

# MPUMALANGA PROVINCIAL GOVERNMENT

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## Department of Economic Development, Environment and Tourism *Office of the MEC*

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KoMnotho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese  
Ontwikkeling, Omgewing en Toerisme

Enquires: Mr TN Fakude  
Tel No: 013 766 4279

**Mr Praveer Tripathi**  
**Senoir Vice President**  
**Atha-Africa Ventures (PTY) LTD**  
**8<sup>th</sup> floor Sinosteel Plaza**  
**159 Rivonia Road Morningside**  
**SANDTON**  
**2144**

Dear Mr Praveer Tripathi

**RE: CONSIDERATION OF REPRESENTATIONS AND OBJECTIONS BY ATHA-AFRICA VENTURES (PTY) LTD. ("AAV") TO THE SECTION 33 NOTICE (IN TERMS OF ACT NUMBER 57 OF 2003) BY THE HONOURABLE MEC Y N PHOSA ON THE INTENTION TO DECLARE THE MABOLA PROTECTED ENVIRONMENT, THE EXPANSION OF KWAMANLAMISI PROTECTED ENVIRONMENT AND THE TAFELKOP NATURE RESERVIN TERMS OF SECTION 28(1) AND (1) OF THE NATIONAL ENVIRONMENT MANAGEMENT: PROTECTED AREAS ACT, ACT 57 OF 2003 ("NEMPAA").**

With reference to your correspondence of the 15<sup>th</sup> January 2014, herewith my response.

As per my determination to yourselves on the 24<sup>th</sup> December 2013, that after consideration of all of the facts that were presented before me, I took the decision to continue with the declaration of the Mabola Protected Environment.

I hereby again confirm that the portion 1 of the farm Yzermyn 96 HT is not included in the declaration. The declaration was gazetted on the 22<sup>nd</sup> January 2014 in Government Gazette No. 2251 and Notice 20 of 2014. The expanded Kwamandlangampisi Protected Environment was also declared in the same Government Gazette under Notice 21 of 2014.

I am therefore unable to consider your request to exclude the properties that have been mentioned in your correspondence from the final declaration as there were no grounds for me to do so, since the landowners have individually consented to the declaration of these properties and in that your right on these properties is a prospecting right and not a mining right at the time of my decision.

In addition, as was indicated in my letter of the 24<sup>th</sup> December 2014, I was quite explicit in the fact that the declaration of a Protected Environment does not prohibit mining, however if your mining right is successful, then further negotiation between yourselves, DEDET and the MTPA would need to be entered into in order to consider how your right could be exercised within this protected area and





under very stringent conditions to ensure the protection of the environment and the biodiversity features located therein. The ultimate decision on whether your mining right, if granted, can be exercised within the protected environment and under what conditions, will however rest with the Minister of the Department of Environmental Affairs.

Without pre-empting the outcome of your mining right application, I would suggest that should your mining right be granted, then you as a first step should enter into a discussion with the MTPA and the landowners to agree on fundamental principles with regard to the possible co-existence of mining and conservation within the protected environment.

**MRS Y N PHOSA (MPL)**  
**MEMBER OF EXECUTIVE COUNCIL**

DATE: 31/1/2014

RE: CONSIDERATION OF REPRESENTATIONS AND OBJECTIONS BY ATHA-AFRICA VENTURES (PTY) LTD. ("AAV") TO THE SECTION 33 NOTICE (IN TERMS OF ACT NUMBER 57 OF 2003) BY THE HONOURABLE MEC Y N PHOSA ON THE INTENTION TO DECLARE THE MABOLA PROTECTED ENVIRONMENT, THE EXPANSION OF KWAMANLAMISI PROTECTED ENVIRONMENT AND THE TAFELKOP NATURE RESERVE IN TERMS OF SECTION 28(1) AND (1) OF THE NATIONAL ENVIRONMENT MANAGEMENT: PROTECTED AREAS ACT, ACT 57 OF 2003 ("NEMPA")