

NAME OF APPLICANT: **AFFORDABLE OUTCOMES CC**

REFERENCE NUMBER: **NC 30/5/1/2/2/10261 PR**

REPORT ON THE RESULTS OF CONSULTATION

WITH COMMUNITIES AND INTERESTED AND AFFECTED PARTIES

**AS REQUIRED IN TERMS OF SECTIONS, 16(4)(b) OR 27(5)(b) OF THE
MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT (ACT 28
of 2002), AND IN ACCORDANCE WITH THE STANDARD DIRECTIVE
FOR THE COMPILATION THEREOF AS PUBLISHED ON THE OFFICIAL
WEBSITE OF THE DEPARTMENT OF MINERAL RESOURCES.**



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

A. Definitions

‘consultation’ means a two way communication process between the applicant and the community or interested and affected party wherein the former is seeking, listening to, and considering the latter’s response, which allows openness in the decision making process.

‘community’ means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law: Provided that, where as a consequence of the provisions of the Act negotiations or consultations with the community are required, the community shall include the members or part of the community, directly affected by prospecting or mining, on land occupied by such members or part of the community.

‘Interested and affected parties’ include, but are not limited to:-

- (i) Host Communities
- (ii) Landowners (Traditional and Title Deed owners)
- (iii) Traditional Authority
- (iv) Land Claimants
- (v) Lawful land occupier
- (vi) The Department of Land Affairs
- (vii) Any other person (including on adjacent and non-adjacent properties) whose socio-economic conditions may be directly affected by the proposed prospecting or mining operation
- (viii) The Local Municipality,
- (ix) The relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project.

B. Report on the results of consultation

1. Methodology applied to consultation.

- 1.1 Name the community or communities identified or explain why no such community was identified.
No communities has been identified or registered as interested and/or affected parties during the participation as the project area is privately owned by De Beers Consolidated Mines and leased to the Rooifontein Wildlife Club.
- 1.2 Specifically state whether or not the Community is also the landowner
The property in question is privately owned by De Beers Consolidated Mines and not by the Government of South Africa or any Community.
- 1.3 State whether or not the Department of Land Affairs has been identifies as an interested and affected party.
The Land Claims Commissioner at the Department of Land Affairs has been identified as and interested party and a notification letter of intended mining activities has been addressed and sent to him via registered postage.
- 1.4 State specifically whether or not a land claim is involved.
No feedback has been received from the Land Claims Commissioner and the farm owner also did not mention any land claim involvement. Thus is it uncertain whether or not the project area is subjected to any land claims.
- 1.5 Name the Traditional Authority identified
No Traditional Authority has been identified during the consultation process.
- 1.6 List the landowners identified by the applicant. (Traditional and Title Deed owners)
The registered landowners per title deed no T14819/2013 are De Beers Consolidated Mines.
- 1.7 List the lawful occupiers of the land concerned.
The lawful occupier of the area is the Rooifontein Wildlife Club who is leasing the property from De Beers Consolidated Mines.

- 1.8 Explain whether or not other persons' (including on adjacent and non-adjacent properties) socio-economic conditions will be directly affected by the proposed prospecting or mining operation and if not, explain why not.

Feedback received from De Beers Consolidated Mines stated that the socio-economic conditions of the farm will be directly influenced by the proposed mining operations. The area currently forms part of the larger Rooifontein area which is a tourist attraction with game farming, game culling, hunting and other recreational activities.

Although the socio-economic conditions of the farm may be directly influence it would be of very small and insignificant scale as only 10 drill holes and 4 separate bulk samples, with each an approximate dimension of 20 x 10 x 5 m, will be utilized for mining activities.

- 1.9 Name the Local Municipality identified by the applicant
The local municipality identified is the Boshof municipality situated in the Free State Province.

- 1.10 Name the relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project.

- Department of Mineral Resources - Mineral and mine economic regulation
- Department of Environment – Nature conservation
- Department of Water Affairs – Water use and management
- South African Heritage Resources Agency – Heritage resource conservation
- Department of Land Affairs – Land claim involvement

- 1.11 Submit evidence that the landowner or lawful occupier of the land in question, and any other interested and affected parties including all those listed above, were notified.

Please find attached the two newspaper advertisements as well as all notification letters sent to the various identified interested and/or affected parties.

2. Description of the existing status of the cultural, socio-economic or biophysical environment, as the case may be, prior to the proposed prospecting or mining operation.

2.1 Confirm that the identified and consulted interested and affected parties agree on the description of the existing status of the environment.

Interested and affected parties has not been consulted regarding the description of the environment, but with their feedback on the notification letters regarding their view of the existing status of the environment has been received. These views were thoroughly investigated and will be incorporated into future documentation were necessary.

2.2 Describe the existing status of the cultural environment that may be affected

The cultural environment created on the farm is that of historic and heritage significance as part of the Diamond Route as well as recreational through game viewing, hunting and scout/voortrekkers movements like night-hiking.

2.3 Describe the existing status of the heritage environment that may be affected

Although the project area is only 327.4069 ha in extent and prospecting activities only approximately disturbing 0.5 ha, heritage significant places do exist of the farm such as:

- Olifantsfontein Mine: Opencast mine with original miner's incline and original tailings
- Large Ridge: Boer gun position from 1899 to 1900, sangars and redoubts
- Smaller Kopje: Khoi San engravings, Boer laager positions including trenches, Boer graffiti
- Ruins of the Olifantsfontein police station and Hotel: Original wagon trail, Exploratory mining shafts from the 19th century, Canals and fields dating to the depression years in the 1930's, Bomb craters in the fields dating to 1941 to 1945 when used as a practice bombing area.

- 2.4 Describe the existing status of any current land uses and the socio-economic environment that may be directly affected

The current land use and socio-economic environment that may be directly affected is the game farming activities with recreational tourist attraction facilities and accommodation. Activities hosted on the farm include game driving, hiking, night-trails, game culling, hunting and conservation ext.

- 2.5 Describe the existing status of any infrastructure that may be affected.

The infrastructure on the farm Rooifontein is of top standard and includes conference facilities, wedding venue facilities as well as various accommodation sites and recreation facilities.

The possibility that these will be affected by the prospecting operations is minimal.

- 2.6 Describe the existing status of the biophysical environment that will be affected, including the main aspects such as water resources, flora, fauna, air, soil topography etc.

- Flora: The biophysical environment of the farm Rooifontein is a flourishing habitat of vegetation and game under management to prevent imbalances from occurring. The farm Rooifontein is divided into seven vegetation units: Dwarf Shrubland, Mixed Grassland, *Acacia tortilis* Savanna, Grassy Shrubland, *Eragrostis lehmanniana* Grassland, Pan Shrubland and Paardeberg Vlei. The application area falls within the *Acacia tortilis* Savanna which has a well-developed tree and large shrub component with a fairly good grass layer. This vegetation unit forms an open savanna on the deeper sandy soils with Umbrella Thorn as the dominant tree species.
- Fauna: Game roaming the Rooifontein farm under management includes Eland, Gemsbok, Waterbuck, Blue Wildeest, Hartebeest, Kudu, Blesbok, Springbok, Impala, Red Reebuck, Ostrich, Zebra. Other animal species include Warthog, Duiker, Steenbok, Rabbits, Surrocat, Ground Squirrel, Hedgehogsm Arrdvark, various owl species etc.
- Air: The air quality of the area in general can be regarded as good, but already impacted by a neighboring mining activity.

- Soil: The area is predominantly deep sandy to loamy sand underlain by calcrete.
- Water resources: With very little rainfall the past 2 years the water table is of great concern and careful management needs to be done as the farm Rooifontein and surrounding farms are very much dependent on the groundwater availability.
- Topography: The topography of the area in general will be left undisturbed, while the topography within the application area will be affected by the storing of dumps and prospecting bulk samples. Once mining activities has ceased the area will be rehabilitated as close as possible to its natural state.

2.7 Provide any relevant additional information.

No other additional information with relation to the application area is available at this stage.

3. The anticipated environmental, social or cultural impacts identified.

3.1 Confirm that the community and identified interested and affected parties have been consulted and that they agree that the potential impacts identified include those identified by them.

3.1.1 Provide a list and description of potential impacts identified on the cultural environment.

Taking the feedback received during the initial phase of the public participation process into consideration the following potential impacts on the cultural environment could be identified.

- Probable relocation of hunting activities during the hunting season.
- Hiking trails may need to be re-planned.

3.1.2 Provide a list and description of potential impacts identified on the heritage environment, if applicable.

Although the farm Rooifontein is of historic and heritage importance due to the several heritage sites as identified in section 2.3 of this document, only 327.4069 ha area has been applied for in which only 0.5 ha will be utilized for the prospecting operations.

It is however not foreseen that any of the sites will be potentially impacted during the prospecting operations as the target areas will be planned in consideration to the heritage sites that exist.

3.1.3 Provide a list and description of potential impacts identified on the socio-economic conditions of any person on the property and on any adjacent or non-adjacent property who may be affected by the proposed prospecting or mining operation.

The socio-economic conditions of the land will potentially be impacted by the mining operations through:

- Vegetation loss – a 0.5 ha of vegetation will be lost through drilling and bulk sampling activities. This is however not foreseen to have an impact on the game roaming the area.
- Noise disturbance – the noise generated may be of some disturbance to the game roaming the area and might cause the game to temporarily relocate to another portion of the farm. The noise may also be of disturbance to visitors of the farm for recreational purposes passing near the prospecting area.
- Visual disturbance – The aesthetics of the area may be degraded in some way and tourist avoidance to that specific area may need to be done. This could lead to dissatisfied tourist and ultimately a drop in clientele. However this again is on a small area and the impact thereof is not foreseen to be moderate or high, but rather small.

3.1.4 Provide a list and description of potential impacts (positive & negative) identified on: employment opportunities, community health, and community proximity.

Potential impacts identified that may result from the prospecting operations can all be regarded as positive as employment opportunities will be created once the right is issued and prospecting activities can commence. Should the area prove to be feasible for diamond mining operations, the Prospecting Right will be converted into a full scale Mining Right and social upliftment become a possibility.

The tourist community of the farm will be slightly impacted in a negative way and is as described in Sections 3.1.1 and 3.1.3 of this document.

3.1.5 Provide a list and description of potential impacts identified on the biophysical environment including but not be limited to impacts on: flora, fauna, water resources, air, noise, soil etc.

- Flora: Vegetation loss within the 0.5 ha prospecting sites will occur as a direct result of the prospecting operations, but only the necessary vegetation shall be cleared. This impact can be regarded as low with no severe cumulative impacts.
- Fauna: The fauna in the immediate surrounding may be affected by the prospecting activities, but will relocate them away from the point of disturbance. Once the mining activities ceased they will return with no long term effects on breeding habits etc.
- Water Resources: The water resources will not be impacted by the prospecting operations as water will be obtained from the municipality and pumped to the mining site.
- Air: The air quality of the area will not be severely impacted as the dust caused by the operations is much localized and dust suppression measures implemented to minimize the dust factor of the operation.
- Noise: Noise generated by the mining operations is much localized and of no disturbance outside a radius of 200 to 300 m from the source of the noise.

- Soil: Soil compaction may occur during the mining operation, but will be confined within the project area. Measures to prevent soil compaction or pollution will be implemented and strictly controlled. This impact can be regarded as low with minimal cumulative impacts.
- Topography: The topography of the area in general will be left undisturbed, while the topography within the 0.5 ha area will be affected by the storing of dumps and prospecting excavations. Once prospecting activities has ceased the area will be rehabilitated as close as possible to its natural state for the purpose of mine closure.

3.1.6 Provide a description of potential cumulative impacts that the proposed operation may contribute to considering other identified land uses which may have potential environmental linkages to the land concerned.

Taking the current land uses into consideration no potential cumulative impacts have been identified in regard to the proposed operation.

4. Land use or development alternatives, alternative means of carrying out the proposed operation, and the consequences of not proceeding with the proposed operation.

4.1 Provide a list of and describe any alternative land uses that exist on the property or on adjacent or non-adjacent properties that may be affected by the proposed mining operation.

Land uses existing on the property that may be affected by the proposed mining operation are:

- Game farming and hunting
- Game viewing, hiking and cycling trails
- Tourist accommodation sites
- Hosting of conferences and weddings
- Game culling
- Scouts/Voortrekkers field activities

- 4.2 Provide a list of and describe any land developments identified by the community or interested and affected parties that are in progress and which may be affected by the proposed mining operation.

No planned land developments were identified by the consulted interested and/or affected parties.

- 4.3 Provide a list of and describe any proposals made in the consultation process to adjust the operational plans of the mine to accommodate the needs of the community, landowners and interested and affected parties.

The only proposal made to accommodate the needs of the landowners and other interested and/or affected parties is that water will be pumped from a municipal site to the mine rather than using ground water.

- 4.4 Provide information in relation to the consequences of not proceeding with proposed operation.

If the operation could not proceed, the probable development of the mineral resource into a full scale mining operation proves impossible and community upliftment with employment opportunities vanish.

A full scale mine can contribute towards community poverty eradications through employment opportunities and income security for several households. Upliftment of the community will also be done through aiding in completing municipal target projects within the community.

5. Description of the process of engagement referred to in 3.2.1 and 3.2.2 above with identified communities, landowners and interested and affected parties.

5.1 Provide a description of the information provided to the community, landowners, and interested and affected parties to inform them in sufficient detail of what the prospecting or mining operation will entail on the land, in order for them to assess what impact the prospecting will have on them or on the use of their land.

Notice letters to inform the identified interested and/or affected parties of the planned prospecting activities were sent via registered postage. These letters also included attachments giving a short description on the planned prospecting process as well as the Regulation 2.2 plans of the area as submitted to the Department of Mineral Resources.

Two newspaper advertisements were placed in the DFA and Volksblad to inform the general public and invite them to register as interested and/or affected parties. Once registered the necessary documentation will be sent to them in order for them to assess what impact the prospecting will have on them or on the use of their land.

Attached to this document is the proof of postage, copies of letters sent as well as a copy of the advertisements placed.

5.2 Provide a list of which of the identified communities, landowners, lawful occupiers, and other interested and affected parties were in fact consulted.

- Land Claims Commissioner at the Department of Land affairs (Interested)
- Department Environmental Affairs (Interested)
- Tokologo Municipality (Interested)
- Kalahari Land and Cattle Company (Neighbor)
- Anna S Schrenk (Neighbor)
- Johanes Schrenk (Neighbor)
- De Beers Consolidated Mines (Farm owner)
- South African Heritage Resources Agency (Interested)
- Department Water Affairs (Interested)

- 5.3 Provide a list of their views raised in regard to the existing cultural, socio-economic or biophysical environment, as the case may be.
No feedback has been received stating their views regard their existing cultural, socio-economic or biophysical environment.
- 5.4 Provide a list of their views raised on how their existing cultural, socio-economic or biophysical environment potentially will be impacted on by the proposed prospecting or mining operation.
No feedback has been received stating their views regard how their existing cultural, socio-economic or biophysical environment will be potentially impacted.
- 5.5 Provide list of any other concerns raised by the aforesaid parties
No feedback has been received stating any other views in regard to the prospecting activities.
- 5.6 Provide the applicable minutes and records of the consultations as appendices.
The applicable minutes of public meeting or meetings with registered parties are not available at this stage as such meetings still need to be scheduled. This will be done in the near future to obtain surface access and resolve issues regarding the operations and current land use co-existing on the property.
- Attached are correspondence letters received from and sent to the relevant parties in regard to the first phase consultation process to obtain their views.
- 5.7 Provide information with regard to any objections received.
All received correspondence objects to the issuing of the permit with due reasons as discussed above and as attached in the corresponding documentation.
- De Beers object due to that they were not consulted before an application has been submitted to the DMR and that the applicant is according to them not capable of successfully mine the resources.

6. Describe the most appropriate means to carry out the proposed operation with due accommodation of the issues raised in the consultation process.

The most appropriate means to carry out the proposed operation is currently planned as mentioned to the affected parties in the correspondence letters for example to fence of the mining area as required by legislation as well as to relocate the accommodation facility on the applicants account.

Further issues that may arise will be handled and consulted with in due manner and suitable actions discussed till both parties agree.

C. Identification of the Report

The report on the results of consultation must, at the end of the report include a certificate of identification as follows;

<p>Herewith I, the person whose name and identity number is stated below, confirm that I am the person authorised to act as representative of the applicant in terms of the resolution submitted with the application, and confirm that the above report comprises the results of consultation as contemplated in Section 16 (4) (b) or 27 (5) (b) of the Act, as the case may be.</p>	
<p>Full Names and Surname</p>	<p>ESIAS JEREMIA GERBER</p>
<p>Identity Number</p>	<p>701118 5189 081</p>

***** END *****

The Directorate
Department Water Affairs
Private Bag X313
Pretoria
0001

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARN
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



Kalahari Land and Cattle Company (Pty) Ltd
PO Box 37
Clocolan
9735

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261 PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

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If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



The Directorate
Department Environmental Affairs
Private Bag X447
Pretoria
0001

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261 PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

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If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



Anna S Schrenk
PO Box 1282
Kimberley
8300

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261 PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



De Beers Consolidated Mines (Pty) Ltd
PO Box 616
Kimberley
8300

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



Land Claim Commissioner
Department Rural Development and Land Reform
Pretoria
0001

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10256 PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



Johannes Schrenk
30 Schreiner Street
Hadison Park
Kimberley
8301

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261 PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



South African Heritage Resources Agency
PO Box 4637
Cape Town
8000

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
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If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



The Municipal Manager
Tokologo Municipality
Private Bag X46
Boshof
8340

04 June 2014

PER REGISTERED LETTER

Dear Sir/Madam

**APPLICATION FOR A PROSPECTING RIGHT ON THE REMAINDER OF
SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM
ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, PROVINCE FREE STATE
REFERENCES: FS 30/5/1/1/2/10261PR**

Notice is hereby given of the intent of Affordable Outcomes CC, to prospect for Kimberlite Diamonds (Code DK), Diamonds in General (Code D) and Alluvial Diamonds (Code DA) on the above mentioned properties. An application for a Prospecting Right has been accepted by the Department Mineral Resources in this regard. Kindly refer to Annexure A, attached hereto, for a brief summary of the activities that will form part of the proposed prospecting operation.

According to Section 16(4)(b) of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002), the landowner or lawful occupier of the land, as well as any other interested and/or affected party must be notified and consulted with regarding the proposed.

You are hereby invited to address any comment and/or objection to the proposed prospecting operations to Rock Runner Consultants on or before **04 July 2014**. Please feel free to contact the undersigned on 053 831 7634 should you require any further information in this regard.

If no correspondence is received from you within the stated period, it will be accepted that you have no objections against the proposed prospecting operation.

Yours faithfully



PUBLIC PARTICIPATION PROCESS FOR THE PROPOSED PROSPECTING OPERATIONS FOR AFFORDABLE OUTCOMES CC THE REMAINDER OF THE FARM SPECULATIE 217 (NOW A CERTAIN PIECE OF LAND ON THE FARM ROOIFONTEIN 1722), DISTRICT OF BOSHOF RD, FREE STATE PROVINCE. REFERENCES: FS 30/5/1/1/2/10261PR

REGISTRATION AND COMMENT FORM FOR THE PUBLIC PARTICIPATION PROCESS.

PLEASE COMPLETE AND RETURN TO:

Rock Runner Consultants P.O. Box 3226 Kimberley 8300	Tel: 053 831 7634 Fax: 086 248 5385 Cell: 072 141 4164 e-mail: admin@rockrunner.co.za
---	--

PERSONAL DETAILS:

Title: _____ Initials _____ First name: _____

Surname: _____

E-mail: _____

Telephone: _____ Fax: _____

Organization(if applicable) _____

Capacity(member, etc) _____

PostalAddress: _____

Town/City: _____ Code: _____

COMMENTS / OBJECTIONS:

1. What is your interest in the proposed project?

2. Do you have any grounds for concern or support for the above mentioned project?

YES / NO

If "YES", please list briefly.

3. Is there to your opinion any concern regarding the socio-economic, biophysical, heritage or cultural environment that may be impacted during the proposed activities.

4. Is the project area to your knowledge subjected to any land claims or developments

5. Are there, in your opinion, any other interested and/or affected parties that should be contacted in connection with the proposed project?

YES / NO

If "YES", please list the relevant names and contact numbers:

Completed on this _____ day of _____ 20____

Name

Signature

ANNEXURE A

SUMMARY OF THE PROPOSED PROSPECTING OPERATION.

Phase 1 – Geological Desktop Studies

Geological desktop studies will be conducted over the application area to establish whether or not other kimberlite bodies and/or alluvial gravel beds are present on the application area.

The methodology to be used for this purpose is current and updated geological information regarding the Speculatie farm, satellite imagery and field visits. The information obtained are then mapped to obtain a graphical model of the area to be used in the report to be drafted explaining all results obtained during this phase with recommendations and locality of bore holes to be drilled during phase 2.

Phase 2 – Drilling

The drill hole locations needs to be determined through the outcome of phase 1 geological study and reporting. Drilling will only be done on determined possible diamond carrying bodies to a recommended depth or till bed rock is reached. Reverse Cycle Percussion drilling be initially used for the drilling of the holes, but where kimberlite bodies are found the holes will be further drilled with diamond core drilling. The core extracted will be sampled and sent for laboratory analysis for the determination of possible diamond content and approximate carats per hundred ton.

Phase 3 – Bulk Sampling

This phase will consist of bulk sampling and diamond recovery test work on the kimberlite bodies to determine the commercially feasibility of the body. The results obtained from phases 1 and 2 will indicate the location of the bulk samples.

The bulk sampling / trial mining needs to be done till 2 000 carats has been obtained in order to determine the exact diamond carrying potential of the area (kimberlite and alluvial) for the feasibility of the mine to be concluded and the determination to continue with a Mining Right License.

Phase 4 – Geological Reporting

Detailed geological models will be drafted using all prospecting results and information obtained. These models will be used as graphical illustrations within the report written.

The Geological Report to be written will contain all relevant information in regard to the prospecting results obtained with geological interpretations and recommendations for future reference.

Please note that it is anticipated that the total duration of the operations will be approximately 24 months.

SkoolBLUES

Volksblad

NÁ DIE FLIEK...

EN...

BITTER SNAAKS,
EK WOU AL LANKAL
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VEILINGS

IT 001307/2013

Posbus 21,
Petrusburg
9932

voetstootsveilinge@vodamail.co.za



Voetstoots Veilinge

**ALGEMENE EN BESTORWE
BOEDELVEILING VAN VOERTUIG,
VRAGMOTORS, IMPLEMENTE,
MEUBELS, HUISHOUDELIKE
TOEBEHORE EN LOS GOEDERE:** Ons sal
die voornoemde bates aanbied op
**SATERDAG 7 JUNIE 2014 by
PRESIDENTSTRAAT 44, PETRUSBURG.**

*Ons het ook 'n aantal plase en huise in Petrusburg
en Boshof te koop.*

Dawie: 081 801 3377, James: 082 339 6337,
Pieta: 082 637 2311

KENNISGEWING VAN VOORGENOME MYNBOU- EN PROSPEKTEERAKTIWITEITE DMR VERWYSING: FS 30/5/1/1/2/10261 PR

Ingevolge artikel 16(4)(b) van die Minerale en
Petroleum Hulpbronne Ontwikkelingswet (Wet
28 van 2002).

Geliewe kennis te neem van voorgenome
prospekteeraktiwiteite vir diamante (algemeen,
alluviaal en kimberliet) te die resterende
gedeelte van die plaas Speculatie 217 (nou 'n
sekere gedeelte van die plaas Rooifontein
1722), Boshof-distrik.

Alle geïnteresseerde en/of geïnteresseerde partye
word uitgenooi om as sulks te registreer en
enige besware of insette moet voor of op 4 Julie
2014, 30 dae vanaf plasing in die koerant
skriftelik by ondergenoemde konsultante
aangemeld word vir aandag:

Rock Runner Consultants
Tel. 053 831 7634
Faks 086 248 5385
Adres: Posbus 3226, Kimberley 8300
E-pos: admin@rockrunner.co.za

ON THE DATABASE

able and reliable service
database for 2014/2015
available at the Supply
Centre, Bosman Street,
tained at Tswelopele

"SERVICE PROVIDERS" must
Main Office in Bultfontein
Service Providers who are not
3/2014) must re-apply as
ould they not re-apply.
ax or e-mail will not be

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Die s
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Kwalli
1. Toe
2. Intr
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Vaard
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2. Org
3. Per
ges
4. Ska
5. Teg
nav
6. Kor
Vir bo
Vir a
Geen
op die

TIKVA Properties/ Eiendomme
Tel (053) 861-1246 Fax: (053) 861-1248

Martin 084-686-0011
Sylvia 084-448-8999

ROYLDENE R1 700 000	NEW HILLCREST R2 950 000	SCHMIDTDRIFT ROAD R1 175 000	HILLCREST R1 895 000
Value for money. Spacious yard. 3 Bedr study, 2 bathr, laundry, kitchen with large open-plan dining-room living area, undercover braai, pool, 2 garages.	Modern and stylish. 4 Bedr, 3 bathr, laundry, kitchen with spacious open-plan living area, indoor braai, heated pool, security, 4 garages, etc, etc.	Location. Change this 3 bedroom house into offices or a business. Large erf.	Buy of the year! Big family home. 4 Bedr, 2 bathr, laundry, kitchen, 3 living areas, indoor braai, lapa, pool, security, 2 garages, 3 carports, etc, etc.
NEW HILLCREST R2 550 000	NEW HILLCREST R1 730 000	PLOTS IN HILLCREST from R500 000 ±832 m²	ABSA PARK R1 700 000
Double-storey, face-brick. 4 Bedr, 3 bathr study, laundry, modern kitchen with open-plan dining / living area, indoor braai, air-cons, 2 garages, carport, etc, etc.	Fast seller, new release, must see! 3 Bedr, 2 bathr, kitchen with large open-plan dining / living area, undercover braai, pool, air-cons, 2 garages.	TO LET ROYLDENE R11 000 pm 3 Bedr, 2 bathr, 2 garages. RHODESDENE R8 500 pm 3 Bedr, 2 bathr, 2 garages.	Become the first owner. Modern finishes, brand new. 3 Bedr, 2 bathr, laundry, kitchen with open-plan living area, undercover braai, 2 garages.

NOTICE OF INTENDED MINING ACTIVITY
DMR REFERENCE:
FS 30/5/1/1/2/10261 PR

As required in terms of Section 16(4)(b) of the Mineral and Petroleum Resources Development Act (Act 28 of 2002).

Kindly take notice of intended activities for Diamonds (general, alluvial and kimberlite) on the Remainder of the Farm Speculatie 217 (now a certain piece of land on the farm Rooffontein 1722), Boshof district.

Any interested and/or affected parties are hereby invited to register as such and any objections or inputs should be lodged, in writing, at the consultants mentioned below, by no later than 4 July 2014, for the attention of:

Rock Runner Consultants
Tel: (053) 831-7634
Fax: 086-248-5385
Address: PO Box 3226, Kimberley, 8300
E-mail: admin@rockrunner.co.za

LEY Hubré
083-643-8964

ADISON PARK R2 020 000 INVESTMENT
Guest house with bedr and flat. Large den, ideally situated, great investment potential. Urgent sale.

800 pm
built-in braai, a/c
garage and carport.

Classifieds
Thousands of
everyday!
377 FOR SALE

RE/MAX
Tel: (053) 832-2361 / (053) 832-4201 / Fax: (053) 832-2369
Website: www.remax.co.za

Gemdene - R890 000 Lovely 3 bedroom with beautiful kitchen. Ideal for large family. Just the place for your family to call home. SEE IT NOW! Herman 082-482-7584	Hillcrest - R1 720 000 3 Bedr, 2 bathr, open-plan, 2 garages, pool. ANOTHER TEMPTING BUY: HARD TO BEAT. Herman 082-482-7584	Madison Park - R1 160 000 4 Bedr, 2 bathr, 1 garage. Spacious house with unlimited potential! Bets 084-602-7611	Roodepan - R280 000 2 Bedrooms, 1 bathroom, lounge, 2 x carports. PERFECT HOME, EXCELLENT BUY! Herman 082-482-7584	Royldene - R1 700 000 3 Bedr, 2 bathr, 2 garages, pool, air-cons, 2 garages.
Rhodesdene - R1 795 000	Partly West - R1 375 000	Herlear - R1 290 000	Memorial Rd - R1 500 000	Homeview - R1 200 000
071-623-8434	073-156-8472	076-517-2625	084-888-3275	083-860-3529
LABRAM R1 060 000 3 Bedr + bic, lounge, kitchen + bic + elo/hob, 2 en suite, open-plan, bathr, blinds and stools at kitchen counter.	SOUTHRIDGE R1 194 000 4 Bedr house + 3 bic, 3 bathr, entrance hall, dining-room, TV-room, kitchen with built-in stove, double garage, double carport, lapa, braai area. Come and view this house and make a offer.	KLISSERVILLE R1 280 000 3 Bedr + bic, study, TV-room, lounge, kitchen + elo, laundry, scullery, 2 bathr, flat + braai, pool, irrigation.	ALBERTYNSHOF R1 060 000 4 Bedr + 3 bic, study and open-plan lounge kitchen + elo/hob, laundry, 2 bathr, 2 carports, irrigation.	ROYLDENE R1 700 000 3 Bedr, 2 bathr, 2 garages, pool, air-cons, 2 garages.
MINERVA GARDENS R1 400 000 3 Bedrooms + bic, lounge, kitchen, 2½ bathrooms, 2 garages.	HERLEAR R845 000 2 Bedr house + bic, lounge, d/room, kitchen + bic, laundry, bathr, 2 carports, pool (needs attention), granny flat.	KLISSERVILLE R850 000 3 Bedr flat + bic, lounge, d/room, study, kitchen + bic, 2 bathr, garage.	NEW HILLCREST R550 000 Empty plots. 796 m² each. Please hurry, only 2 left. New private hospital nearby.	RHODESDENE R1 280 000 3 Bedr t/house + bic, lounge + d/room open, kitchen, 2 bathr, sing drive-in, staff toilet, braai area, smg garden, irrigation, security fencing burglar bars, watercooler.
DE BEERS R550 000 2 Bedr house + bic, lounge, built-in stove, bathr, 2 carports, staff toilet, braai area. This house is as neat as a pin from the front gate to the back.	RITCHIE R580 000 3 Bedr house + bic, lounge, d/room, TV-room, study, kitchen with tiles on floor, scullery + laundry, 2 bathr, staff toilet, pool. Plot - 2 070 m², borehole, cool room without compressor.	RIVIERA R980 000 3 Bedr house + bic, lots and lots of bic, entrance hall, lounge, kitchen + bic, one toilet, double garage, braai area, security fencing, 2 bedr granny flat, 1 bathr.	HERLEAR R1 550 000 A spacious wooden window and door frame house for sale. At this moment the house an office. Come view it, maybe it's just your choice.	ROODEPAN R650 000 3 Bedr + 2 bic, lounge, d/room, TV-room (open-plan), kitchen, 1 bathr + separate toilet, 2 carports, beautiful garden.

PRO

ON DUTY
JAMES 071-359-3965

ON DUTY
ANDRIES 079-919-9027

BOKKIE SMITH REALTY
BSR
Tel: 053 833 3661
PRINCIPAL BOKKIE

082-866-2762

List of REGISTERED LETTERS
Lys van GEREGISTREERDE BRIEWE
(With an insurance option/met 'n versekeringsopsie)



Full tracking and tracing/Volledige volg en spoor

Name and address of sender *Rock Runner*
 Naam en adres van afsender *PO BOX 3226*
Kimberley 8300

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

No	Name and address of addressee Naam en adres van geadresseerde	Insured amount Versekerde bedrag	Insurance fee Versekeringsgeld	Postage Posgeld	Service fee Diensgeld	Affix Track and Trace customer copy Plak Volg-en-Spoor-kliëntafskrif REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0800 111 502 www.sapo.co.za RD 418 398 442 ZA CUSTOMER COPY 301028R
1	<i>The depot Engineer Infrastructure Maintenance</i>					
2	<i>Transnet Freight Rail PO Box 10201 Beconsfield 8315</i>					
3						
4						
5						
6						
7						
8						
9						
10						
Total Totaal		R	R	R	R	

Number of letters posted
 Getal briewe gepos *1*

Signature of client
 Handtekening van kliënt *[Signature]*

Signature of accepting officer
 Handtekening van aanneembeampte *[Signature]*

The value of the contents of these letters is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100,00. No compensation is payable without documentary proof. Optional insurance of up to R2 000,00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie briewe is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100,00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering van tot R2 000,00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.



List of REGISTERED LETTERS
Lys van GEREGISTREERDE BRIEWE
 (With an insurance option/met 'n versekeringsopsie)



Full tracking and tracing/Volledige volg en spoor

Name and address of sender
 Naam en adres van afsender Rock Runner
P.O. Box 3226
Kimberley 8300

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

No	Name and address of addressee Naam en adres van geadresseerde	Insured amount Versekerde bedrag	Insurance fee Versekeringsgeld	Postage Posgeld	Service fee Diensgeld	Affix Track and Trace customer copy Plak Volg-en-Spoor-kliëntafskrif
1	South African Heritage Resources Agency P.O. Box 4637, Cape Town 8000					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 439 ZA CUSTOMER COPY 301028R
2	Mr. Johannes Schrenk 30 Schreiner Street Hudson Park Kimberley 8301					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 425 ZA CUSTOMER COPY 301028R
3	Land Claim Commissioner Department Rural Development Private Bag x 833 Pretoria 0001					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 411 ZA CUSTOMER COPY 301028R
4	De Beers Consolidated Mines (Pty.) Ltd. P.O. Box 616 Kimberley 8300					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 408 ZA CUSTOMER COPY 301028R
5	Anna S Schrenk P.O. Box 1282 Kimberley 8300					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 399 ZA CUSTOMER COPY 301028R
6	The Directorate Department Environmental Affairs Private Bag x 467 Pretoria 0001					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 385 ZA CUSTOMER COPY 301028R
7	Kalbari Land and Cattle Company (Pty) Ltd. P.O. Box 37 Clocalan 9735					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 371 ZA CUSTOMER COPY 301028R
8	The Directorate Department of Water Affairs Private Bag x 313 Pretoria 0001					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 418 398 368 ZA CUSTOMER COPY 301028R
9	The Municipal Manager Tokalogo Municipality Private Bag x 46 Boshof 8340					REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RD 890 148 287 ZA CUSTOMER COPY 301028R
10						
Number of letters posted Getal briewe gepos <u>9</u>		Total Totaal	R	R	R	R

Signature of client
 Handtekening van kliënt [Signature]

Signature of accepting officer
 Handtekening van aanneembeampte [Signature]

The value of the contents of these letters is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100,00. No compensation is payable without documentary proof. Optional insurance of up to R2 000,00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie briewe is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100,00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering van tot R2 000,00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Date stamp
 Datumstempel

16 May 2014

Our Ref: CG/ L17/ De Beers Objection letter/ Affordable Outcomes
Your Ref: FS 30/5/1/3/2/10261 PR

The Regional Manager
Department: Mineral Resources
Free State Region
314 Stateway
The Strip Building
Second Floor
WELKOM
9560

ATTENTION: MS K KEWUTI

Dear Madam

OBJECTION AGAINST THE PROSPECTING RIGHT APPLICATION BY AFFORDABLE OUTCOMES CC IN RESPECT OF THE REMAINDER OF THE FARM SPECULATIE 217 SITUATED IN THE MAGISTERIAL DISTRICT OF BOSHOF WITH DMR REFERENCING NUMBER FS 30/5/1/3/2/10261 PR

De Beers Consolidated Mines (Proprietary) Limited ("DBCM") was advised that Affordable Outcomes CC with registration number 2006/047639/23 ("AO") has applied for a prospecting right for diamonds in respect of the above farm and that the application has been accepted in terms of Section 16 (2) of the Mineral and Petroleum Resources Development Act ("the MPRDA") by the DMR.

DBCM is the registered owner of the farm Rooifontein 1722 held by Deed of Transfer T14819/2013.

DBCM is an interested and affected party in relation to the application submitted by AO and objects to the acceptance of the prospecting right application, or the subsequent grant thereof, based on the following:

DE BEERS CONSOLIDATED MINES PROPRIETARY LIMITED

Head Office 36 Stockdale Street Kimberley 8301 PO Box 616 Kimberley 8300 South Africa
Tel +27 (0)53 839 4111 | Fax +27 (0)53 839 4210 | www.debeersgroup.com
Registration No. 1888/000007/07

A member of the Anglo American plc group

Directors: B Petersen (Chairman), E M Dipico (Deputy Chairman), A P Barton (Chief Executive Officer),
Ms C A Carolus, B A Cleaver, P A J Lowery, P J C Mellier (French), G Mostyn (British)

1. Wheatfields Investment (Pty) Ltd submitted an application for a mining permit to mine diamonds with DMR referencing number FS 30/5/1/3/10102 MP in relation to farm Speculatie 217 ("the Property"). The application was accepted by the DMR, and a section 10 notice to this effect was distributed by the DMR's Regional Manager, dated 2 April 2014. Acceptance of an application to prospect in relation to the same land and mineral will be in contravention to section 16(2) of the MPRDA.
2. The property does not exist anymore as it has been consolidated into the farm Rooifontein 1722 which is owned by DBCM.
3. AO has neither notified nor consulted with DBCM regarding its application for the prospecting right. AO is therefore in breach of Section 16(4) of the MPRDA.
4. DBCM has not had sight of any Environmental Management Plan or Prospecting Works Plan relevant to the application submitted by AO. AO is requested to provide the following to DBCM:
 - A copy of the completed application form;
 - A copy of the Regulation 2(2) plan, recording the correct property description;
 - A copy of the Environmental Management Plan;
 - A copy of the Prospecting Works Programme; and
 - Proof of how AO intends to comply with the relevant provisions of the Mine Health and Safety Act, 1996.
5. The intended prospecting operations will be located on a portion of a larger Rooifontein game farm. The Rooifontein game farm is a privately owned farm identified as conservation-worthy bioregion and regional project of great significance. The Property also forms part of the Diamond Route. The Diamond Route was a concept launched by the World Summit on sustainable development initiative. The initiative has made thousands of hectares of privately owned conservation land accessible for ecotourism. This project has multiple socio-economic benefits for local communities.

Any prospecting and future mining operation will have negligible or no benefit for the local communities. Indeed, the intended operations will have an adverse impact on the environment and current socio economic activities. As such the grant of the prospecting and future mining right would be in contravention of the objects of the MPRDA.

AO has given no indication of how it intends to remedy environmental degradation caused by its intended prospecting activities. AO has also not demonstrated that it is financially capable of remedying environmental degradation.

6. The Rooifontein Game farm also forms part of the Rooifontein Wild Life Club, which affects the community with year-round game culling and associated hunting activities. More than 700 members of the club will be affected by AO's prospecting and potential future mining operations. Grant of a prospecting right over the game farm will impact on safe hunting activities. AO will also not be in a position to comply with its mine health and safety responsibilities as accommodation and various recreational hunting activities will be happening in a close proximity of the intended prospecting and future mining operations.
7. The intended prospecting and future mining operations will also cause stress for the fauna and flora on the Property which may result to the loss of game or flora, through stress-induced losses of game and degradation of the veld, leading to diminished grazing capacity. This will in turn impact on the game management plan. The net result will cause revenue losses and adverse environmental outcomes.

Again, AO has also not demonstrated that it is financially capable of compensating parties for these losses.
8. A tourist accommodation facility is located within the AO prospecting footprint. Should AO intend to proceed with future mining activities on the same area, the intended mining operations will require the demolishing of these accommodation facilities. Demolishing of the accommodation facilities is impractical and will result in extensive losses not only in respect of the lost facilities but also in terms of the income generated by the Rooifontein Wild Life Club from the use of these facilities. The intended operation and the grant of the permit will be in contravention with the objects of the MPRDA.

Again, AO has also not demonstrated that it is financially capable of compensating parties for these losses.
9. It is DBCM's understanding that the members of AO are the members of Wheatfields Investments 168 (Pty) Ltd ("Wheatfields"). Wheatfields was the holder of a prospecting right in respect of diamonds on the Property, and renewed this prospecting right. Wheatfields failed to diligently prospect for diamonds in accordance with its Prospecting Works Programme, and further sought to prospect without having an approved Environmental Management Plan for the property that it held a prospecting right and renewed prospecting right in respect of. Wheatfields has in the circumstances demonstrated that it is not a suitable party to be granted a prospecting right.

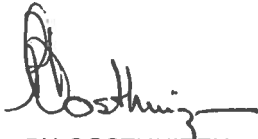
Conclusion

Based on the above, grant of a prospecting right in respect of diamonds to AO will be unlawful and contrary to the MPRDA.

DBCM herewith request that the objection letter is referred to the Regional Mining Development and Environmental Committee in term of Section 10(2) of the MPRDA.

Please liaise with Aletta Dreyer at (053) 839 4248 or at aletta.dreyer@debeersgroup.com, should you need further information from DBCM.

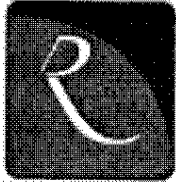
Yours faithfully



PH OOSTHUIZEN
SENIOR MANAGER: ECOLOGY & DBCM PROPERTIES

Copy to:

1. Affordable Outcomes CC
3 -5 Stone Street
Kimberley
8301
Fax: 053 831 8737
E-mail: sakkiegerber@vodamail.co.za
2. Rock Runner Consultants
P O Box 3226
8300
Fax: 086 2485385
E-mail: lindie@rockrunner.co.za
3. Mr Molelekoa
Department of Tourism, Environmental and Economic Affairs
Private Bag X20801
Bloemfontein
9300
Fax: 0865471646
E-mail: leshabat@detea.fs.gov.za



DUNCAN & ROTHMAN
ATTORNEYS

Our ref: MR POTGIETER/pf/KAL19/0002

Your ref:

13 June 2014

FAX: 086 248 5385

Rock Runner Consultants
P.O. Box 3226
KIMBERLEY
8300

Dear Sir

**re: APPLICATION FOR A PROSPECTING RIGHT: AFFORDABLE
OUTCOMES CC**

1. We represent Kalahari Land and Cattle Co (Pty) Ltd.
2. We have been handed a copy of your letter dated 4 June 2014 addressed to our client.
3. By virtue of the provisions of Section 16(4)(b) of the Mineral and Petroleum Resources Development Act No 28 of 2002 our client is an interested and affected party by virtue of its ownership of the agricultural land situated adjacent to the farm Rooifontein No. 1722, district of Boshof.
4. Although it appears that your client will not be conducting prospecting operations on the property of our client, our client hereby formally objects against the proposed prospecting operations as well as against the application for the grant of a prospecting right. Our client's objections are as follows:
 - 4.1 your client has until now failed to consult with our client regarding your client's application for the grant of a prospecting right.

39-43 CHAPEL STREET, KIMBERLEY, 8301; PO BOX 64, KIMBERLEY, 8300: DOCEX 5, KIMBERLEY
EMAIL: pam@duncan-rothman.co.za; TELEPHONE: 053 838 4700; FAX: 086 618 9747
Duncan & Rothman Incorporated – Reg No 2002/012630/21
Directors: GJ Terblanche, B.Comm., LL.B.; HPA Venter, B.Proc.; IC Potgieter, B.Proc.; JG Steyn, BA., LL.B.; L Azevedo, LL.B.;
A Botha, LL B.
Professional Assistants: A Boonzaier, B.Comm., LL.B.; BL Motthamme, LL.B.
Consultant: CJ Blanckenberg, BA., LL.B.; Financial Manager: C Wiid, B.Compt.

Ref:

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-
- 4.2 our client conducts livestock farming on its properties adjacent to the property which is the subject matter of your client's application for a prospecting right. Accordingly, our client is concerned that the prospecting operations will have a negative impact on the underground water resources. From the information provided by you (as attached to your letter under discussion) it is not possible to fully evaluate the negative impact which your client's prospecting operations will have on the underground water resources.
- 4.3 in addition to the aforesaid, the dust which will be originating from your client's prospecting operations will cover the vegetation thus rendering the vegetation unpalatable for the livestock of our client.
5. We call on you to address the issues as raised above in order to enable our client to fully reconsider its position as a interested and affected party.

Yours faithfully
DUNCAN & ROTHMAN
per:





Reg. No. 2004/023503/07

2nd Floor
Profsen Building
3 York Street
Kimberley

Head Office

Tel: 27-(0)53 8312672
Fax: 27-(0)53 8315441

P O Box 2992, Kimberley, 8300

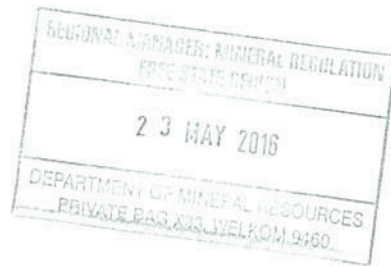
Suite 506, 5th Floor
SA Diamond Centre
225 Main Street
Johannesburg 2001

Sales Office

Tel: 27-(0) 11 334 1213
Fax: 27-(0) 11 334 0345

18 May 2016

The Regional Manager: Free State Region
Department: Mineral Resources
Second Floor
The Strip Building
314 Stateway
WELKOM
9560



Dear Sir

RE: OBJECTION AGAINST THE PROSPECTING RIGHT APPLICATION BY AFFORDABLE OUTCOMES CC IN RESPECT OF THE REMAINDER OF THE FARM SPECULATIE 217 SITUATED IN THE DISTRICT OF BOSHOF: EKAPA MINERALS (PTY) LTD

1. The reference number of the Department: Mineral Resource is FS 30/5/1/3/2/10261 PR.
2. Ekapa Minerals (Pty) Ltd (**EKM**) was advised that Affordable Outcomes CC has applied for a prospecting right for diamonds in respect of the above farm and that the application has been accepted in terms of Section 16(2) of the Mineral and Petroleum Resources Development Act No. 28 of 2002 (**"the MPRDA"**) by the Department: Mineral Resources.
3. EKM is about to become the registered owner of the Farm Rooifontein No. 1722, District Boshof currently held by De Beers Consolidated Mines (Pty) Ltd (**"DBCM"**) by Deed of Transfer number T14819/2013. The said farm *inter alia* forms part of assets purchased by EKM from DBCM in terms of a

Sale of Assets Agreement concluded on 30 November 2015. By virtue of the Sale of Assets Agreement:

- 3.1 EKM is the successor in title of DBCM in respect of the property; and
- 3.2 EKM took possession and control of the property and was granted the right of occupation of the property.
4. The transfer of ownership of the property into the name of EKM from DBCM is eminent.
5. EKM has been made aware of the pending application lodged by Affordable Outcomes CC for the grant of a prospecting right in respect of the Remainder of the Farm Speculatie No. 217, District Boshof under reference number FS30/5/1/3/2/10261PR.
6. EKM has accordingly become an interested and affected party in relation to the application lodged by Affordable Outcomes CC and hereby objects to the acceptance of the prospecting right application of Affordable Outcomes CC, or the subsequent grant thereof, based on the following:
 - 6.1 EKM understands that Wheatfields Investments (Pty) Ltd submitted an application for a mining permit to mine diamonds under the Department: Mineral Resources' reference number FS30/5/1/3/10102MP in relation to Farm Speculatie 217. The application was accepted by the DMR and a Section 10 notice to this effect was distributed by the DMR's Regional Manager dated 2 April 2014. Acceptance of an application to prospect in relation to the same land and mineral will be in contravention to Section 16(2) of the MPRDA.
 - 6.2 The Farm Speculatie 217 does no longer exist as it has been consolidated into the Farm Rooifontein 1722 which is currently registered in the name of DBCM although EKM is about to become the registered owner of the Farm Rooifontein 1722 by virtue of the Sale of Assets Agreement concluded between EKM and DBCM.
 - 6.3 EKM understands that DBCM filed an objection against the prospecting right application lodged by Affordable Outcomes CC under cover of its objection dated 16 May 2014. In this regard EKM understands that Affordable Outcomes CC failed to notify and to consult with De Beers Consolidated Mines (Pty) Ltd regarding its application for the prospecting right. It accordingly would appear that Affordable Outcomes CC is in breach of Section 16(4) of the MPRDA.
 - 6.4 The intended prospecting operations will be located on a portion of a larger Rooifontein game farm. The Rooifontein game farm is a

privately owned farm identified as a conservation-worthy bio-region and regional project of great significance.

- 6.5 Any prospecting and future mining operations will have negligible or no benefit for the local communities. Indeed, the intended operations will have an adverse impact on the environment and current socio-economic activities and will the grant of the prospecting and future mining right as such be in contravention of the objects of the MPRDA.
7. EKM needs to be provided with suitable information by Affordable Outcomes CC whereby Affordable Outcomes CC indicates how it intends to remedy environmental degradation caused by its intended prospecting activities including its financial capability of remedying environmental degradation.
 8. The Rooifontein game farm also forms part of the Rooifontein Wildlife Club, which affords its members and the community of Kimberley with year-round game viewing as recreational activity and associated seasonal specific hunting activities. The Rooifontein Wildlife Club has more than 700 members all of whom will be affected by Affordable Outcomes CC's prospecting and potential future mining operations.
 9. The granting of a prospecting right over the game farm will impact on safe hunting activities.
 10. Affordable Outcomes CC will also not be in a position to comply with its mine, health and safety responsibilities as accommodation and various recreational hunting activities will be happening in close proximity of the intended prospecting and future mining operations.
 11. The intended mining operations will cause stress on the fauna and flora, through the degradation of the veld, leading to diminished grazing capacity and loss of habitat. This will in turn impact on the game management plan and the net result will cause revenue losses to the Wildlife Club.
 12. A tourist accommodation facility is located within the Affordable Outcomes CC's prospecting footprint. Should Affordable Outcomes CC intend to proceed with future mining activities on the same area, the intended mining operations will require the demolishing of these accommodation facilities. Demolishing of the accommodation facilities is impractical and will result in extensive losses not only in respect of the lost facilities but also in terms of the income generated by the Rooifontein Wildlife Club from the use of these facilities. EKM is unable to determine as to whether Affordable Outcomes CC is financially capable of compensating the interested parties for the aforesaid losses.
 13. EKM also understands that the members of Affordable Outcomes CC are the members of Wheatfields Investments 168 (Pty) Ltd ("**Wheatfields**"). Wheatfields was the holder of a prospecting right in respect of diamonds

on the property, and renewed this prospecting right. EKM understands that Wheatfields failed to diligently prospect for diamonds in accordance with its Prospecting Works Programme, and further sought to prospect without having an approved Environmental Management Plan for the property. EKM accordingly is of the view that Wheatfields has in the circumstances demonstrated that it is not a suitable party to be granted a prospecting right.

14. In order to enable EKM to fully consider the application for the grant of a prospecting right by Affordable Outcomes CC, EKM would want to have sight of the following documents:
 - 14.1 a copy of the completed application form.
 - 14.2 a copy of the Regulation 2(2) plan, recording the correct property description.
 - 14.3 a copy of the Environmental Management Plan.
 - 14.4 a copy of the Prospecting Works Programme.
 - 14.5 proof of how Affordable Outcomes CC intends to comply with the relevant provisions of the Mine Health and Safety Act of 1996.
 - 14.6 Heritage Impact Assessment and SAHRA Clearance.
 - 14.7 Proof of Affordable Outcomes CC capability to provide funds for their rehabilitation and closure commitments.

15. All EKM's rights are reserved including the right to further supplement the objection lodged hereby.

Yours faithfully



JBL Hohne
Managing Director
Ekapa Minerals (Pty) Ltd

copy to:

1. Affordable Outcomes CC
325 Stone Street
Kimberley
8301
Fax: (053) 831 8737
E-mail: sakkiegerber@vodamail.co.za

2. Rock Runner Consultants
P.O. Box 3226
Kimberley
8300
Fax: 086 248 5385
E-mail: lindy@rockrunner.co.za

3. Mr Molelekoa
Department of Tourism, Environmental and Economic Affairs
Private Bag X 20801
Bloemfontein
9300
Fax: 086 547 1646
E-mail: leshabat@detea.fs.gov.za



DUNCAN & ROTHMAN
ATTORNEYS

→ Document to Hon. Judge Leung
→ Comments will be made to the Board, Mopani & Klerk
→ object to submission to Applicant of the GAP to
submit to a EA. Mopani & Klerk Appeal rep. by R.O.M.A.
→

Our ref: MR POTGIETER/pf/ROO46/0001

Your ref:

19 September 2016

The Chairperson
Secretariat: RMDEC
Mineral Regulation
Free State Region
Department of Mineral Resources
The Strip Building
314 State Way
WELKOM
9459

email:mathapelo.mosikidi@dmr.gov.za
Fax:0867101487

Dear Sir

RE: WRITTEN REPRESENTATIONS CONTAINING GROUNDS OF OBJECTION AGAINST THE MINING PERMIT APPLICATION BY WHEATFIELDS INVESTMENTS 168 (PROPRIETARY) LIMITED: EKAPA MINERALS PROPRIETARY LIMITED AND ROOIFONTEIN WILDLIFE CLUB

1. INTRODUCTION

1.1 The reference number of the Department: Mineral Resources is FS30/5/1/3/2/10181MP

1.2 This representation is made on behalf of:

1.2.1 Ekapa Minerals (Proprietary) Limited ("**EKM**").

39-43 CHAPEL STREET, KIMBERLEY, 8301; PO BOX 64, KIMBERLEY, 8300: DOCEX 5, KIMBERLEY
EMAIL: pam@duncan-rothman.co.za; TELEPHONE: 053 838 4700; FAX: 086 618 9747
Duncan & Rothman Incorporated – Reg No 2002/012630/21
Directors: HPA Venter, B.Proc.; IC Potgieter, B.Proc; JG Steyn, BA., LL.B.; L Azevedo, LL.B.; A Botha, LL.B.; BL Motthamme, LL.B.;
SS Pietersen, LL.B.
Consultant: GJ Terblanche, B.Comm., LL.B.
Financial Manager: C Wiid, B.Compt.

BEE4

1.2.2 Rooifontein Wildlife Club ("**RWC**").

1.3 Both EKM and RWC are by virtue of the provisions of Section 27(5) (a) of the Mineral and Petroleum Resources Development Act 28 of 2002 ("the **MPRDA**") interested and affected parties due to the following reasons:

1.3.1 EKM is about to become the registered owner of the Farm Rooifontein Number 1722, District Boshof currently held by De Beers Consolidated Mines (Pty) Ltd by Deed of Transfer number T14819/2013 ("**the property**"). The said property *inter alia* forms part of assets purchased by EKM from De Beers Consolidated Mines (Pty) Ltd in terms of a Sale of Assets Agreement concluded on 30 November 2015. By virtue of the Sale of Assets Agreement:

1.3.1.1 EKM is the successor in title of DBCM in respect of the property; and

1.3.1.2 EKM took possession and control of the property and was granted the right of occupation of the property.

1.3.1.3 RWC is the lessee of the property and is accordingly only authorised to use the property for the preservation thereof as a nature reserve including the use thereof for the benefit of its members comprising of game viewing, nature photography, cycling, nature walks and the breeding and culling of game. In addition, camping facilities are provided and also overnight facilities for the use thereof by members and members of the public. An Echo Centre is also available for conferences, weddings and other approved social activities

1.4 On 27 May 2016 EKM and RWC each filed with the Regional Manager: Free State Region of the Department: Mineral Resources their respective

preliminary objections against the mining permit application by Wheatfields Investments 168 (Pty) Ltd. Before the written representations are set out, we briefly set out the functions of the Regional Mining Development and Environmental Committee ("RMDEC").

2. SUPPLEMENTARY OBJECTIONS

The representations made in terms of this document should be deemed to be supplementary objections to the preliminary objections already filed by EKM and RWC. These preliminary objections were filed due to insufficient information being available at the time of filing.

3. FUNCTIONS OF THE RMDEC AND CONSULTATION WITH GOVERNMENT

- 3.1 In terms of the MPRDA, if a person objects to the granting of a prospecting right, mining right or mining permit the Regional Manager must refer the objection to RMDEC to consider the objection and to advise the Minister.¹
- 3.2 RMDEC is established in terms of section 64(1) of the MPRDA.²
- 3.3 The MPRDA or its regulations do not explicitly set out the powers of RMDEC. Section 4(1) of the MPRDA provides that when interpreting a provision of the MPRDA, any reasonable interpretation which is consistent with the objects of the Act must be preferred over any other interpretation which is inconsistent with such objects.³

¹ Section 10(2) of the MPRDA.

² Section 1 of the MPRDA.

³ The objects of the MPRDA are set out in section 2. See also *Minister of Mineral Resources and Others v Sishen Iron Ore Company (Pty) Ltd and Another* CCT 51/13 [2013] ZACC 45 at paragraph 40-47 regarding the interpretation of the MPRDA.

-
- 3.4 The terms of reference and working procedures for RMDEC were prepared by the Minerals and Mining Development Board established in terms of section 57 of the MPRDA and is available from the Department of Mineral Resources (“DMR”).
- 3.5 The terms of reference provide that, “The Regional Mining Development and Environment Committees established in terms of section 64 of the Mineral and Petroleum Resources Development Act No 28 of 2002 are essentially intended to fulfil an inter-department and inter-governmental consultative role on mineral and petroleum development in accordance with the principles of co-operative government and intergovernmental relations as contained in section 41 of the Constitution. Their proper functioning is consequently crucial to providing sound advice to the Minister and as such they are essential regulatory instruments in the effective and efficient administration of the Act”.⁴

4. WRITTEN REPRESENTATIONS

4.1 FIRST REPRESENTATION: REMDEC MEETING CONVENED IN TERMS OF SECTION 10(2) OF THE MPRDA

- 4.1.1 The Chairperson to confirm that the REMDEC meeting scheduled for 20 September 2016 has been convened in terms of Section 10(2) of the MPRDA and not in terms of Section 54 of the MPRDA.
- 4.1.2 The email invitation dated 12 August 2016 received from Mathapelo Mosikidi acting as the Secretariat: REMDEC, Mineral Regulation, Department Mineral Resources, Free State Region fails to advise whether the invitation is in terms of Section 10(2) or Section 54 of the MPRDA.

⁴ Paragraph 1.

4.2 **SECOND REPRESENTATION: MINISTERIAL APPROVAL OF MEMBERS OF REMDEC IN TERMS OF REGULATION 39(3) OF THE REGULATIONS TO THE MPRDA**

4.2.1 Regulation 39(3) of the Regulations to the MPRDA states that the members appointed by the Minerals and Petroleum Board are to be approved by the Minister: Mineral Resources.

4.2.2 REMDEC to kindly provide the approval or approvals by the Minister: Mineral Resources as proof that all the members comprising the REMDEC have been approved.

4.3 **THIRD REPRESENTATION: COMPULSORY APPROVAL**

4.3.1 Regulation 39(3) provides that the appointments to the Committee must include:

4.3.1.1 The Regional Manager or Chief Inspector as Chairperson

4.3.1.2 The principal inspector of mines for the Free State Region; and

4.3.1.3 Representatives of relevant Government Departments within the National, Provincial or local sphere of Government or relevant organs of State.

4.3.2 REMDEC to confirm these appointments.

4.4 **FOURTH REPRESENTATION: LAND USE**

4.4.1 The property constitutes agricultural land as is defined in Section 1 of the Subdivision of Agricultural Land Act No 70 of 1970.

4.4.2 The current lawful use of the property is for **agricultural purposes only** and not for mining purposes.

-
- 4.4.3 The position following the Constitutional Court judgment of *Maccsand* is that before mining activities can commence such land needs to have been appropriately rezoned for mining activities in terms of applicable provincial legislation.
- 4.4.4 The Spatial Planning and Land Use Management Act, 2013 took effect on 1 July 2015 (“SPLUMA”).
- 4.4.5 Section 45(1)(c) of SPLUMA provides that a land development application may be submitted not only by the owner of the land, but also by a person to whom land has been made available for development in writing by an organ of State. It accordingly is the view of EKM and RWC that Wheatfields has not complied with the requirements of SPLUMA and if it did, it has failed to provide documentary proof. The proposed development of a mine by Wheatfields including its intention to remove the accommodation facility adjacent to the open pit on the property where it intends to mine constitutes a development and requires compliance by Wheatfields. There is no indication that it has done so.
- 4.4.6 By virtue of Section 52(1) of SPLUMA, a land development application must be referred to the national Minister of Rural Development and Land Reform where it impacts on matters within the exclusive functional area of national sphere in terms of land use for a purpose which falls within the functional area of the national sphere of government. This, therefore, includes a land use application relating to mining governed by the MPRDA.
- 4.4.7 The intended mining operations will be located on a portion of the larger Rooifontein game farm.

4.4.8 The Rooifontein game farm is a privately owned farm identified as a conservation-worthy bio-region and regional project of great significance.

4.4.9 The property is currently let to RWC in terms of a written lease agreement.

4.4.10 RWC has the following as its objectives:

- to promote, encourage and foster an interest in fauna and flora, more particularly within the boundaries of Rooifontein.
- to create an awareness of the natural environment, impact and disseminate knowledge about game, wildlife and the environment and the optimal preservation and utilization thereof.
- to manage the collective interests common to all its members, which includes expenditures applicable to the common property of such members and the generation of funds and collection of fees for which such members are liable.

4.4.11 RWC is a constituted association of natural persons all of whom are also interested and affected parties.

4.4.12 RWC is by virtue of the lease agreement:

4.4.12.1 entitled to operate the property for its own benefit and gain.

4.4.12.2 entitled to for itself, its members, its guests and tourists to the right of access and entry through the existing and agreed upon gate and access roads. These rights of access and entry are limited and granted by the landowner as the lessor of the property.

4.4.12.3 obliged to impose strict access control procedures for safety reasons and to protect the improvements, game and members, guests and tourists on the property.

4.4.12.4 authorised to exclusively use the property for the purposes of:

4.4.12.4.1 allowing members to access the property for game and bird viewing purposes;

4.4.12.4.2 to utilize the provided camping facilities;

4.4.12.4.3 to hunt game in terms of the club's culling programme; and

4.4.12.4.4 to breed game comprising of *inter alia* the following species:

- kudu
- eland
- blue wildebeest
- red hartebeest
- gemsbok
- blesbuck
- springbuck
- duiker
- steenbuck
- zebra
- ostrich.

4.4.13 The proposed mining operations will have the following negative impacts:

4.4.13.1 the creation of a security risk for the members and other users of the property since the property is primarily used

for walks, cycling, running and game and bird watching activities. These users will be exposed to unknown third parties being present on the property as a result of the mining operations.

4.4.13.2 the disturbance of the ecology.

4.4.13.3 threatening the presence of the game found on the property.

4.4.13.4 aesthetical impact such as noise pollution and dust pollution.

4.4.13.5 destroying of vegetation thus causing agricultural land to be diminished.

4.4.13.6 the depletion of water resources which could cause the destruction of water resources and the erosion and weakening thereof.

4.4.14 The current bio-physical environment is controlled by RWC in association with environmentalists and the ecology departments of EKM.

4.4.15 Self-catering units have been constructed on the property for overnight use. These units are rented out in order to generate additional income for RWC thereby enabling RWC to promote its objectives and to be sustainable. Mining activities will cause a threat to this income.

4.5 **FIFTH REPRESENTATION : FAILUE TO PROVIDE DOCUMENTS**

4.5.1 Wheatfields has failed to provide the following documents:

4.5.1.1 a copy of the completed application document.

4.5.1.2 a copy of the Regulation 2(2) plan, recording the current correct property description.

4.5.1.3 proof as to how Wheatfields intends to comply with the relevant provisions of the Mine, Health and Safety Act of 1996.

4.5.1.4 heritage impact assessment and SAHRA clearance.

4.5.1.5 financial and technical ability.

4.5.2 The aforesaid documents were called for right at the outset when the objections were filed by EKM and RWC.

4.5.3 EKM and RWC were accordingly unable to fully consider the application of Wheatfields and to fully prepare their objections. Wheatfields simply advised EKM and RWC that the documents were lodged electronically and could not be provided by it.

4.5.4 The Regional Manager: Free State Region also informed that the documents called for by EKM and RWC should be obtained from Wheatfields.

4.6 **SIXTH REPRESENTATION: RELOCATION OF IMPROVEMENTS**

4.6.1 On page 24 paragraph 8.4.1.3 Wheatfields states the following in its Basic Assessment Report and Environmental Management Programme Report:

- “The only specific environmental features and/or infrastructure on site or close proximity is one of the Rooifontein Accommodation buildings within the proposed project area. This facility will be temporarily [sic] relocated before mining

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commences and once the area is rehabilitated, before closure this facility will be re-build [sic] in the area.”

4.6.2 The so called “Roofontein Accommodation” comprise of a chalet and accompanying amenities.

4.6.3 The chalet is located in close proximity to a waterhole, is used extensively by the members of RWC and tourists with a view to enjoy nature including game viewing and bird watching. In addition, this facility generates additional income for RWC.

4.6.4 Wheatfields simply states that the facility will be temporarily re-located before mining commences and once the area is rehabilitated, before closure this facility will be re-built in the area. This statement is objectionable due to it being baseless for the following reasons:

4.6.4.1 no consultation has been held in order to discuss the re-location of this facility.

4.6.4.2 a suitable site has not been identified through consultation for the temporary establishment of the facility.

4.6.4.3 no provision is made in order to ensure the continuous supply of suitable water.

4.6.4.4 no information is provided for consideration as to when and how long it would take to re-locate the facility.

4.6.5 EKM and RWC strongly opposes the proposal made by Wheatfields to relocate and re-establish the “Roofontein Accommodation building”.

4.7 SEVENH REPRESENTATION : FAILURE TO CONSULT

4.7.1 Legal principles applicable to consultations

4.7.1.1 The MPRDA does not provide a definition of consultation.

Section 4(1) of the MPRDA provides that when interpreting a provision of the MPRDA, any reasonable interpretation which is consistent with the objects of the Act must be preferred over any other interpretation which is inconsistent with such objects.⁵

4.7.1.2 The purpose of consultation is to ascertain whether an accommodation of some sorts can be reached in respect of the land owner's right to use his land insofar as the interference with landowner's rights to use the property is concerned.⁶

4.7.1.3 Another, more general, purpose of the consultation is to provide landowners or occupiers with the necessary information on everything that is to be done, so that they can make an informed decision in relation to the representations to be made, whether to use the internal procedures if the application goes against them or whether to take the administrative action concerned on review. The consultation process and its results are an integral

⁵ The objects of the MPRDA are set out in section 2. See also *Minister of Mineral Resources and Others v Sishen Iron Ore Company (Pty) Ltd and Another* CCT 51/13 [2013] ZACC 45 at paragraph 40-47 regarding the interpretation of the MPRDA.

⁶ *Bengwenyama Minerals (Pty) Limited and others v Genorah Resources (Pty) Limited and others* 2011 (4) SA 113 (CC) at [65].

part of fairness in a decision making context.⁷

4.7.1.4 The consultation process required by section 27(5)(a) of the MPRDA thus requires that the applicant must:

- 4.7.1.4.1 inform the landowner in writing that his application for a mining permit on the owner's land has been accepted for consideration by the regional manager concerned;
- 4.7.1.4.2 inform the landowner in sufficient detail of what the mining operation will entail on the land, in order for the landowner to assess what impact the mining will have on the landowner's use of the land;
- 4.7.1.4.3 consult with the landowner with a view to reach an agreement to the satisfaction of both parties in regard to the impact of the proposed mining operation; and
- 4.7.1.4.4 submit the result of the consultation process to the regional manager within 30 days of receiving notification to consult.⁸

⁷ *Bengwenyama at [66].*

⁸ *Bengwenyama at [67].*

-
- 4.7.2 Section 27(5)(a) provides that an applicant must consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports.
- 4.7.3 The obligation to consult is that of the applicant and not that of the interested and affected parties.
- 4.7.4 Due to Wheatfields' failure to provide relevant information in order for EKM and RWC to consider the proposed mining project and to raise comprehensive objections, it is the view of EKM and RWC that Wheatfields is in contravention of the provisions of Section 27(5)(a) of the MPRDA.
- 4.7.5 Although a questionnaire was provided for completion, EKM and RWC could not complete the questionnaire since the notice did not include sufficient information for consideration at the time. If a comprehensive consultation process was conducted by Wheatfields and substantiating documents were provided, only then Wheatfields could confirm that it has fully consulted with interested and affected parties.
- 4.7.6 On page 18 paragraph 8.2 of the Basis Assessment Report and Environmental Management Programme Report it is simply recorded that letters were sent to various parties together with a questionnaire for completion.
- 4.7.7 Nothing is said in so far as to what consultation process was undertaken in that no meeting of any nature whatsoever took place. As was stated previously, the obligation to consult rests with the applicant and not with interested and affected parties.
- 4.7.8 Wheatfields is aware that the property is used extensively to protect the pristine nature and that access control measures are in place for the protection of not only the game and wildlife found on the property, but

also for the protection of RWC's members that frequent the property and the improvements. No attempt has been made by Wheatfields to discuss security issues and access to the property.

4.7.9 On 15 September 2016 representatives of Wheatfields attempted to consult with EKM and RWC together with their representatives. No consultation took place other than a certain Mr Henka Kotzee stating the following at the commencement of the meeting:

- Introducing himself, Mrs L Wiehahn as consultant and Mr Sakkie Gerber.
- The meeting constitutes a consultation meeting.
- Mr Henka Kotzee intends to buy the company (although the name Wheatfields was never mentioned and no introduction was made in do far as the said company is concerned it was presumed that the reference to company was a reference to Wheatfields) and that he has a contract.
- Aware of the objection filed by the "Wild club"
- The DMR is the owner of everything
- He is aware that Ekapa is in the process of buying the property from De Beers Consolidated Mines (Pty) Ltd.
- That De Beers is in the process of transferring the property to Ekapa but that the transfer is not yet registered.

4.7.10 An attempt was made by the Ekapa representatives to enter into discussions with Mr Kotzee but these attempts were declined since Mr Kotzee was of the view that the consultation would take place at the REMDEC meeting scheduled for 20 September 2016.

4.7.11 Legal counsel representing Ekapa and RWC made it clear that access to the property would be denied and that the application by Wheatfields

will be objected against. The meeting was closed and no consultation took place.

4.7.12 There are pertinent issues that need to be addressed and can only be resolved if a comprehensive consultation took place. It appears that this is not forthcoming.

4.8 **EIGHTH REPRESENTATION: INCOMPLETE AND WRONG BASIC ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT**

4.8.1 Attached hereto please find a report by Environmentalist Marietjie Reynecke relating to the incomplete and wrong information recorded in the Basic Assessment and Environmental Management Report ("the BAEMR").

4.8.2 Due to the incomplete and wrong information referred to in the attached report, the BAEMR is blatantly incorrect and unreliable and should be rejected.

4.9 **NINTH REPRESENTATION: SPECULATIVE NATURE OF WHEATFIELDS**

4.9.1 Attached is an advertisement placed with Property24 whereby the area identified by Wheatfield's as the mining area is advertised for sale.

4.9.2 This advertisement demonstrates the intention of Wheatfields to speculate with the mining permit and the proposed mine.

4.10 **TENTH REPRESENTATION: WATER SUPPLY**

4.10.1 Wheatfields states that it has applied for a water use license and has provided a letter from the Sol Plaatje Municipality confirming that the Sol Plaatje Municipality will make available effluent water subject to

Ref:

certain conditions that have to be complied with. This letter is in direct conflict with the agreement referred to in paragraph 4.10.6 below.

4.10.2 Wheatfields fails to identify any other water resource that will be used.

4.10.3 The following statement is made at paragraph 1.4.3 on page 60 of the BAERM:

"Permission from the Sol Plaatje Municipality have [sic] been obtained to use grey water from one of their sewerage plants. An application for Waste water Authorization still needs to be applied for and will be done once it is certain that the Permit will be issued".

4.10.4 The closest sewerage plant is located in Green Point, Kimberley. This sewerage plant is situated approximately 15 kilometres from the identified mining area. Wheatfields fails to state the manner in which the effluent water will be conveyed to the mining area. Effluent water constitutes a dangerous substance and no provision has been made as to how spillages of this effluent water would be mitigated.

4.10.5 It Wheatfield intends to construct a pipe line, an Environmental Impact Assessment would be required. Clarification of this issue is required.

4.10.6 Attached hereto is a copy of a Memorandum of Agreement concluded on 22 July 1958 between the Sol Plaatje Municipality (previously The Municipality of the City of Kimberley) and De Beers Consolidated Mines Limited (now De Beers Consolidated Mines Proprietary Limited). By virtue of the provisions of paragraph 9 of the said agreement, the Municipality undertakes to supply the entire effluent output of the sewerage works to De Beers Consolidated Mines (Pty) Ltd. The validity of the letter to which Wheatfield refers in paragraph 1.4.3 on page 10 of the BAERM is questionable due to the operation of the aforesaid agreement.

5. ADDITIONAL INFORMATION IN SUPPORT OF REPRESENTATION

- 5.1 The following vulnerable species can be found on the property:
- **Kori Bustard [Category Vulnerable Species that are indigenous facing high risk of extinction in the wild in the medium-term future- National Environment Management: Biodiversity Act No 10 of 2004 [GNR 1151 of 23 February 2007 – amended by Government Notice R1187 in Government Gazette 30568 dated 2007/12/14]**
- 5.2 The following **Protected Species** that are indigenous are of **high conservation value or national importance** that require **national protection** in terms of the - **National Environment Management: Biodiversity Act No 10 of 2004 [GNR 1151 of 23 February 2007 – amended by Government Notice R1187 in Government Gazette 30568 dated 2007/12/14]** are found on the property:
- 5.2.1 Black -footed Cat
- 5.2.2 Brown Hyena.
- 5.3 The following **Critically Endangered Species** that are indigenous are facing an **extremely high risk of extinction** in the wild in the immediate future in terms of the - **National Environment Management: Biodiversity Act No 10 of 2004 [GNR 1151 of 23 February 2007 – amended by Government Notice R1187 in Government Gazette 30568 dated 2007/12/14]** are found on the property:
- 5.3.1 White- backed Vulture
- 5.3.2 Blue Crane

-
- 5.4 No reference is made by Wheatfields in its BAEMR as to the above endangered species.
- 5.5 A comprehensive petition has been signed by 485 members of RWC objecting against the grant of the mining permit applied for by Wheatfields.
- 5.6 REMDEC is also referred to the following website:

- [petitions 24.com](http://petitions24.com)

6. CONCLUSION

- 6.1 The existence of a mining operation on the property raises serious concerns comprising of the following:
- 6.1.1 Wheatfields has until now failed to propose any safety measures in the event of hunting operations taking place on the property.
- 6.1.2 No proposal has been made for consideration regarding access to and from the property. This is of utmost importance since access to the property is currently strictly controlled and limited to members of RWC and the owner of the property.
- 6.1.3 The pristine environment of the nature reserve will be seriously affected.

Yours faithfully
DUNCAN & ROTHMAN
per:



To:	Duncan & Rothman
Originator:	Group Environmental Lead – Petra Diamonds
Date:	August 2016
Topic:	Review of Wheatfields Basic Assessment and Environmental Management Plan on Rooifontein Mining application permit – July 2016 (FS 30/5/1/3/2/10181 MR, previously PR)

Introduction

In 2014, De Beers Consolidated Mines Limited (DBCM) formally objected to the mining right (permit) application by Wheatfields and voiced quite clearly and in detail why mining should not be permitted on Rooifontein. However, from the review of the current Basic Assessment Report (BAR) and Environmental Management Plan (EMP) (dated 2016) as was submitted to the Free State Department of Mineral Resources, it is clear that none of these concerns had been addressed and additional concerns can be voiced.

It is the purpose of this document to list all grounds for appeal against the Mining Permit application based on environmental grounds.

A. Incorrect Identification of Environmental Authorisation Process to follow

Based on the evaluation of proposed activities and consultation with Environmental Law specialists, it is established that:

The incorrect Regulations are referenced in the Basic Assessment Report (BAR) (par.5 pg. 10) relating to the authorisation of Mining activities and Waste Management Activities

- The surface areas are quoted in the BAR to be 5 ha, it is however not specified how big the Tailing Storage Facility (TSF) will be and if it is included in the total surface area. It is unlikely that the mining and the TSF can both fall within the 5ha threshold. If the mining area and TSF is bigger than 5ha a Mining Right application will be required and a Scoping and Environmental Impact Assessment process (i.e. full EIA) will be required.
- In terms of section 20 of the NEMWA ("Waste Act"), a Waste Management Licence (WML) is required for activities listed in the "List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment" ("the NEMWA Listing Notice") that was published under GNR 921 of 29 November 2013. A person who wishes to undertake a Category A waste activity in terms of the NEMWA Listing Notice must conduct a Basic Assessment process and a person who wishes to undertake a Category B waste activity must conduct a full Scoping and Environmental Impact Reporting process in accordance with the NEMA EIA Regulations. A WML is required for the proposed TSF in terms of Category A Activity 15:

'The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).'

- No application for a WML have been included in the BA process. It should also be noted that the TSF will require a pollution control barrier system which will have to be designed as part of the WML application in terms of the National Norms and Standards for the Assessment of Waste for Landfill Disposal (GN R635 of 23 August 2013), the National Norms and Standards for the Disposal of Waste to Landfill (GNR 636 of 23 August 2013) and the Regulations Regarding the Planning and Management of Residue Stockpiles and Residue Deposits from a Prospecting, Mining, Exploration or Production Operation (GNR R 632 on 24 July 2015). No reference has been made to these requirements in the BAR.
- Any Water Use License Application (WULA) is to be accompanied by a Full EIA as specified in GN 984 (activity 6 of Listing Notice 2) triggered by section 21(g) of the National Water Act 36 of 1998 (NWA) activity listed for the release of pollution or effluent. The BAR does not specify the activities that must be included in the WULA. However, taking in to consideration the activities related to diamond mining it can be assumed that an activity in terms of section 21(g) of NWA (disposal of waste in a manner which may detrimentally impact on a water resource) for example the residues, will be triggered which will release pollution or effluent.

B. Competence of the Environmental consultant

The experience of the Environmental Assessment Practitioner (EAP) in environmental management mining matters appears to be insufficient as important information is omitted from the EMP/BAR. According to NEMA Regulation 13 and 14, the EAP must display specific knowledge and experience to be able to conduct the environmental authorisation studies and reports. From the evaluation of the BAR and EMPr, it is clear that the EAP has neither (e.g. only short courses in environmental management attended – no formal qualification as environmental scientist, omission of activities that should have been included in the application and inclusion of incorrect legislation into the documentation). It is clear from the BAR that the EAP did not apply for all the required Authorisations and has omitted several of the relevant activities triggered (EIA 2014 listing notices) by the proposed project.

C. Fatal flaws in the Public Participation Process

It seems as if the landowner was not consulted and written permission for this activity had not been given:

- It was orally confirmed by Mr R Weenink, a member of the Management of Rooifontein Wildlife Club who controls Rooifontein, that they have not been consulted at all regarding the latest application by Wheatfields- despite the documents mentioning information on fauna and flora that was obtained from the Rooifontein Wildlife Club.
- When KEM became aware of this application Mrs E. van der Westhuizen-Coetzer registered as I&AP and raised her concerns regarding biodiversity, heritage and pollution sources that are indicated in the BAR will be address. However, no specialist reports have been included in the BAR to address the valid concerns raised.
- Register of interested and affected parties is incomplete as not all interested and affected parties who applied for registration were registered as required.

D. Inconsistencies with references to ecological and management data contained within the BAR

- All information contained in the current BAR was sources from desktop studies and may not be a true reflection of the indigenous fauna and flora present on the application area, e.g. no mention is made of Red Data List species present such as Camel Thorn trees and Blue cranes;
- A statement is made that no specialist studies were conducted and will not be done except if identified as a need during the operational phase. This will prove to be too late to institute effective management measures;
- Sizes of important facilities that may impact on the environment are omitted from the report for example the volume of the proposed diesel tank, access roads and water management facilities / reticulation system;
- Inappropriate management measures are suggested for activities such as chemical, waste and water management, as well as constructing a Tailings Storage Facility (TSF) without the proper assessment of a liner that demonstrates that the EAP has no formal experience in managing environmental impacts of this nature;
- Broad statements referring to local authorities are made that cannot be substantiated such as a commitment from the municipality to remove domestic waste from the application site. From experience it is known that the municipality does not have the capacity to perform these services;
- The description of the mining and liberation process is not comprehensive enough to allow the competent authority to be able to make an informed decision on the application; and
- Heritage conservation is an important focus within the Kimberley area. A broad statement made in the report that no "heritage environment" will be impacted on is incorrect and factually fraud as studies by specialist have indicated that the farm Rooifontein is an important link in the heritage of the greater Kimberley area. It is also not clear if the SAHRA have been notified of the proposed project as required in terms of Section 38 of the National Heritage Resources Act 25 of 1999 and if SAHRA have advised if a HIA must be done.

With all above mentioned information it is the opinion of the environmental management team that the application should be appealed.

JM Reynecke

R 12 000 000 Farm for Sale in Kimberley & Ext
Kimberley & Ext, Kimberley



Contact Agent

-  Show Contact Number
-  Show Email Address

Agency



HARD n ROCK

Bond Costs

R 119 806 p/m

Interest rate: **10.5%**

Period: **20 years**

Deposit: **0**



Bedrooms: 0 Bathrooms: 0 Garages: 0

Diamond mine for sale

It is one of the best pipes lines and is 2.5 hectors

France Siyaphi
081 402 1672
053 831 1886

Property Details

Type of Property	Farm
Listing Date	04 May 2016

Farm Details

Distance From Town	0Km
Cellar	No

Location

Street address is not disclosed.

25/103835463



MEMORANDUM OF AGREEMENT

between

DE BEERS CONSOLIDATED MINES LIMITED

and

THE MUNICIPALITY OF THE CITY OF KIMBERLEY.

HAARHOFF, HERTOG, MOULT & CO.

ATTORNEYS, NOTARIES AND CONVEYANCERS
PROKUREURS, NOTARISSE EN TRANSPORT-
BEZORGENS

TEL: "HAARHOFFS"

PHONE } 261 & 77

30, STOCKDALE STREET,
STOCKDALESTRAAT 30.

P.O. BOX } 136

POSSUS } 292
KIMBERLEY.

MEMORANDUM OF AGREEMENT MADE AND ENTERED INTO BY
AND BETWEEN:

DE BEERS CONSOLIDATED MINES LIMITED

(hereinafter called the Company and herein represented by DONALD McHARDY and ALEXANDER STEWART HALL in their capacities as Director and Secretary respectively, and duly authorised thereto by Resolution of the Company dated the 1st day of July, 1957, certified copy of which is annexed hereto marked "A") of the one part;

and

THE MUNICIPALITY OF THE CITY OF KIMBERLEY

(hereinafter called the Municipality and herein represented by REGINALD VIVIAN DE VILLIERS and ALBERT EDWARD BEBINGTON in their capacities as Mayor and Town Clerk of the Municipality of the City of Kimberley) of the other part;

The Company hereby grants to the Municipality a right of way 50 feet wide as indicated on the sketch attached hereto marked "B" (hereinafter called the servitude area) for the purpose of maintaining the main sewer outfall from Beaconsfield to the disposal works site, as shown on the abovementioned sketch situate on the Company's property, the farm "Alexandersfontein", subject to the following conditions :-

1. The Municipality shall for itself, its officials, employees, and workmen have free access to the servitude area and the disposal works site.
2. All activities of the Municipality, its officials, employees and workmen shall be strictly confined to the limits of the 50 feet wide servitude area and the disposal works site.
3. No sub-soil is deposited on top of tailings or other blue ground presently existing. The blue ground or tailings to be removed from the Disposal Works site by the Council at the cost of the Council to site/sites indicated by the Company.
4. The Municipality shall be obliged and undertakes at all times to notify the Company thereof prior to operating in any way in the servitude area.

5/.....

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5. The Company shall without undue delay erect a gate on the northern end, i.e. Paardeberg Road end of the servitude area. The type and specifications of the gate shall be in the discretion of the Company, but the cost thereof shall be borne by the Municipality.

6. The Company shall be entitled at any time in its discretion to make and use such roadways across the servitude area, and to have such access to the servitude areas as it may deem necessary and expedient for its operations.

7. The servitude area of the right of way shall not be fenced in.

8. The Company hereby grants to the Municipality the use of the Disposal Works Site as indicated in pink on the attached sketch, subject to the following conditions:-

(a) The Municipality shall at its own cost without undue delay after the signing of this Agreement clear the site of all tailings and debris and transport same to an area/s to be indicated by the Company. The Company shall be obliged without undue delay to fence in the disposal area site in such manner as it deems fit, the cost to be borne by the Municipality. These fences shall become and remain the sole property of the Company at all times and such fences shall not be tampered with in any way by the Municipality and the maintenance thereof shall be borne by the Company.

(b) The Municipality's officials, employees and workmen shall at all times have access to the site but shall only be entitled to enter upon same from the Paardeberg Road entrance.

9. The Municipality undertakes, as from the completion of the Disposal Works to supply to the Company subject to the provisions of Clause 18 the entire effluent output of the works, free of charge and as regularly and expeditiously as possible, it being understood that the Disposal Works shall produce effluent fluctuating between 175,000 to 1,000,000 gallons per day.

 The quality/....

The quality of the effluent is to be in accordance with S.A.B.S. 247-1951 except that in Section 3 Clause 3.4 the oxygen absorbed figures shall not be more than 25 p.p.m. in a snap sample nor more than 20 p.p.m. in an average sample, and clauses 3.8 and 3.9 shall not apply. It shall be understood that for biological reasons this standard cannot be attained at the commencement of the works and a reasonable period must be allowed for this purpose.

10. The Municipality undertakes to meet such loss or damage incurred by the Company through the Municipality failing to comply with the clause that the effluent will be up to the standard as laid down in the previous clause.

11. In the event of the effluent being objectionable insofar as odour and algae growth are concerned, then the Municipality shall be obliged or entitled to remove such nuisances.

12. All erections, constructions and pipes necessary to convey the effluent from the Disposal Site to the Company's stormwater drain which operates from Ronaldsvlei to Dutoitspan shall be constructed without undue delay after the signing of this agreement, and maintained at all times by and at the cost of the Municipality. The Municipality shall be entitled to remove such erections, constructions and pipes before the termination of this agreement provided no damage is done to the company's land. Any erections, constructions and pipes not removed before the termination of this agreement, shall become the property of the Company without payment of compensation to the Municipality.

13. The effluent from Beaconsfield disposal works shall not be used for domestic purposes.

14. The route of the disposal of the effluent shall be indicated on the sketch.

15. In the event of any accident or injury to any person or persons whatsoever or any damage to property through the operation and activities of the Municipality under this Agreement responsibility for such accidents or damages shall be with the Municipality, and the Municipality hereby agrees and undertakes to indemnify the Company in form approved by the Company in respect of

A. A. H.

any claims or demands made by any person or persons against the Company.

16. All works and maintenance in the right of way area or on the Disposal site shall be at the entire risk of the Municipality except insofar as the maintenance of the fencing and right of way is concerned, in which case the Municipality will only be liable for accidents, damages caused through the operations of the Municipality.

17. In the event of the Company not requiring the effluent for its own use the Municipality shall have the right to dispose of same for its own profit to any other interested party or persons.

18. In the event of a golf course being established by the Kimberley Club in the vicinity of the Disposal site works, the Company agrees that the Municipality shall then have the right to divert a maximum of 200,000 gallons per day to such course, the remainder of the effluent shall be reserved to the Company.

19. The Municipality shall be obliged to carry out regular tests at not less than one month's interval to the water in the Pan, and the stormwater drain leading from the Works.

20. The Company reserves the rights to diamonds, minerals, precious stones. The Company also reserves the right to resume possession of the servitude area and the disposal works site for mining purposes. In the event of the Company being desirous of exercising its rights to minerals, mineral products, mineral oils, coal, base or precious metals, diamonds or other precious stones in or under the servitude area or the disposal works site, the Company shall have the right upon five years' notice of its intention so to do, to resume possession of the servitude area and/or the disposal works site, and improvements thereon on payment of such compensation for improvements made by the Municipality as may be mutually agreed upon, and provided further that if the amount to be so paid shall not be agreed upon by the Company and the Municipality before the expiration of one year from the date of the aforesaid notice, the same shall be submitted to arbitration in the manner prescribed by the Land and Arbitration Clauses Act of 1882. It is hereby

[Handwritten signature] recorded /

recorded that the Company shall at any time and without prior notice to the Municipality have the sole and exclusive right to prospect and search for minerals, mineral products, mineral oils, coal, base or precious metals, diamonds and other precious stones.

21. In the event of the Municipality requiring to terminate this Agreement it may do so upon five years' notice and on condition that it compensate the Company for the cost to the Company of the erections made by the Company in connection with the disposal of effluent from the Disposal Works.

22. It is recorded that the Municipality must continue to supply effluent to the Company during such time as this Agreement is in force.

23. It is recorded that the Municipality shall only be entitled to terminate the Agreement as a whole.

24. In the event of the Company being desirous of terminating the acceptance of effluent from the Disposal Site it shall be entitled to do so upon five years' notice, in which event no compensation shall be payable by the Municipality, or by the Company to the Municipality.

25. In the event of the Company terminating the acceptance of Effluent from the disposal site and/or resuming possession of the present site either in terms of paragraph 20 or 24 hereof, the Company undertakes to lease land approximately 200 morgen in extent, suitable to the Municipality as a disposal works site and sewerage farm in the vicinity of the present disposal works, the rental to be a reasonable amount fixed by the Company. In the event of the Company leasing such land to the Municipality, the mineral rights shall be reserved to the Company.

It is recorded that the above undertaking is subject to the mining requirements of the Company and this undertaking shall fall away should land not be available because of such requirements. The final decision as to whether land is available or not because of such requirements, shall be with the Company.

26. No rental shall be payable by the Municipality

to / ...

[Handwritten signatures and initials]

to the Company in respect of the use of the servitude area or Disposal Works site.

27. The costs of this Agreement and survey shall be borne by the Municipality; survey shall be carried out by the Municipality or its nominee in consultation with the Company.

28. In the event of any dispute arising as to the correct interpretation of this Agreement or on any matter affecting the respective interests of the parties, such dispute shall be submitted to arbitration in the manner prescribed by the Land and Arbitration Clauses Act of 1882.

THUS DONE and SIGNED at KIMBERLEY for and on behalf of DE HEERS CONSOLIDATED MINES, LIMITED on this the 13th day of February, 1958.

AS WITNESSES:

- 1. *A. H. Blandenberg*
- 2. *O. G. Coppick*

A. H. Blandenberg
DIRECTOR

A. G. M. van der Merwe
SECRETARY.

THUS DONE and SIGNED at KIMBERLEY for and on behalf of THE MUNICIPALITY OF THE CITY OF KIMBERLEY on this the 11th day of July 1958.

AS WITNESSES:

- 1. *J. P. de Klerk*
- 2. *J. M. van der Merwe*

J. P. de Klerk
MAYOR

J. M. van der Merwe
TOWN CLERK.

"A".

EXTRACT FROM MINUTES OF SPECIAL MEETING OF DIRECTORS OF DE BEERS
CONSOLIDATED MINES, LIMITED, HELD AT KIMBERLEY ON 1st JULY, 1957.

SIGNING ARRANGEMENTS.

RESOLVED that ALEXANDER STEWART HALL, in his capacity as Secretary, or WILLIAM ARTHUR DENMAN, in his capacity as Assistant Secretary, be and they are hereby authorised to sign, jointly with a Director of the Company, all cheques, share certificates and other documents requiring the official signature of the Company and to affix, jointly with a Director, the Seal of the Company to all documents requiring to be sealed.

CERTIFIED A TRUE EXTRACT.

A. Hall
SECRETARY.

KIMBERLEY.
13th February, 1958.



ROUTE
INLET

DRAIN FROM RONALDSVILLE.