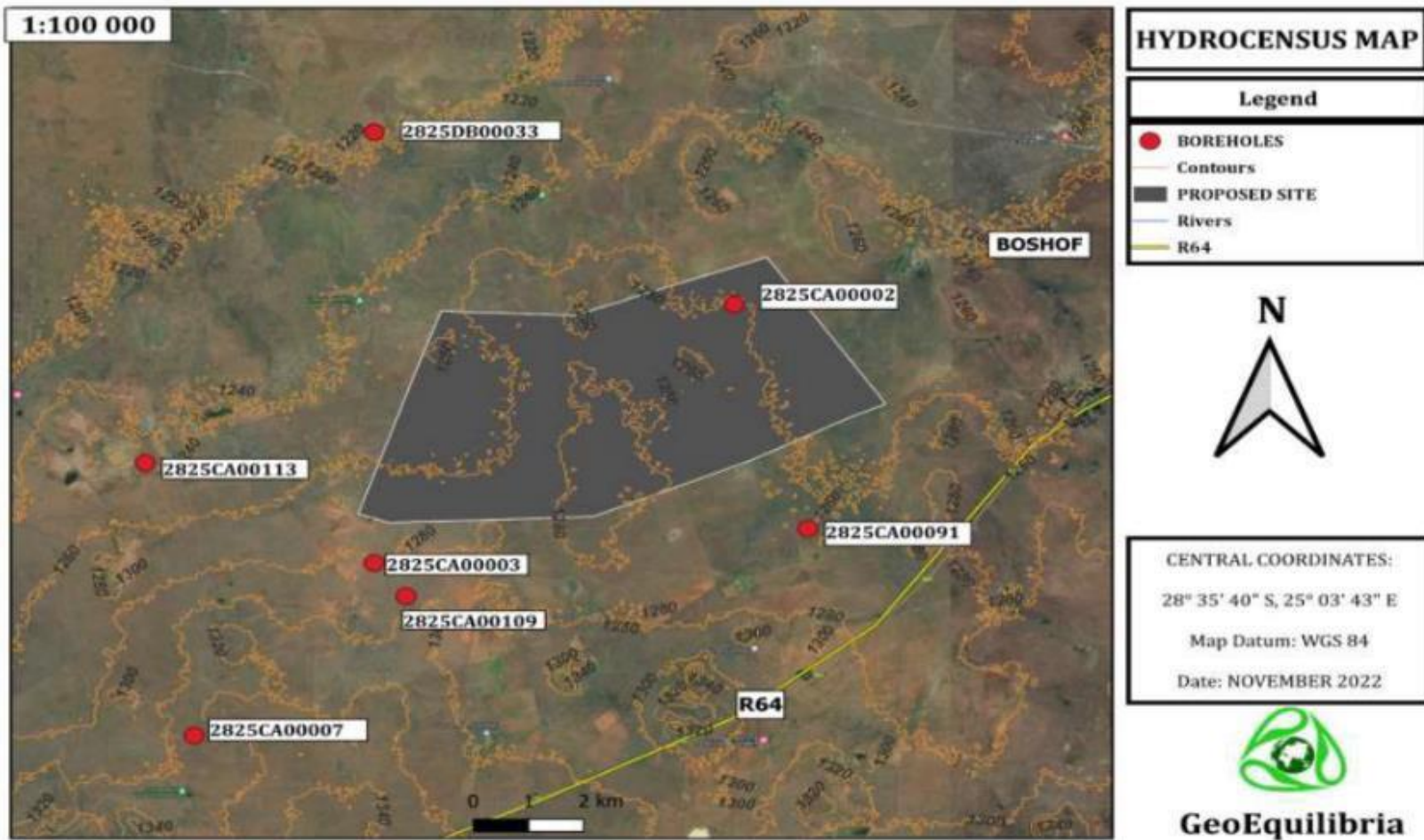
*diamond kimberlite and diamond general on the farm Viljoenshof 1655 in Boshof within Boshof District Municipality in the Free State province.*

*The primary purpose of this investigation is to provide information on the surface and groundwater environment on and near the site, and to do an impact assessment associated with the site activities.*

*The main objectives of the hydrogeological study are to:*

- Characterise the prevailing groundwater situation;*
- Define the water bearing strata in the area;*
- Determine current groundwater level distribution and flow directions;*
- Determine baseline groundwater quality; and*

*Assess the impact of mining on the groundwater system including quantity and quality impacts on existing users, during both operational and closure phase”*







## 1.2 Comment

With reference to the hydrocensus map above only 1 borehole on Viljoenshof 1655 was included. This hydrocensus would not provide sufficient information to show how the landowner would be impacted by the proposed mining operation when dewatering takes place.

The geohydrological report is a current situation analysis of the classification and vulnerability of the groundwater aquifer but does not take into consideration the proposed mining activities for a 30 year life of mine. Impacts of dewatering, excavating and trenching to 20 m initially and then mining to 600 m.

- a. No water source has been confirmed
- b. No water quantities for the prospecting and mining operations have been estimated
- c. Unless the above are ascertained a Water Use Licence cannot be applied for
- d. Impacts of Mining on groundwater have not been identified
- e. Impacts of salination of groundwater and environment from kimberlite dissolution not mentioned

## 2. Miscellaneous

### 2.1 Access Road and people and Infrastructure Impacted

2.1.1 Hunting & Breeding camps- The access road to Viljoenshof is of major concern to the neighbouring farmer because it traverses their hunting camps and a field which supports red data succulent plant species. Under discussion

2.1.2 **Taxidermy** -The access road runs adjacent to the Landowners Taxidermy factory and offices and past a homestead which is



occupied by a retired elderly farmer.

**2.1.3 Homestead** – Mr Wiese lives in a house very close to the access road

Mining trucks and other equipment will definitely impact this business and this homestead with dust, noise, and privacy in no uncertain terms. These impacts have not been identified or mentioned anywhere in the document

**3. Eskom**

Mining and Eskom power lines that run through the farm, buffer zones and potential impacts of mining operations have not been identified

**4. Protected and Conservation Areas of South Africa**

The screening for protected and conservation areas of South Africa regarding Viljoenshof 1655 has not been carried out. In 2001 2,411.26 Ha was designated a nature reserve Maize Valley Reserve

In 2015 1000 Ha was declared a Nature Reserve in a government gazette (GG 2015)

Copies of Documents available.



**Appendix J (i)**  
**EAP RESPONSE TO SARA PARKS COMMENTS**

Date:31/08/2023

Attention: Mrs Sara Parks

Rechelle Eco Farm and Consulting

PO BOX X 342

Boshof,8340

Cell:082 082 0239

Email: saraparks7@gmail.com

**RE: COMMENTS ON DRAFT EIAR&EMPR FOR INVEST IN PROPERTY 126(PTY)LTD APPLICATION FOR DIAMOND KIMBELITES AND GENERAL OVER FARM VILJOENSHOF 1655 IN BOSHOF, FREE STATE PROVINCE.**

1. The above is in response to the comment or submission received on the 08 March 2023 in relation to Draft EIAR&EMPAR for Invest In Property 126(Pty)Ltd.
2. On the 7<sup>th</sup> December 2023, the EAP undertook a site visit whereby a meeting was convened at Viljoenhof 1655 with the landowner Mr Cedric Roberts present. Site visit and inspection was done. This information is provided to dispel the notion that the EAP never undertook a site visit or assessment at farm Viljoenhof 1655.
3. The EAP can confirm that Mr Verdi Scholtmeijer was prospecting rights holder which has since elapsed.
4. The EAP took an initiative to consult with the provincial department of Economics, Small Business development, Tourism and Environmental Affairs (DESTE) regarding the proclaimed 1000 ha declared as protected area for nature reserve over farm Viljoenhof 430. On the 30 June 2023, DESTE returned a correspondence highlighting that farm Viljoenhof 430 was gazetted in 2021 as protected area for nature reserve. We have established that Viljoenhof 430 was amalgamated with Farm Orlando 998 to form Viljoenshof 1655 which is the current farm under mining right application by Invest in property 126.
5. Furthermore, an affidavit disposed by Mr David John Hayter of DESTE on the 05/08/2016 reveals that there is no records or files available at the department regarding the proclaimed area of 1000ha and also highlights the complexity of the matter as the farm proclaimed as nature reserve no longer exist due to amalgamation between the two farms to form Viljoenshof 1655. In light of the above, it is our view that Farm Viljoenshof 1655 is not a protected area nor proclaimed nature reserve as there is no records or gazette proclamation on farm Viljoenhof 1655.
6. The draft EIAR outlined that there will be no full-scale blasting or hard blasting technique used however, in an instance where operational method necessitates such, soft blasting will be implemented as a last resort.
7. The desktop study was undertaken as last resort because of access restriction by Mr Cedric Roberts for the past 3 years. Numerous efforts were made to request access for the purpose of undertaking full scale specialist studies but was rejected. The proof and evidence and email communication are on record. However, we want to ascertain that a full site scan of the farm will be done to identify any potential red

- species or species of ecological importance before any mining operations commence. This will also include marking and creating buffer zones on catchment areas/wetlands.
8. Notice of public participation was sent out to all stakeholders and I&APS. On the 7 March 2023, virtual consultative meeting was convened. The landowner and representative indicated that they were unable to be part of the meeting despite the fact that a notice was issued earlier to all parties. Moreover, we extended an olive branch by requesting that the landowner and his representative notify or choose a suitable date and time that will be convenient. We can confirm that we haven't received any communication to that effect.
  9. The project envisages to extract water from the underground water through boreholes. A water use license application was lodged with DWS. Water recycling/treatment will be constructed to minimise the over-exploitation of ground water. The impact on ground water is envisaged to be minimised given that environmental management strategies will be implemented and monitored. Groundwater testing, water level and recording will be done regularly.
  10. In conclusion, all the issues highlighted on the comments have been noted and where practical possible amendment will be done in the final EIAR&EMPR. It must be noted that the purpose of the draft EIAR&EMPR is to give all parties an opportunity to make submission, comments and review. Having said that, all the comments highlighted have been noted and where ratification is necessary such will be done

Yours sincerely

Tiyiselani Macebele



31 August 2023