

**FORM A**  
**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
**(Section 18 (1) of the Promotion of Access to Information**  
**Act, 2000**  
**(Act No. 2 of 2000)**  
**[Regulation 2]**

**FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_

**Request received**

**by:** \_\_\_\_\_

(state rank, name and surname of information officer/deputy information officer) on  
\_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Request fee (if any): R \_\_\_\_\_

Deposit fee (if any): R \_\_\_\_\_

Access fee: R \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF INFORMATION  
OFFICER/DEPUTY  
INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer: Dr. Thibedi Ramontja  
Department of Mineral Resources  
Private Bag X59  
Pretoria  
South Africa  
0001

Telephone: +27124443284  
Fax: +27867101070

Email: [Thibedi.Ramontja@dmr.gov.za](mailto:Thibedi.Ramontja@dmr.gov.za); [Pieter.Alberts@dmr.gov.za](mailto:Pieter.Alberts@dmr.gov.za);  
[Diphoko.Modiselle@dmr.gov.za](mailto:Diphoko.Modiselle@dmr.gov.za); [nwabisa.qwanyashe@dmr.gov.za](mailto:nwabisa.qwanyashe@dmr.gov.za)

## B. Particulars of person requesting access to the record

- *The particulars of the person who requests access to the record must be recorded below.*
- *Furnish an address and/or fax number in the Republic to which information must be sent*
- *Proof of the capacity in which the request is made, if applicable, must be attached.*

**Name of organisation:** Centre for Environmental Rights

**Registration number:** 2009/020736/08

**Postal address:** 2nd Floor, Springtime Studios, 1 Scott Road, Observatory, 7925

**Fax number:** 0867309098

**Telephone number:** +27214471647

**E-Mail Address:** [Ichien@cer.org.za](mailto:Ichien@cer.org.za); [mtheart@cer.org.za](mailto:mtheart@cer.org.za).

Capacity in which request is made, when made on behalf of another person: Attorney

## C. Particulars of person on whose behalf request is made

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Name of organisation: Federation for a Sustainable Environment

Registration number: 2007/033134/08 (NPO no.: 062986-NPO)

## D. Particulars of record

- *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- *If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

- Description of record or relevant part of the record:

**Copies of the following records are requested:**

1. In respect of the proposed Yzermyn Underground Coal Mine Project at Bloemhof 92 HT, Goedgevonden 95 HT, Kromhoek 93 HT, Portion 1 of Farm Nauwgevonden 110 HT, Paardekop 109 HT, Uitzicht 108 HT, Portion 2 and the Remaining Extent of the Farm Van der Waltspoor 81 HT, Virginia 91 HT, Waalhoek 87 HT, Portion 1 and the Remaining Extent of the Farm Yzermyn 96 HT and Zoetfontein 94 HT, Magisterial District of Wakkerstroom, Mpumalanga Province, with DMR reference number MP30/5/1/2/2/0069MR (hereinafter referred to as “the Yzermyn Project”)
  - a. A copy of the mining right application submitted by Atha-Africa Ventures (Pty) Ltd (Atha) to the Department of Mineral Resources (DMR);
  - b. A record of “proper mitigation measures relative to the area in consultation with all other stakeholders/authorities that administer matters affecting the environment at National and Provincial (Mpumalanga) level” formulated by Atha and as required by the DMR in para 6(iii) of its letter to Atha (dated 19 September 2014, attached as annexure “A”);
  - c. “A proper plan/map with a clear depiction of exclusions [of any areas that constitute wetlands]” as required by the DMR in para 6(iv) of annexure “A”.
  - d. A copy of the executed mining right granted for the Yzermyn Project;
  - e. The approved environmental management programme (EMPR) for Atha’s Yzermyn Project; alternatively, a copy of the draft EMPR submitted by Atha to DMR for approval;
  - f. In the event that these records are not included in the EMPR referred to above, records showing the approved financial provision made in terms of section 41 of the Mineral and Petroleum Resources Development Act, 2002, alternatively in terms of section 24P of the National Environmental Management Act, 1998 including the amount, detailed calculation, form of provision and records that the financial provision has indeed been made;
  - g. The approved social and labour plan (SLP) for Atha’s Yzermyn Project; alternatively, a copy of the draft SLP submitted by Atha to DMR for approval;
  - h. The approved mining works programme (MWP) for Atha’s Yzermyn Project; alternatively, a copy of the draft MWP submitted by Atha to DMR for approval;
  - i. Any correspondence between Atha and the DMR and/or Minister of Mineral Resources contemplated by section 48(1)(b) of the National Environmental Management: Protected Areas Act, 57 of 2003; and
  - j. All correspondence between the DMR and Atha and between the DMR and the Department of Environmental Affairs and/or the Department of Water and Sanitation regarding Atha’s proposed Yzermyn Project.

- Reference number, if available: DMR reference for the mining right application **MP30/5/1/2/2/10069MR**
- Any further particulars of record: n/a

**E. Fees**

- *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- *You will be notified of the amount required to be paid as the request fee.*
- *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

The requester, the Federation for a Sustainable Environment, is a non-profit organisation.

In terms of the Exemptions and Determinations Regulations published under section 22(8) of the Promotion of Access to Information Act, 2000 (GN R991 of 14 October 2005), access fees are not payable by persons with an annual income of less than R14 712.

As a non-profit organisation, the requester is not in the business of generating income for profit. The requester relies on funding from donors to fund its activities; however, such funding is often unpredictable and limited.

The requester therefore respectfully requests the Department to grant it exemption in terms of the aforementioned regulation. In the event that access to records requested is granted, the requester should be exempted from payment of any access fees.

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: \_\_\_\_\_

Form in which record is required: \_\_\_\_\_

Mark the appropriate box with an "X".

NOTES:

- Your indication as to the required form of access depends on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances. In such a

case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in printed form:**

|          |                 |  |                      |
|----------|-----------------|--|----------------------|
| <b>X</b> | Copy of record* |  | Inspection of record |
|----------|-----------------|--|----------------------|

**2. If record consists of visual images:**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc).

|  |                 |          |                     |  |                              |
|--|-----------------|----------|---------------------|--|------------------------------|
|  | view the images | <b>X</b> | copy of the images* |  | transcription of the images* |
|--|-----------------|----------|---------------------|--|------------------------------|

**3. If record consists of recorded words or information which can be reproduced in sound:**

|  |   |          |  |
|--|---|----------|--|
|  | Listen to the soundtrack (audio cassette) | <b>X</b> | transcription of soundtrack* (written or printed document) |
|--|---|----------|--|

**4. If record is held on computer or in an electronic or machine ? readable form:**

|  |                         |          |                                       |  |   |
|--|-------------------------|----------|---------------------------------------|--|---|
|  | Printed copy of record* | <b>X</b> | Printed copy derived from the record* |  | copy in computer readable form*(stiffy or compact disc) |
|--|-------------------------|----------|---------------------------------------|--|---|

|  |     |          |
|--|-----|----------|
|  | YES | NO       |
| * If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? |     | <b>X</b> |

**A postal fee is payable.**

*Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

In which language would you prefer the record? ENGLISH

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

**BY EMAIL TO** [lichien@cer.org.za](mailto:lichien@cer.org.za); [chorsfield@cer.org.za](mailto:chorsfield@cer.org.za); [mtheart@cer.org.za](mailto:mtheart@cer.org.za); [amotala@cer.org.za](mailto:amotala@cer.org.za).

Signed at CAPE TOWN this 16th of April 2015.

A handwritten signature in black ink, appearing to be 'Li-Fen Chien', written in a cursive style.

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

Ms Li-Fen Chien (Attorney)

Centre for Environmental Rights