

MP 30/5/1/2/2/10069 MR

**DIRECTOR GENERAL:
MINERAL REGULATION**

SUBJECT

APPLICATION FOR A MINING RIGHT IN TERMS OF SECTION 22(1) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) (HEREINAFTER REFERRED TO AS "the Act"): ATHA-AFRICA VENTURES (PTY) LTD.

1. *AIM*

- 1.1 To request you to consider the **refusal** of a mining right to **Atha-Africa Ventures (Pty) Ltd** and to sign the attached refusal letter, by virtue of the powers delegated to you.

2. *BACKGROUND / DELIBERATION*

- 2.1 **Atha-Africa Ventures (Pty) Ltd** applied for a mining right in terms of section 22(1) of the Act to mine for **Coal** on the farms **Bloemhof 92 HT, Goedgevonden 95 HT, Kromhoek 93 HT, Portion 1 of the farm Nauwgevonden 110 HT, Paardekop 109 HT, Uitzicht 108 HT, Portion 2 and the Remaining Extent of the farm Van Der Waltspoort 81 HT, Virginia 91 HT, Waalhoek 87 HT, Portion 1 and the Remaining Extent of the farm Yzermyn 96 HT and Zoetfontein 94 HT**, in extent **1147.6789** hectares, Magisterial District of **Wakkerstroom**.

2.2 The application area is indicated on the plan attached hereto as **Annexure A**.

2.3 According to the SAMRAD (**Annexure B**), there are lapsed prospecting right applications from BHP Billiton Energy Coal SA Limited (215PR), Kangra Coal (Pty) Ltd (535PR) and there is no record of renewal, there are rejected prospecting right applications from DMC Coal Mining (Pty) Ltd (1903PR), Nonisa Mining (Pty) Ltd (4704PR), there refused prospecting right applications from Zama Jali Mining CC (5438PR), Peripro Investments Holdings (Pty) Ltd (4709PR).

3. PARTICULARS OF APPLICANT

Name: **Atha-Africa Ventures (Pty) Ltd**

Registration No: **2004/020746/07**

4. COMPLIANCE WITH APPLICATION AND GRANTING CRITERIA

The Regional Manager confirms that the applicant has complied with all the application requirements of sections 22(2) and 22(4) and that the necessary internal procedures contemplated in terms of section 10(1) of the Act have also been complied with. (**Annexure C**).

4.1 Assessment of Environmental aspects

As contemplated in Section 23(1)(d) of the Act, the Regional Manager confirms that in accordance with the Mine Environmental Management report attached hereto as

(Annexure D), the applicant does not meet the requirements of Section 23(1)(d) of the act, in that the EMP does not meet the requirements of Section 39(3)(d) of the Act and does not comply with approval criteria set out in Section 39(4)(a) of the Act.

4.2 Assessment of the Mining Work Programme:

According to the Mine Economics report, attached hereto as **Annexure E**, the applicant has complied with the granting criteria in that the mineral can be mined optimally in accordance with the mining work programme and that the applicant has access to financial resources and has the technical ability to conduct the proposed mining operations optimally. Furthermore that the financing plan is compatible with the intended mining operation and the duration thereof.

4.3 Assessment of Social and Labour Plan aspects

As contemplated in Section 23(1)(e), the Regional Manager confirms that in accordance with the Social and Labour Plan report attached hereto as **Annexure F**, the applicant has complied with Section 23(1)(e) of the Act in that the requirements of Regulation 46 have been met.

4.4 Contravention of the legislation

As contemplated in Section 23 (1) (g) of the Act, the Regional Manager confirms that the applicant is in contravention of the provisions of the Act.

5. PROMOTION OF ADMINISTRATIVE JUSTICE

The applicant was in terms of Section 39(5) of the Act provided with a directive detailing the manner in which Environmental Impact Assessment and Environmental Impact Programme to be compiled during the acceptance of the application. (See paragraph 3 on Annexure D for more information regarding PAJA)

7. RECOMMENDATION

7.1 In light of the fact that the applicant has not complied with all the requirements of Section 23 (1) of the Act, as indicated in paragraphs 4.2 and 4.3 above it is recommended that you please,

(i) the applicant does not meet the requirements of Section 23(1)(d) of the act, in that the EMP does not meet the requirements of Section 39(3)(d) of the Act and does not comply with approval criteria set out in Section 39(4)(a) of the Act.

(ii) sign the attached refusal letter.

**PARAGRAPH 7.1(i): GRANTING
OF MINING RIGHT REFUSED
PARAGRAPH 7.1(ii): REFUSAL
LETTER SIGNED**

**PARAGRAPH 7.1(i): GRANTING
OF MINING RIGHT NOT
REFUSED**

DIRECTOR-GENERAL

DIRECTOR-GENERAL

DEPARTMENT OF MINERAL
RESOURCES

DATE:

DEPARTMENT OF MINERAL
RESOURCES

DATE:

DEPUTY DIRECTOR-GENERAL:
MINERAL REGULATION:

DEPARTMENT OF MINERAL
RESOURCES

DATE:

DEPUTY DIRECTOR-GENERAL:
MINERAL REGULATION:

DEPARTMENT OF MINERAL
RESOURCES

DATE:

CHIEF DIRECTOR: MINERAL REGULATION
WESTERN REGIONS

DATE:

DIRECTOR: LICENSING AND LEGAL COMPLIANCE:

DATE:



REGIONAL MANAGER:

MPUMALANGA REGION

DATE: 16/05/2014

DEPUTY DIRECTOR: MINERAL LAWS

MPUMALANGA REGION

DATE: