



**MINISTER  
ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS 154588

Mr Praveer Tripathi  
Senior Vice President: Atha-Africa Ventures (Pty) Ltd  
PO Box 1569  
**SANDTON**  
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Fax: 011 784 7467  
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Dear Mr Tripathi

**APPLICATION FOR PERMISSION TO MINE WITHIN A PROTECTED ENVIRONMENT IN TERMS OF SECTION 48 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003: YZERMYN UNDERGROUND COAL MINE WITHIN THE MABOLA PROTECTED ENVIRONMENT, MPUMALANGA PROVINCE**

With reference to the above application, please be advised that the Ministers of Environmental Affairs and Mineral Resources have decided to grant Atha-Africa Ventures (Pty) Ltd permission to mine within the Mabola Protected Environment in terms of Section 48 of the National Environmental Management: Protected Areas Act (NEMPAA), 2003 (Act no. 57 of 2003).

The permission and reasons for the decision are attached herewith.

Yours sincerely

  
MRS B E E MOLEWA, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS

DATE: 2016/08/20

  
MR MOSEBENZI JOSEPH ZWANE, MP  
MINISTER OF MINERAL RESOURCES

DATE: 2016/11/21

cc MEC: Mr Vusumuzi Shongwe  
Mpumalanga Provincial Department of Agriculture, Rural Development, Land and Environmental Affairs  
Tel: 013 766 6067/8 Fax: 013 766 8295

# PERMISSION TO MINE WITHIN THE MABOLA PROTECTED ENVIRONMENT

IN TERMS OF SECTION 48 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED  
AREAS ACT, 2003

YZERMYN UNDERGROUND COAL MINE WITHIN THE MABOLA PROTECTED ENVIRONMENT,  
MPUMALANGA PROVINCE

<b>Reference number:</b>	<i>EDMS No: 154588</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of permission:</b>	<i>Atha-Africa Ventures (PTY) LTD, Company Reg No: 2004/020746/07</i>
<b>Location of activity:</b>	<i>MPUMALANGA PROVINCE: Within the Pixley ka Seme Local Municipality</i>

This permission does not negate the holder of the permission from responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Effective date: This permission comes into effect on the date upon which the last authorised minister signs said permission.

## Decision

The Ministers of Environmental Affairs (DEA) and Mineral Resources (DMR) are satisfied, on the basis of information available to them and subject to compliance with the conditions of this permission, that the applicant should be permitted to mine within a Protected Environment in terms of Section 48(1)(b) of the National Environmental Management: Protected Areas Act, 2003 (Act no. 57 of 2003) (NEMPAA).

Non-compliance with a condition of this permission may result in the permission being suspended or withdrawn. This permission is not transferable should the company change hands.

Details regarding the basis on which the two Ministers reached this decision are set out in Annexure 1.

## Scope of Permission Granted

By virtue of the powers conferred on them by the National Environmental Management: Protected Areas Act (NEMPAA), 2003 (Act no. 57 of 2003) the Ministers hereby grant permission to –

**ATHA-AFRICA VENTURES (PTY) LTD**

(hereafter referred to as the **holder of the permission**)

with the following contact details –

Mr Praveer Tripathi

Atha-Africa Ventures (Pty) Ltd: *Company Reg No: 2004/020746/07*

Senior Vice President: Atha-Africa Ventures (PTY) LTD

P O Box 1569

**SANDTON**

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Cell: 072 804 8250

E-mail: Praveer.tripathi @athagroup.in

To undertake underground coal mining within the Mabola Protected Environment in terms of Section 48(1)(b) of the NEMPAA.

#### **Property Location**

Portion 1 of the Farm Kromhoek 93 HT

The remainder of the Farm Kromhoek 93 HT;

The Farm Goedgevonden 95 HT;

The remainder of the Farm Yzermyn 96 HT.

### **Conditions of this Permission**

1. This permission to mine within the Mabola Protected Environment is subject to the conditions contained hereunder, and are binding on the holder of this permission.
2. The holder of this permission is responsible for ensuring compliance with the conditions contained in this permission. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of this permission.
3. Mining to be undertaken in terms of this permission may only be carried out at the property as described above.
4. Any changes to, or deviations from the scope of this permission must be approved, in writing, by Ministers of Environmental Affairs and Mineral Resources, before such changes or deviations may be effected.
5. Mining activities must commence as stipulated in the Mining right issued by the DMR.

#### **Monitoring**

6. The holder of the permission must appoint an experienced independent Environmental Control Officer (ECO) that will have the responsibility to ensure that the conditions referred to in this permission are implemented.
- 6.1. The ECO must be appointed before commencement of any mining activities and for the duration of this project. Once appointed, the name and contact details of the ECO must be submitted to the National Department of Environmental Affairs and DMR.

### **Recording and reporting**

7. The holder of this permission must, for the period during which this permission remains valid, ensure that project compliance with the conditions of this permission are audited.
8. Quarterly compliance reports demonstrating the compliance status on the conditions or requirements of this permission and the Environmental Management Programme (EMPr) approved by the Mpumalanga provincial environmental department must be provided to the National Department of Environmental Affairs.
9. The compliance reports must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this permission as well as the requirements of the EMPr approved by the Mpumalanga Provincial Environmental Department.
10. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of the implementation of the permission.

### **Notification to authorities**

11. A written notification of commencement must be given to the National Department of Environmental Affairs prior to the commencement of the activity.

### **Operation of the activity**

12. A written notification of operation must be given to the National Department of Environmental Affairs and DMR prior to the commencement of the activity operational phase.

### **Specific conditions**

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13. A "Plant Rescue and Protection" plan with specific focus on conservation important species from areas to be transformed must be compiled by an ecological specialist who is familiar with the site, and be submitted to National Department of Environmental Affairs, together with the Maintenance Management Plan for approval prior to the commencement of any construction activities.
  14. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation (DWS)
  15. No storm water generated as a result of the development will be channelled directly into any wetland or watercourse. All surface runoff generated during both construction and operation phases must be managed (and cleaned where applicable) prior to entering any natural drainage system or wetland so as not to impact on the natural hydrology and morphology of the watercourse.
  16. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.
  17. Any point of overland / surface discharge of water must be located at least 32m away from any watercourse, wetland and riparian zone, overland / surface discharge, unless authorised.
  18. All mechanisms for dissipating water energy must be implemented with approval from Department of Water and Sanitation.
  19. The increase in downstream peak flows as a result of the development must be mitigated by retaining storm water until after peak flows.
  20. Flows leaving the site must be suitably attenuated, specifically for storm events with a return frequency of up to 1:5 year return frequency. The instantaneous discharge volume and peaks may not exceed 20% of the pre-development conditions measured at a point where the current flows leave the property.
  21. The rate of storm water runoff must be reduced by using mechanisms such as the construction of berms, grassed swales and armour flex lined channels and the construction of energy breakers at storm water outlet structures.
  22. Scouring, erosion or sedimentation of all watercourses and wetlands as a result of the development must be managed according to the approved Environmental Management Programme, and the integrity of watercourses should not be detrimentally affected.
  23. An alien plant control program must be implemented from the inception of the site clearing phase in accordance with the relevant legislation.
  24. A groundwater monitoring system must be designed and implemented according to the requirements of DWS.
  25. The applicant must mitigate and manage acid mine drainage where applicable according to the requirements of DWS.
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26. Stringent and appropriate dust suppression measures must be applied to manage dust emanating from the construction activities on site to ensure dust is kept within the legal limits.
  27. The clearing of vegetation must be undertaken in accordance with the EMPr approved in terms of the environmental authorisation issued by the Mpumalanga provincial environmental department.
  28. Storage of construction materials or any hazardous substances should be in accordance with the relevant legal requirements.
  29. Should any material of cultural or archaeological significance be encountered during construction, construction/operations in the vicinity of the findings shall be stopped immediately and the relevant heritage resources authority must be informed accordingly.
  30. All social issues inclusive of affected homesteads and relocations must be addressed in accordance with the approved social and labour plan as informed by the social impact assessment report and regulated by Department of Mineral Resources.
  31. An environmental management committee (EMC) must be established for the construction and operational phase of the project. The EMC shall consist of, inter alia, representatives from the following organisations or their successors in title Department of Mineral Resources, Department of Water and Sanitation, Department of Environmental Affairs, Mpumalanga Tourism and Parks Agency, Department of Agriculture, Rural Development, Land and Environmental Affairs, Mabola Protected Environment Management Authority and Dr.Pixley ka Seme Local Municipality. The Members of the EMC must be approved by the DEA: Branch: Biodiversity and Conservation its successors in title in writing prior to commencement of the mining activities. The purpose, outcomes, role and function of the EMC must be submitted to the Mpumalanga provincial environmental department and DEA: Branch: Biodiversity and Conservation its successors in title for approval prior to commencement of mining activities.
  32. A suitable qualified wetland specialist must be appointed to carry out a comprehensive baseline audit of the wetlands in the area. The audit report must be submitted to the DEA: Branch: Biodiversity and Conservation its successors in title and must also be tabled at the EMC inception meeting.
  33. The wetland specialist must carry out quarterly audits of the wetlands and the report must be submitted to the DEA: Branch: Biodiversity and Conservation its successors in title and also be tabled for discussion at the EMC meetings.
  34. Should the integrity (PES score) of any category A and B wetlands be reduced by more than 20% from baseline, a biodiversity offset agreement must be negotiated with the Mpumalanga provincial environmental department and DEA: Branch: Biodiversity and Conservation (*its successors in title*) within the timeframe stipulated by these authorities.
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35. Quarterly compliance reports on the demonstrating compliance status on the conditions or requirements of the Environmental Management Plan and Environmental Authorisation must be provided to both department of Environmental Affairs and Mineral Resources.

There is no internal appeal to the Ministers' decision therefore any aggrieved party may approach a relevant court to review the permission in terms of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000).

Date of permission:

  
DR B E E MOLEWA, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS  
DATE: 2016/08/20

Date of Permission:

  
MR. MOSEBENZI JOSEPH ZWANE, MP  
MINISTER OF MINERAL RESOURCES  
DATE: 2016/11/21



## **Annexure 1: Reasons for Decision**

### **1. Information considered in making the decision**

In arriving at this decision I have taken into consideration the following:

- Decision by the MEC regarding the declaration of Mabola as a Protected Environment, and its associated processes;
- Draft Mabola Protected Environment Management Plan;
- Mining right and approved Environmental Management Programme;
- Environmental Authorisation, Environmental Impact Report dated January 2014 and its associated specialist studies;
- Water Use Licence;
- Mining and Biodiversity Guidelines; and
- NEMA Section 2 Principles.

### **2. Findings**

The following findings were made, after consideration of the information and factors listed above:

- a) The Yzermyn Underground Mine has received other required authorisations from relevant organs of state which have jurisdiction in respect of the activity, including the Water Use Licence, the Mining Right and approved Environmental Management Plan, and the Environmental Authorisation. These decisions include measures to minimise impacts on environmental resources.
- b) The mining activity will not compromise the management objectives of the Mabola Protected Environment as it stipulated in the draft Mabola Protect Environment Management Plan.
- c) The Mining and Biodiversity Guidelines, 2013, signed by both Ministers (DEA and DMR) support the development of the country's resources in a manner that will minimise the impact of mining on the country's biodiversity and ecosystem services.
- d) Potential impacts have been clearly highlighted and the proposed mitigation of impacts identified and assessed in the EIR dated January 2014 adequately curtails the identified impacts.

- e) This permission further includes specific conditions to ensure that the mineral resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development thus giving effect to the provisions of Section 24 of the constitution and NEMA Section 2 Principles.

In view of the above, the Department of Environmental Affairs and the Department of Mineral Resources are satisfied that, subject to compliance with the conditions contained in the permission, the permitted mining activity will not conflict with the principles of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the mining activity can be mitigated to acceptable levels. Permission to mine in the Mabola Protected Environment in terms of Section 48 of the National Environmental Management: Protected Areas Act (NEMPAA), 2003 (Act no. 57 of 2003) is accordingly granted.