

Annexure A

1. The following authorisations are also required for the proposed mine:
 - 1.1. A mining right in terms of section 23(1) of the Mineral and Petroleum Resources Development Act 28 of 2002 ('MPRDA') – first purportedly granted on 19 September 2014 by the Director-General of the Department of Mineral Resources ('the DMR'). On 14 April 2015, the mining right was withdrawn by the Minister of Mineral Resources ('the Minerals Minister') in terms of section 103(4)(b) of the MPRDA and purportedly replaced with a new mining right ('the mining right');
 - 1.2. The approval of the environmental management programme ('EMPR') in terms of section 39 of the MPRDA – purportedly granted by the Mpumalanga Regional Manager of the DMR on 28 June 2016;
 - 1.3. A water use licence in terms of section 22(1)(b) of the National Water Act 36 of 1998 ('the NWA') – purportedly granted on 7 July 2016 by the DG (Acting) of the Department of Water and Sanitation ('the WUL');
 - 1.4. Permission for a change of land-use of the properties comprising the mine area from agricultural and/or conservation purposes to mining, in terms of section 26(4) of the Spatial Planning and Land Use Management Act 16 of 2013, read with regulation 18 of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and the Spatial Planning and Land Use Management By-Law for the Dr. Pixley Ka Isaka Seme, Lekwa, Mkhondo and

Msukaligwa Local Municipalities (Proclamation 8 in Provincial Gazette 2683 of 22 April). Atha has not yet obtained and still requires permission for a change of land use in respect of Goedgevonden 95 HT, Remainder and Portion 1 of Kromhoek 93 HT and Zoetfontein 94 HT, the intended locations of the underground mining operations, as well as Portion 1 of Yzermyn 96 HT, the intended location of the surface infrastructure, as well as the properties on which the borehole pipelines are to be established, referred to above; and

- 1.5. Written permission of the Minister of Environmental Affairs ('the Environment Minister') and Minerals Ministers in terms of section 48(1)(b) of National Environmental Management: Protected Areas Act 57 of 2003 to conduct commercial mining in the MPE. As stated above, the Environment Minister and Minerals Minister granted such permission on 20 August 2016 and 21 November 2016, respectively ('the NEMPAA decisions').

2. The following legal challenges have been initiated against the statutory authorisations:

- 2.1. On 10 September 2015 the appellants applied for the judicial review of the mining right in the Gauteng Division, Pretoria of the High Court under case number 73278/15, which litigation is still pending.
- 2.2. On 19 August 2016 the appellants lodged an internal appeal against the EMPR decision in terms of section 96(1)(a) of the MPRDA and regulation 74 of the Mineral and Petroleum Resources Development Regulations, 2004 with the DG of the DMR, which appeal is still pending.

- 2.3. On 15 December 2016 the fifth and sixth appellants and Mpumalanga Landbou/Agriculture lodged an internal appeal in terms of section 148(1) of the NWA against the WUL in the Water Tribunal, which appeal is also still pending.
- 2.4. On 26 July 2017, the appellants took the NEMPAA decisions on review in the Gauteng Division, Pretoria of the High Court, which review is pending.
3. The submission of the EMPR appeal did not suspend the approval of the EMPR. The EA is currently suspended pending the outcome of the EA appeal. The WUL is no longer suspended pending the outcome of the WUL appeal, because on 26 March 2017 the Minister of Water and Sanitation exercised her discretion to uplift the suspension of the WUL in terms of section 148(2)(b) of the NWA.