

Cobus Hoon

From: Kalipa Kewuti <Kalipa.Kewuti@dmre.gov.za>
Sent: 19 May 2025 15:20
To: Cobus Hoon
Cc: Mamokete Mpatane; Rebone Nkambule; Garyn Rapson; Paula-Ann Novotny; Tuwani Monyai; Cedrick Fhedzisani; Nkateko Mhlarhi
Subject: RE: FS12MR, signed EA

Good afternoon Mr Hoon

Your email below has reference.

You are advised to apply in terms of PAIA (Promotion of Access to Information). The official responsible for all PAIA related applications in the office is Mrs Cecelia Sedutla, copied above. She will send you the relevant forms shortly.

Regards

K Kewuti
Regional Manager: Mineral Regulation
Free State Region

From: Cobus Hoon <Cobus.Hoon@webberwentzel.com>
Sent: Monday, 19 May 2025 14:53
To: Nkateko Mhlarhi <Nkateko.Mhlarhi@dmre.gov.za>
Cc: Tuwani Monyai <Tuwani.Monyai@dmre.gov.za>; Rebone Nkambule <Rebone.Nkambule@dmre.gov.za>; Garyn Rapson <garyn.rapson@webberwentzel.com>; Paula-Ann Novotny <Paula-Ann.Novotny@webberwentzel.com>
Subject: RE: FS12MR, signed EA

You don't often get email from cobus.hoon@webberwentzel.com. [Learn why this is important](#)

Dear Sir,

We refer to the emails below dated, 9 May and 15 May 2025, respectively. We further refer to the telephonic conversation on Monday, 19 May 2025 at approximately 08h51, between myself, Mr Tuwani Monyai and an official from your offices who introduced himself as Sedrick.

We confirm that we act for DBCM, and that we have been instructed by DBCM to submit an appeal against the Refusal Decision.

We hereby record that neither DBCM nor their environmental assessment practitioner ("**EAP**") has previously been provided with a copy of the comments submitted to the DMPR by the Principal Inspector of Mines ("**PIM**"), as these comments were requested by the DMPR for purposes of taking the Refusal Decision (per paragraphs 1(h) and 3.1.13 of Annexure 1 to the RoD). In the above telephone call of today, we were advised that the PIM's comments cannot be provided to DBCM and will form part of the record of decision made available during the appeal.

Furthermore, with regards to the comments submitted by the Department of Water and Sanitation ("**DWS**"), referred to in paragraph 1(f) of Annexure 1 to the RoD, we were advised in the above telephone call of today, that the DWS' comments have been provided to DBCM's EAP. However, the EAP has not been able to locate a copy of the DWS' comments dated 20 September 2023.

We further record that the DMPR's failure to furnish DBCM with the PIM's and DWS' comments is severely prejudicial to DBCM, as it is unable to consider, understand and address the reasons for the PIM's and DWS' opposition to the Amendment Application and how the Refusal Decision is connected to the PIM's and DWS' comments. It is further

submitted that the DMPR's failure to furnish DBCM with the PIM's and DWS' comments is contradictory to the constitutional right to just administrative action, as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996 and the Promotion of Administrative Justice Act, 2000. The Court, in *Commissioner for the SAPS and others v Maimela and another* [2003] 3 All SA 298 (T), has confirmed that where an administrative decision-maker is required to furnish reasons for an administrative decision/action taken, if such reasons refer to an extraneous source, then that extraneous source must be identifiable to the reasonable reader. The PIM's and DWS' comments constitute an extraneous source referred to in the RoD, and therefore must be furnished to the applicant with the Refusal Decision and RoD, as a matter of administrative justice.

Accordingly, we again request that you please provide us with copies of the PIM's and DWS' comments **by no later than close of business today, 19 May 2025.**

All DBCM's rights are reserved, including the right to supplement its appeal once the PIM's and DWS' comments have been provided to DBCM.

Kind regards

Cobus Hoon | Senior Associate | Webber Wentzel

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From: Cobus Hoon

Sent: 15 May 2025 08:59

To: Nkateko.Mhlarhi@dmre.gov.za

Cc: Tuwani.Monyai@dmre.gov.za; Rebone.Nkambule@dmre.gov.za; Garyn Rapson

<garyn.rapson@webberwentzel.com>; Paula-Ann Novotny <Paula-Ann.Novotny@webberwentzel.com>

Subject: RE: FS12MR, signed EA

Dear Sir,

We refer to our email below, dated 9 May 2025.

We wish to record that we have not been provided with copies of the Regulators' Comments, as defined in our email below.

We kindly request that you provide us with copies of the Regulators' Comments **by no later than close of business on Friday, 17 May 2025.**

As stated in our email below, DBCM reserves its rights to supplement its appeal once it has received the requested documents.

All DBCM's rights are reserved.

Kind regards

Cobus Hoon | Senior Associate | Webber Wentzel

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From: Cobus Hoon

Sent: 09 May 2025 14:16

To: Nkateko.Mhlarhi@dmre.gov.za

Cc: Tuwani.Monyai@dmre.gov.za; Rebone.Nkambule@dmre.gov.za; Garyn Rapson

<garyn.rapson@webberwentzel.com>; Paula-Ann Novotny <Paula-Ann.Novotny@webberwentzel.com>

Subject: RE: FS12MR, signed EA [WW-WS_JHB.FID2915975]

Dear Sir,

We act for De Beers Consolidated Mines Proprietary Limited ("**DBCM**").

We refer to the decision of the Chief Director: Mineral Regulation ("**Chief Director**") of the Department of Mineral and Petroleum Resources ("**DMPR**") to refuse ("**Refusal Decision**") DBCM's application, in terms of regulation 31 of the Environmental Impact Assessment Regulations, 2014, for the amendment of the Environmental Management Programme in respect DBCM's Voorspoed Mine ("**Amendment Application**"). The Refusal Decision is dated 23 April 2025 but was received by DBCM on 29 April 2025.

The reasons for the Chief Director's decision ("**RoD**") to refuse the Amendment Application, which are attached to the Refusal Decision, sets out the information which was considered by the Chief Director in taking the Refusal Decision. Paragraphs 1(f) and (h) under Annexure 1 to the RoD refer to comments received from both the Department of Water and Sanitation and the Principal Inspector of Mines in respect of the Amendment Application (collectively referred to as the "**Regulators' Comments**"). We record that the Regulators' Comments have not been provided to DBCM.

Furthermore, we note that each page of the RoD has been stamped by the DMPR. However, in several instances, the DMPR's stamp has been placed over crucial parts of the wording of the RoD, making some paragraphs of the RoD impossible to read and/or interpret.

We have been instructed by DBCM to submit an appeal against the Refusal Decision in accordance with the provisions of section 43 of the National Environmental Management Act, 1998, as amended. Accordingly, we hereby request that the DMPR urgently, and **by no later than close of business on Monday, 12 May 2025**, provide us with copies of the Regulators' Comments, as well as an unstamped copy of the RoD.

Should the DMPR fail to provide us with the requested documents within the aforementioned timeframe, DBCM reserves its rights to supplement its appeal once it has received the requested documents.

All of DBCM's rights are reserved.

Kind regards

Cobus Hoon | Senior Associate | Webber Wentzel

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From: Nkateko Mhlarhi

Sent: Tuesday, 29 April 2025 15:06

To: petrus.jordan@debeersgroup.com; sharonm@gcs-sa.biz

Cc: Hans.Kgasago@debeersgroup.com; Tuwani Monyai <Tuwani.Monyai@dmre.gov.za>

Subject: FW: FS12MR, signed EA

Good afternoon

Kindly receive the attached document for your attention and further handling. Responses and further communication may be forwarded to Mr. Tuwani Monyai.

Kind regards

Nkateko Mhlarhi

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