



## mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

# Annexure S

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Mpumalanga Regional Office

Dear Madam

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### RESPONSE TO CER REGARDING ATHA AFRICA VENTURE (PTY) LTD

1. The Department indeed issued the mining right and approve of the Environmental Management Programme (EMP) because of the following reasons:
  - i) Firstly, when the right is granted an applicant is advised to execute the mining right in order for the right to be effective and register the right within 60 days with the Mine Titles Office and lastly the holder must at all times adhere to the provision of section 38 (1) (a), (b), (c), (d), (e) and (2) of the MPRDA Act 2002,
  - ii) Once the decision maker (DG) exercised and made the decision to grant the Mining Right the onus resides with the applicant to comply with the approved EMP and in this instance it cannot be assumed or misconstrued that the applicant will not comply with before they even commenced with the mining activities. The approval of the EMP followed numerous engagements with other State Departments (i.e. Department of Environmental Affairs (DEA) and Department of Water Affairs and Sanitation (DWS) amongst others) and all the departments made their considered comments relating to the mining right applications and therefore it's the responsibility of the applicant to adhere to all the approved Environmental conditions by all affected departments including the conditions with Integrated Water Use Licence. Lastly in trying exercise a risk averse approach with regard the purported sensitive nature of the environment the MPTA and other affected departments conducted a site inspection and contributed to the most

practical and pragmatic approach in terms of environmental mitigation measures.

iii) Lastly, all the material terms and condition of the right will be periodically monitored after the commencement of the right including the Water Use License DWS. Affected departments at agreed interval will be requested to conduct joint inspections because the Section 49 approval could not be applied retrospectively, the applicant had a prospecting right before and it is therefore imperative to indicate that the Mining Right lodged by the applicant cannot be considered as a new application in this regard because it was a natural graduation of a prospecting right to mining right and in terms of the MPRDA the applicant has an exclusive right to apply for a mining right.

2. The reasonable period to process the application was affected by extensive engagements (i.e. meetings, awaiting of written comments, addressing concerns, objections amongst other thing), which was deemed necessary in order to finalize matter.



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**THE REGIONAL MANAGER**  
**MPUMALANGA REGION**  
**DEPARTMENT OF MINERAL RESOURCES**  
DATE:.....03/10/2016.....