

**INDEX : VOLUME 1**

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
1.	<b><u>Pages 1 to 3, amended page and 5 to 6</u></b> Notice of Motion, dated 10 October 2017 and as amended on 15 December 2017 .....	1 - 6
2.	<b><u>Pages 7 to 48</u></b> Applicants' Founding Affidavit deposed to by <b>Sabelo Dumisani Dladla</b> , dated 9 October 2017 .....	7 - 48
	<u>Annexes thereto:</u>	
2.1	<b>"A1"</b> - <b><u>Pages 49 to 54</u></b> Affidavit deposed to by <b>Sheila Berry</b> , dated 9 October 2017 .....	49 - 54
2.2	<b>"A2"</b> - <b><u>Pages 55 to 58</u></b> Affidavit deposed to by <b>Billy Mzokhona Mngondo</b> , dated 9 October 2017 .....	55 - 58
2.3	<b>"A3"</b> - <b><u>Pages 59 to 61</u></b> Affidavit deposed to by <b>Kirsten Mary Youens</b> , dated 9 October 2017 .....	59 - 61
2.4	<b>"B"</b> - <b><u>Pages 62 to 81</u></b> Deed of Trust of the Global Environmental Trust, dated 16 November 2010 .....	62 - 81
2.5	<b>"C"</b> - <b><u>Pages 82 to 83</u></b> Resolutions of The Global Environmental Trust, dated 15 September 2017 .....	82 - 83
2.6	<b>"D"</b> - <b><u>Pages 84 to 86</u></b> Constitution of the Mfolozi Community Environmental Justice Organisation, dated 13 April 2016 .....	84 - 86
2.7	<b>"E"</b> - <b><u>Pages 87 to 88</u></b> Resolutions of Mfolozi Community Environmental Justice Organisation, dated 21 September 2017 .....	87 - 88
2.8	<b>"F"</b> - <b><u>Page 89</u></b> Map / Aerial photograph depicting the South-Eastern Neighbouring Areas of Hluhluwe-iMfolozi Park .....	89
2.9	<b>"G1"</b> - <b><u>Pages 90 to 102</u></b> Form DME386: Mining Right granted to Tendele Coal Mining (Pty) Ltd by the Department of Minerals and Energy with Protocol No. 178/2007 in terms of Section 23(1) of the MPRDA, 2002 (Act No. 28 of 2002) dated 22 June 2007 .....	90 - 102

**INDEX : VOLUME 1**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to Applicants' Founding Affidavit</u> (Continued)	
2.10	<b>"G2"</b> - <b><u>Pages 103 to 114</u></b> Form DMR40: Converted Mining Right granted to Tendele Coal Mining (Pty) Ltd by the Department of Minerals and Energy with Protocol No. 78/2011 in terms of Item 7 of Schedule II of the MPRDA, 2002 (Act No. 28 of 2002) dated 30 March 2011 .....	103 - 114
2.11	<b>"G3"</b> - <b><u>Pages 115 to 119</u></b> Form DMR44: Amendment / Variation of a Mining Right granted to Tendele Coal Mining (Pty) Ltd by the Department of Minerals and Energy with Protocol No. 97/2013 in terms of Section 102 of the MPRDA, 2002 (Act No. 28 of 2002) dated 8 March 2013 .....	115 - 119
2.12	<b>"G4"</b> - <b><u>Pages 120 to 132</u></b> Form DMR37: Mining Right granted to Tendele Coal Mining (Pty) Ltd by the Department of Minerals and Energy with Protocol No. 127/2016 in terms of Section 23(1) of the MPRDA, 2002 (Act No. 28 of 2002) dated 26 October 2016.....	120 - 132
	<u>Attachment thereto:</u>	
2.12.1	<b><u>Page 133</u></b> Map: Application for a Mining Right.....	133
2.13	<b>"G5"</b> - <b><u>Pages 134 to 136</u></b> Form MD109E: Mining Licence issued to Tendele Coal Mining (Pty) Ltd by the Department of Mineral and Energy Affairs with Licence No. KZN ML 354/2003 in terms of Minerals Act, 1991: Section 9(1) read with 9(3)(e) dated 9 April 2003.....	134 - 136
2.14	<b>"H"</b> - <b><u>Page 137</u></b> E-mail from Department of Mineral Resources (Mr K Moodley: Directorate: Mineral Regulation) to Youens Attorneys (Ms K Youens) Subject: Request for Environmental Authorisations issued to Tendele Coal Mining (Pty) Ltd, sent 13 June 2017 20:53.....	137
2.15	<b>"I"</b> - <b><u>Pages 138 to 140</u></b> Letter from Youens Attorneys (Ms K Youens) to the Department of Mineral Resources (Mr K Moodley: Directorate: Mineral Regulation) and the Department of Economic Development (Ms F Mdamba: Environmental Officer: Production) Re: Request for Environmental Authorisations issued to Tendele Coal Mining (Pty) Ltd, dated 14 June 2017.....	138 - 140

**INDEX : VOLUME 1**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to Applicants' Founding Affidavit</u> (Continued)	
2.16	<b>"J"</b> - <b><u>Pages 141 to 148</u></b> Letter from Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) to Clive Morris Productions (Pty) Ltd and 50/50 (Ms J Laurenz) Re: Response to 50/50 SABC 2 regarding allegations clarification, dated 28 June 2017 .....	141 - 148
2.17	<b>"K"</b> - <b><u>Page 149</u></b> Notice in terms of Section 21 of the Local Government: Municipal Demarcation Act, 1998 (KwaZulu-Natal) with Reference No. DEM131 issued by the Municipal Demarcation Board (Mr V Mlokoti: Chairperson: Municipal Demarcation Board) as General Notice No.1 in the Extraordinary Provincial Gazette of KwaZulu-Natal, dated 18 January 2008.....	149
	- <b><u>Page 150</u></b> Map of previous boundary changed by DEM131 with Reference No. DEM131_A, dated December 2007 .....	150
	- <b><u>Page 151</u></b> Map of previous boundary changed by DEM131 with Reference No. DEM131_B, dated December 2007 .....	151
	- <b><u>Page 152</u></b> Map of previous boundary changed by DEM131 with Reference No. DEM131_C, dated December 2007 .....	152
2.18	<b>"L"</b> - <b><u>Pages 153 to 156</u></b> Notice of Re-Determination of Municipal Boundaries of the Hlabisa and Mtubatuba Municipalities in terms of Section 17 read with Section 16(1)(g) of the Local Government: Municipal Structures Act, 1998 issued by Department of Co-Operative Governance and Traditional Affairs (Ms N Dube, MPL: Member of the Executive Council) as Provincial Notice No. 49 in the Extraordinary Provincial Gazette of KwaZulu-Natal, dated 16 May 2011 .....	153 - 156
2.19	<b>"M1"</b> - <b><u>Page 157</u></b> Photograph of rural household dwelling and animals on the edge of the mine .....	157

**INDEX : VOLUME 1**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to Applicants' Founding Affidavit</u> (Continued)	
2.20	<b>"M2"</b> - <b><u>Page 158</u></b> Photograph of rock dump at Tendele mine with animals grazing in the vicinity thereof.....	158
2.21	<b>"M3"</b> - <b><u>Page 159</u></b> Photograph of graves within the fenced off area of the mine.....	159
3.	<b><u>Pages 162 to 227</u></b> First Respondent's Answering Affidavit deposed to by <b>Jan Christoffel du Preez</b> , dated 24 November 2017 .....	160 - 225

---oOo---

**INDEX : VOLUME 2**

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit:</u>	
3.1	<b>"TCM1(a)" - <u>Pages 228 to 229</u></b> Confirmatory Affidavit deposed to by <b>Johanna Maria Steyn</b> , dated 19 January 2018 .....	226 - 227
3.2	<b>"TCM1" - <u>Page 230</u></b> Map indicating locality of the Somkhele Anthracite Mine relative to surrounding municipal boundaries.....	228
3.3	<b>"TCM2" - <u>Pages 231 to 236</u></b> Resolution of Izinduna within the Mpukunyoni area: Meeting conducted on 29 March 2017 at the offices of the Mpukunyoni Traditional Council (Mgeza) dated 29 March 2017 .....	229 - 234
	<u>Attachments thereto:</u>	
3.3.1	<b><u>Pages 237 to 239</u></b> Powerpoint presentation in respect of the Roadmap Agreement discussed on 29 March 2017 .....	235 - 237
3.3.2	<b><u>Page 240</u></b> Attendance Register of Tendele Coal Mining (Pty) Ltd of meeting with Izinduna of Mpukunyoni, dated 29 March 2017 .....	238
3.3.3	<b><u>Pages 241 / 242 to 243</u></b> Attendance Register of Mpukunyoni Traditional Authority, dated 29 March 2017 .....	239 - 240
3.4	<b>"TCM3" - <u>Pages 244 to 246</u></b> Letter from Mpukunyoni Mining Community Forum (MCMF) addressed to Whom It May Concern Re: Socio-Economic and Environmental Challenges in the mining-affected communities around the Somkhele / Tendele Mine, dated 21 September 2017 .....	241 - 243
3.5	<b>"TCM4" - <u>Page 247</u></b> Figure ES-1: Map indicating the 5 areas of operation of the Somkhele Mine, dated February 2017 .....	244
3.6	<b>"TCM5" - <u>Pages 248 to 260</u></b> Form DME386: Mining Right granted to Tendele Coal Mining (Pty) Ltd by the Department of Minerals and Energy with Protocol No. 178/2007 in terms of Section 23(1) of the MPRDA, 2002 (Act No. 28 of 2002) dated 22 June 2007 .....	245
	<b>(Excluded - Duplication of Pages 90 to 102 - Volume 1)</b>	



**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
3.12	<b>"TCM9(c)" - Page 295</b> Cover Page of AfriOre (Pty) Ltd EMP Report for the Somkhele Anthracite Mine with Report No. 2001.02.041: Main Report prepared by GCS (Pty) Ltd, dated April 2002.....	250
3.13	<b>"TCM10" - Page 296</b> Approval to Exhume Human Remains granted to Tendele Coal Mining (Pty) Ltd by the Department of Traditional and Local Government Affairs (Acting Head of Department) dated 10 November 2003 .....	251
	<u>Attachment thereto:</u>	
3.13.1	<b>Page 297</b> Schedule setting out details of Graves to be relocated.....	252
	- <b>Page 298</b> Extract of Government Gazette: Chapter III: Exhumations in terms of Section 20 of Act 12 of 1996, dated 12 February 1997 ..... (page 265)	253
	- <b>Page 299</b> Extract of Government Gazette: Chapter II: Exhumation of Dead Bodies - Regulations, dated April 1997 ..... (page 589)	254
	- <b>Page 300</b> Resolution of the Mpukunyoni Traditional Authority, dated 9 October 2003 .....	255
	<u>Annexes thereto:</u>	
3.13.2	<b>Page 301</b> Figure 1: Map of Proposed Cemetery Site "A" .....	256
3.13.3	<b>Page 302</b> Figure 1(b): Map of New Proposed Housing and Cemetery Site .....	257
	- <b>Page 303</b> Letter from Hlabisa Municipality (Mr V B Mbatha: Municipal Manager and Dr H P Mayise: Mayor) to the Mpukunyoni Tribal Authority Re: Resolution HLMT 169: The Cemetery Application for Mpukunyoni Tribal Area, dated 2 October 2003 .....	258
	- <b>Page 304</b> Letter from the Department of Traditional and Local Government Affairs (Mr J T Dladla: The Head) to the Traditional and Local Government Affairs (District Administrator) Re: Application for a Cemetery Site: Mpukunyoni Traditional Authority: Machibini Area: Hlabisa District, dated [3 January 2003] .....	259

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
4.13	<b>"TCM10"</b> - <b><u>Pages 305 to 307</u></b> (cont.) Memorandum from Northern Implementation Office (IDP Manager - Development Planning) to The Head: Director - Land Utilisation Re: PTO Act No. 29 of 1949: Application for Cemetery Site: Machibini Area: Hlabisa District, dated 20 March 2003.....	260 - 262
	- <b><u>Page 308</u></b> Sworn Affidavit of the <b>Mphukunyoni Traditional Authority</b> in respect of PTO Reference No. 9/3/1/4180 Re: Development Approval / Authorization and Payment of Site Rental, dated 26 May 2003 .....	263
	- <b><u>Page 309</u></b> Certificate for Permission to Occupy granted to the Mpukunyoni Traditional Authority by the Head: Traditional and Local Government Affairs (issued under the KwaZulu-Natal Land Affairs (PTO) Regulations 1994) as amended with Reference No. 9/3/1/4180, dated 20 May 2003 .....	264
	- <b><u>Page 310</u></b> Conditions relating to the occupation of all allotments held under Permission to Occupy or deemed to be so held .....	265
	- <b><u>Page 311</u></b> Endorsement .....	266
	- <b><u>Page 312 / 313</u></b> Figure 2: Proposed Cemetery Layout: Somkhele Project.....	267
	- <b><u>Page 314</u></b> Figure 3: Proposed Cemetery Fence Detail: Somkhele Project.....	268
	- <b><u>Page 315</u></b> Annexure B1: New Proposed Housing and Cemetery Site .....	269
	- <b><u>Page 316</u></b> Letter from Department of Traditional and Local Government Affairs (District Administrator: Hlabisa) to the Department of Traditional and Local Government Affairs (The Secretary) Re: Application for a PTO: Cemetery Site: Mpukunyoni Traditional Authority: Hlabisa District, dated 8 August 2002 .....	270



**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
4.13	<b>"TCM10"</b> - <b><u>Page 317</u></b> (cont.) Form ZP87: Application for a Site: Instructions: Part A submitted by Mpukunyoni Traditional Authority, dated 7 August 2002 .....	271
	<u>Annexes thereto:</u>	
3.13.4	<b>"A"</b> - <b><u>Page 318</u></b> Recommendation for issue of PTO: Mpukunyoni Tribal Authority submitted by Chairman of Tribal Authority and Another to The District Administrator / Secretary for Traditional and Environmental Affairs, dated 7 August 2002 .....	272
3.13.5	<b>"B"</b> - <b><u>Page 319</u></b> Site Inspection Certificate submitted by Mpukunyoni Tribal Authority, dated 7 August 2002 and issued on 28 August 2002 .....	273
3.13.6	<b>"C"</b> - <b><u>Page 320</u></b> Sketch submitted by Mpukunyoni Tribal Authority, dated 7 August 2002 .....	274
	- <b><u>Page 321</u></b> Letter from Chairman: Regional Authority - Hlabisa addressed to Whom It May Concern re Certificate of meeting held on 13 September 2002 .....	275
	- <b><u>Page 322</u></b> Map indicating proposed site .....	276
	- <b><u>Pages 323 to 324</u></b> Procedure for Exhumation (to be administered in terms of Section 20 of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996), read with the relevant Regulations) .....	277 - 278
	<u>Schedules thereto:</u>	
3.13.6.1	<b>"A"</b> - <b><u>Page 325 / 327</u></b> Template of Application for the consent of the Minister to exhume human remains .....	279
3.13.6.2	<b>"B"</b> - <b><u>Page 326 / 328</u></b> Template of Approval of Minister to exhume human remains .....	280

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
3.14	<b>"TCM11"</b> - <b><u>Pages 329 to 331</u></b> Extracts of Socio-Economic Impact Assessment for Somkhele Anthracite Mine with Project No. TEND.07/368 prepared by GCS (Pty) Ltd in terms of Section 39(3)B(ii) of the MPRDA (No. 28 of 2002) dated December 2007 ..... (pages 21 to 22)	281 - 283
3.15	<b>"TCM12"</b> - <b><u>Pages 332 to 338</u></b> Draft copy of Memorandum of Agreement in respect of Relocation of Family Graves entered into between Tendele Coal Mining (Pty) Ltd (as Somkhele Mine) and the relevant party as Owner.....	284 - 290
	<u>Appendices thereto:</u>	
3.15.1	<b>"A"</b> - <b><u>Page 339</u></b> Owner's Information.....	291
3.15.2	<b>"B"</b> - <b><u>Page 340</u></b> Locality Map of Graves .....	292
3.16	<b>"TCM13"</b> - <b><u>Pages 341 to 342</u></b> Letter from AMAFA: Heritage KwaZulu-Natal (Ms A van de Venter-Radford: Deputy Director) to Tendele Coal Mining (Pty) Ltd (Mr J C du Preez: Chief Executive Officer) Re: Allegations of non-compliance to Heritage Legislation, dated 30 April 2017 .....	293 - 294
3.17	<b>"TCM14"</b> - <b><u>Pages 343 to 345</u></b> Synopsis of Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) of meeting held with AMAFA, dated 8 May 2017 .....	295 - 297
3.18	<b>"TCM15"</b> - <b><u>Pages 346 to 347</u></b> Letter from Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) to AMAFA: Heritage KwaZulu-Natal (Ms A van de Venter-Radford: Deputy Director) Re: Allegations of non-compliance to Heritage Legislation, dated 26 May 2017 .....	298 - 299

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICTION APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
3.19	<b>"TCM16"</b> - <b><u>Pages 348 to 349</u></b> Letter from Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) to the Department of Mineral Resources (The Principal Inspector of Mines) Re: Notification: Mining in close proximity to graves in terms of the Mine Health and Safety Act, Act 29 of 1996, Regulation 17.6(A) dated 30 May 2017 .....	300 - 301
	<u>Addenda thereto:</u>	
3.19.1	<b>"1"</b> - <b><u>Pages 350 to 355</u></b> Risk Assessment done for the burial sites as identified, dated 25 May 2017 .....	302 - 307
3.19.2	<b>"2"</b> - <b><u>Pages 356 to 357</u></b> Aerial photograph of exact locations as surveyed of the individual graves.....	308 - 309
3.19.3	<b>"3"</b> - <b><u>Pages 358 to 360</u></b> Adverts which have been placed in the local newspapers - English and Zulu (as per requirement).....	310 - 312
3.19.4	<b>"4"</b> - <b><u>Page 361</u></b> Cover Page of Feedback to AMAFA regarding the grave relocation process.....	313
	- <b><u>Pages 362 to 363</u></b> Letter from Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) to AMAFA: Heritage KwaZulu-Natal (Ms A van de Venter-Radford: Deputy Director) Re: Allegations of non-compliance to Heritage Legislation, dated 26 May 2017 .....	314
	<b>(Excluded - Duplication of Pages 298 to 299 - Volume 2)</b>	
3.20	<b>"TCM17"</b> - <b><u>Pages 364 to 367</u></b> Minutes of Meeting between AMAFA Heritage KwaZulu-Natal and Tendele Coal Mining (Pty) Ltd held on 19 June 2017, dated 22 June 2017 .....	315 - 318
	<u>Attachment thereto:</u>	
3.20.1	<b><u>Page 368</u></b> Attendance Register, dated 19 June 2017 .....	319

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
3.21	<b>"TCM18"</b> - <b><u>Page 369</u></b> Letter from Tendele Coal Mining (Pty) Ltd (Mr J Steyn: Chief Operations Officer) to AMAFA: Heritage KwaZulu-Natal (Ms A van de Venter-Radford: Deputy Director) Re: Tendele's commitment to comply with Heritage Legislation, dated 22 June 2017 .....	320
3.22	<b>"TCM19"</b> - <b><u>Pages 370 to 371</u></b> Letter from the Department of Co-operative Governance and Traditional Affairs (COGTA) (Senior Manager: Municipal Administration) to Tendele Coal Mining (Pty) Ltd (Ms J Dafel) Re: Approval of the MEC to exhume the remains of three humans for the purposes of mining in KwaQubuka area and their re-interment at different locations within the Mtubatuba Local Municipality, dated 26 July 2017 .....	321 - 322
3.23	<b>"TCM20"</b> - <b><u>Pages 372 to 373</u></b> Permit with Reference No. SAH 17/11398 issued by AMAFA Heritage KwaZulu-Natal (Ms A van de Venter-Radford: Deputy Director) to PGS Heritage (Mr W Fourie) under the KwaZulu-Natal Heritage Act No. 4 of 2008 and Section 38(1) of the National Heritage Resources Act No. 25 of 1999, dated 11 August 2017 .....	323 - 324
3.24	<b>"TCM21"</b> - <b><u>Pages 374 to 376</u></b> Minutes of Meeting between AMAFA Heritage KwaZulu-Natal and Tendele Coal Mining (Pty) Ltd held on 19 September 2017, dated 17 October 2017 .....	325 - 327
3.25	<b>"TCM22(a)"</b> - <b><u>Pages 377 to 378</u></b> Letter from the Mtubatuba Municipality (Councillor M Q Mkhwanazi: The Mayor) to the South African Human Rights Commission (SAHRC) (Ms E Esterhuizen) copied to SAHRC (Ms K Hardy and Another) Re: National investigative hearing on the underlying socio-economic challenges in mining-affected communities in South Africa, dated 7 October 2016 .....	328 - 329
3.26	<b>"TCM22(b)"</b> - <b><u>Pages 379 to 382</u></b> Joint letter of Support from NUM, AMCU and Solidarity to the SAHRC (Ms E Esterhuizen) copied to SAHRC (Ms K Hardy and Another) Re: National investigative hearing on the underlying socio-economic challenges in mining-affected communities in South Africa, dated 7 October 2016 .....	330 - 333

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to First Respondent's Answering Affidavit (Continued)</u>	
3.27	<b>"TCM22(c)" - Page 383</b> Letter from Mpukunyoni Tribal Authority (Mr M M Mkhwanazi and Another) to Mpukunyoni Current and Future Mining Izigodi, Mpukunyoni Community and Tendele Coal Mining (Pty) Ltd copied to Ndunankulu N Mkhwanazi Re: Mpukunyoni Community Mining Forum (MCMF) Meeting - 26 October 2017, dated 8 November 2017 .....	334
3.28	<b>"TCM23" - Page 384</b> Analytical Test Report issued by Mhlathuze Water to Tendele Coal Mining (Pty) Ltd with Report No. TENDELE_MI-170222-3 Sample type: Water Distribution System, dated 22 February 2017 .....	335
3.29	<b>"TCM24" - Pages 385 to 394</b> Operational Procedure of Tendele Coal Mining (Pty) Ltd for Safety, Health and Environmental: Safety / Risk and Blasting and Explosives Handling, dated June 2017 and authorised on 12 September 2017 .....	336 - 345
3.30	<b>"TCM25" - Pages 395 to 413</b> Report on effect of blasting on 1st set of houses: Tendele Assessment of Houses prepared by Ilifa Africa Engineers (Pty) Ltd for Tendele Coal Mining (Pty) Ltd, dated 28 March 2017 .....	346 - 364
4.	<b><u>Pages 414 to 435</u></b> Applicants' Replying Affidavit deposed to by <b>Sabelo Dumisani Dladla</b> , dated 13 December 2017 .....	365 - 386
	<u>Annexes thereto:</u>	
4.1	<b>"R1" - Pages 436 to 442</b> Schedule setting out listed activities requiring environmental authorisation under: Environment Conservation Act 73 of 1989 (5 September 1997 to 2 July 2006) and National Environmental Management Act 107 of 1998 (3 July 2006 to present).....	387 - 393
4.2	<b>"R2" - Page 443</b> Letter from Tendele Coal Mining (Pty) Ltd (Mr L N Gcabashe: Community Development Manager) to Osizweni Store (Mr G B Dladla) Re: Requisition for water and water tanks (undated).....	394
4.3	<b>"R3" - Pages 444 to 446</b> Affidavit deposed to by <b>Sarah Tholakele Nxumalo</b> , dated 29 November 2017 .....	395 - 397

**INDEX : VOLUME 2**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>INTERDICT APPLICATION</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to Applicants' Replying Affidavit (Continued)</u>	
4.4	<b>"R4" - Pages 447 to 452</b> Review Report of CBSS: Carin Bosman Sustainable Solutions (Ms C Bosman: Director of CBSS) to GroundWork (Mr S Peek: Director) Re: Review of the Annual Water Quality Monitoring Report for Tendele Coal Mining (Pty) Ltd: Somkhele Mine, prepared by GCS (Pty) Ltd, dated March 2017, dated 4 July 2017 .....	398 - 403
4.5	<b>"R5" - Pages 453 to 457 / 458</b> Affidavit deposed to by <b>Catharina Bosman</b> , dated 12 December 2017 .....	404 - 408
	---oOo---	
	<b><u>APPLICATION FOR ADMISSION AS AMICUS CURIAE</u></b> (KZP Case No. 11488/17P)	
5.	Notice in terms of Rule 16A(3) of the Uniform Rules of Court, dated 9 July 2018 .....	409 - 413
	<u>Annexes thereto:</u>	
5.1	<b>"A" - Request for Consent to be admitted as Amicus Curiae in terms of Rule 16A(2) of Uniform Rules of Court, dated 28 June 2018 .....</b>	414 - 425
	<u>Annexes thereto:</u>	
5.1.1	<b>"A" - Memorandum of Understanding entered into by and between Mpukunyoni Traditional Council and Mpukunyoni Traditional Authority, and The 30 Izinduna of the 30 Isigodi in the Mpukunyoni Area and The Royal House and the Mpukunyoni Community Mining Forum, dated 31 May 2018 .....</b>	426 - 427
5.1.2	<b>"B" - Register of Attendance of the 30 Izinduna of the Mpukunyoni Traditional Authority, dated 31 May 2018 .....</b>	428 - 429

**INDEX : VOLUME 2**

(CONTINUED)

**N<sup>o</sup>****ITEM****APPEAL PAGE N<sup>o</sup>****APPLICATION FOR ADMISSION AS AMICUS CURIAE**

(KZP Case No. 11488/17P)

**Annexes to Notice in terms of Rule 16A(3) (Continued)****Annexes to Annex "A" (Continued)**

5.1.3	<b>"C"</b>	- Statement of AMCU Representatives issued in respect of Tendele Coal Mining (Pty) Ltd, KZN Province, dated 26 June 2018 .....	430
		- Letter from National Union of Mineworkers (Mr M Zakwe: Regional Secretary, KZN Region) addressed to Whom It May Concern, dated 26 June 2018 .....	431
		- E-mail from DMS Attorneys (Mr T Sono) to Hay and Scott Attorneys (Mr R F Brent) and Nine Others copied to DMS Attorneys (Mr D Sibuyi) and Another Subject: Global Investment Trust and Two Others // Tendele Coal Mining (Pty) Ltd and Eight Others sent 28 June 2018 15:04 .....	432
5.2	<b>"B"</b>	- Letter from Malan Scholes Incorporated (Mr H Scholes) to DMS Attorneys (Mr D Sibuyi) Re: Global Environmental Trust and Two Others // Tendele Coal Mining (Pty) Ltd and Eight Others, dated 4 July 2018.....	433
5.3	<b>"C"</b>	- Letter marked "Without Prejudice" from Youens Attorneys (Ms K Youens) to DMS Attorneys (Mr T Sono) Re: Global Enviromental Trust and Others // Tendele Coal Mining (Pty) Ltd and Others, dated 5 July 2018.....	434 - 435

---oOo---

**INDEX : VOLUME 3**

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>APPLICATION FOR ADMISSION AS AMICUS CURIAE</u></b> (KZP Case No. 11488/17P)	
6.	<b><u>Pages 1 to 7</u></b> Amicus Curiae Affidavit on behalf of Applicants deposed to by <b>Sabelo Dumisani Dladla</b> , dated 3 August 2018.....	436 - 442
	<u>Annexes thereto:</u>	
6.1	<b>“SDD1” - <u>Pages 8, unpaginated page and 9</u></b> Affidavit deposed to by <b>Sifiso Dladla</b> , dated 31 July 2018.....	443 - 445
	- <b><u>Pages 10 to 25</u></b> Mpukunyoni Social Audit Report in respect of Tendele Coal Mining 2018 prepared by Actionaid (Mr S Dladla: Mining Extractives Project Manager) dated 27 July 2018.....	446 - 461
6.2	<b>“SSD2” - <u>Pages 26 to 28</u></b> Affidavit deposed to by <b>Michael R. Edelstein</b> , dated 2 August 2018.....	462 - 464
	<u>Attachment thereto:</u>	
6.2.1	<b><u>Pages 29 to 53</u></b> Assessment Report on the Psycho-Social Impacts associated with Tendele Coal Mine prepared by Michael R. Edelstein, Ph.D., dated 31 July 2018 .....	465 - 489
6.2.1.1	<b><u>Page 54</u></b> Bibliography .....	490
6.2.1.2	<b><u>Page 55</u></b> Figure 1: Houses visible by mining site, dated May 2018 .....	491
6.2.1.3	<b><u>Page 56</u></b> Figure 2: Cumulative Impacts of Existing and Proposed Coal Mines in the vicinity of the Hluhluwe-iMfolozi Park, dated 2018 .....	492
6.2.1.4	<b><u>Pages 57 to 91</u></b> Curriculum Vitae of Michael R. Edelstein, Ph.D., dated 28 February 2018 .....	493 - 527



**INDEX : VOLUME 3**

(CONTINUED)

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>APPLICATION FOR ADMISSION AS AMICUS CURIAE</u></b> (KZP Case No. 11488/17P)	
	<u>Annexes to Amicus Curiae Affidavit of the Applicants (Continued)</u>	
6.3	<b>“SSD3” - Pages 1 to 80</b> Report on the National Hearing on the Underlying Socio-economic Challenges of Mining-affected Communities in South Africa prepared by the South African Human Rights Commission, dated 13 to 14, 26 and 28 September and 3 November 2016 .....	528 - 607
	<u>Annexes thereto:</u>	
6.3.1	<b>“A” - Pages 81 to 94</b> Findings, Directives and Recommendations .....	608 - 621
6.3.2	<b>“B” - Pages 95 to 96</b> List of Abbreviations.....	622 - 623
6.3.3	<b>“C” - Pages 97 to 99</b> List of Participants and Attendees: Communities, Departments, Institutions and Organisations.....	624 - 626
	---oOo---	

**INDEX : VOLUME 4**

<b><u>N<sup>o</sup></u></b>	<b><u>ITEM</u></b>	<b><u>APPEAL PAGE N<sup>o</sup></u></b>
	<b><u>IN THE HIGH COURT OF SOUTH AFRICA</u></b> (KZP Case No. 11488/17P)	
7.	<b>JUDGMENT</b> and <b>ORDER</b> of the High Court delivered by the Honourable Mr Justice <b>Seegobin</b> on 20 October 2018 .....	627 - 684
8.	Notice of Application for Leave to Appeal, dated 11 December 2018 .....	685 - 701
9.	Judgment and Order granting the Application for Leave to Appeal delivered by the Honourable Mr Justice <b>Seegobin</b> on 17 September 2019 .....	702 - 706
10.	Court Order granting the Application for Leave to Appeal, dated 17 September 2019 .....	707 - 708
	---oOo---	
	<b><u>IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA</u></b> (SCA Case No. 1105/2019)	
11.	Notice of Appeal, dated 9 October 2019 .....	709 - 717
	<u>Annex thereto:</u>	
11.1	<b>"A"</b> - Court Order granting the Application for Leave to Appeal, dated 17 September 2019 ..... (Excluded - Duplication of Pages 707 to 708 - Volume 4)	718
	---oOo---	
	<b><u>Correspondence re composition of Appeal Record</u></b>	
12.	Awaiting correspondence .....	outstanding (719)
	---oOo---	
	<b><u>Certificates</u></b>	
13.	Appeal Certificate (Appeal Document Services) .....	
14.	Appellants' Attorney's Certificate .....	
15.	Registrar's Certificate .....	
	---oOo---	

**LIST OF FORMAL DOCUMENTS**  
**EXCLUDED FROM APPEAL RECORD**

<b><u>Nº</u></b>	<b><u>ITEM</u></b>	
	<u>INTERDICT APPLICATION</u> (KZP Case No. 11488/17P)	
1.	Notice Amendment, dated 14 December 2017 .....	17 - 19
	---oOo---	
	<u>APPLICATION FOR ADMISSION AS AMICUS CURIAE</u> (KZP Case No. 11488/17P)	
2.	Index for Amicus Curiae Affidavit on behalf of Applicants - Volume 1, dated 3 August 2018	
3.	Index for Amicus Curiae Affidavit on behalf of Applicants - Volume 2, dated 3 August 2018	
	---oOo---	