

**IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MIDDELBURG
(LOCAL SEAT)**

CASE NO:

In the matter between:

MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA	First Applicant
GROUNDWORK	Second Applicant
BIRDLIFE SOUTH AFRICA	Third Applicant
ENDANGERED WILDLIFE TRUST	Fourth Applicant
FEDERATION FOR A SUSTAINABLE ENVIRONMENT	Fifth Applicant
ASSOCIATION FOR WATER AND RURAL DEVELOPMENT	Sixth Applicant
BENCH MARKS FOUNDATION	Seventh Applicant

and

GERT SIBANDE DISTRICT JOINT MUNICIPAL PLANNING TRIBUNAL	First Respondent
DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY: MUNICIPAL APPEAL AUTHORITY	Second Respondent
ATHA-AFRICA VENTURES (PTY) LTD	Third Respondent
MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT	Fourth Respondent
THE MABOLA PROTECTED ENVIRONMENT LANDOWNERS ASSOCIATION	Fifth Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned

JOHN CAPEL
(ID. Number: 580318 508 2080) *ew. Jc*

state under oath that:

- 1 I am the Executive Director of the Seventh Applicant, the Bench Marks Foundation.
- 2 I am duly authorised to depose to this affidavit on behalf of the Bench Marks Foundation.
- 3 The contents of this affidavit are within my personal knowledge and belief, unless the context indicates otherwise, and are true and correct.
- 4 I have read the founding affidavit deposed to by Nkwane Elton Thobejane. I agree with the contents thereof and also specifically confirm the allegations that pertain to the Bench Marks Foundation.

ew
Jc



 JOHN CAPEL

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Johannesburg on this the 19 day of MAY 2020, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

Kay Leigh Mac Donald Vivier
Commissioner of Oaths Ex Officio
 Practising Attorney R.S.A
 14 High Street, Modderfontein,
 Lethabong



COMMISSIONER OF OATHS
 Full names:
 Address:
 Capacity: