



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 54307, Durban, 4000, 333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban, Tel (031) 335 9600, Fax (031) 305 5801
Reference: KZN 30/5/1/1/2/ 10802PR Enquiries: NI Ncama Email address: nontobeko.ncama@dmr.gov.za

REGISTERED MAIL

THE MANAGER

NTUTHUKO EXPLORATION AND MINING (PTY) LTD

P. O BOX 99587

PRETORIA

0060

email: nkosibig@webmail.co.za

Dear Sir/Madam

ACCEPTANCE OF AN APPLICATION FOR PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, (ACT 28 OF 2002) AS AMENDED BY SECTION 12 OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT AMENDMENT ACT (ACT 49 OF 2008) TO PROSPECT FOR COAL ON PORTIONS 4 AND 7 OF THE FARM RESERVE NO.20 15840: MAGISTERIAL DISTRICT OF MAHLABATHINI: NTUTHUKO EXPLORATION AND MINING (PTY) LTD

1. Please be informed that your application to prospect for **Coal** in the magisterial district of **Mahlabathini** is hereby accepted on Portion 7 of the Reserve No.20 15840 ONLY in terms of section 16 of the Mineral and Petroleum Resources Development Act 28 of 2002 as amended by section 12 of the Minerals and Petroleum Resources Development Act 49 of 2009.
2. Please be advised that there is a pending application on Portion 4 of the Reserve No.20 15840 hence your application will be second in line on the

Acceptance of an Application for Prospecting Right in Terms of Section 16 of the Mineral and Petroleum Resources Development Act, (Act 28 of 2002) [herein after referred to as the Act] As Amended by Section 12 of the Minerals and Petroleum Resources Development Amendment Act (Act 49 of 2008) [hereinafter referred to as the Amendment Act] To Prospect for Coal on Portions 4 and 7 of the Farm Reserve No. 20 15840 situated in the magisterial district of Mahlathini: Ntuthuko Exploration and Mining (Pty) Ltd NN

said portion. You are therefore directed to amend Regulation 2.2 plan and submit on or before 15th April 2019

3. Please take notice that in terms of Section 16(2) of the Act as amended by Section 12(d)(a) and 12(d)(b) of the Amendment Act, you are required to:-
 - 3.1. Upload unto the SAMRAD system and submit within 90 days from date of this notice six copies of the relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act 107 of 1998.
 - 3.2. to consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party including the Land Restitution Commission and include the result of such consultation in the relevant environmental reports to be submitted and uploaded on the SAMRAD system on or before **17th May 2019 (within 30 days from the date of this letter)**

Please note that the consultation process referred to in paragraph 2(c) above does not imply issuing letters and requesting the affected parties to indicate whether they support your proposed project or not.

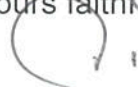
*It includes among others an extensive process of giving and discussing the specific details of the proposed project, giving the I & A Parties an opportunity to table their comments, objection and support, it also involves **your written responses and specific commitments made in dealing with the issues raised during the consultation.***

Note that it is important to ensure that your consultation process is comprehensive so that your Environmental Impact Assessment and Environmental Management Plan can be informed by all potential impacts that your project may have.

- 4 Should the land be owned by the communities of a Trust on behalf of the community, a proper and thorough consultation process must be engaged upon and a legitimate Tribal Resolution or consent must be obtained from the Traditional Authority / Council or Trust and be submitted with the results of consultation. *Should you need any assistance or guidance relating to the required consultation process & procedure in traditional institutions, please contact the District office of the Department of Cooperative Governance and Traditional Affairs in **Zululand District Municipality***
- 5 You are directed to consult the Department of Land Affairs and the Land Claims Commission should the land be State owned or be subject of a land claim in terms of the Land Restitution Act and the results of their responses be dealt with as referred to in paragraph 2(b) above
- 6 Further note that the acceptance of your application does not grant you the right to commence with **prospecting activities**. It only signifies that your application will be processed and evaluated. The Minister or her delegate will make a decision once the process of the evaluation and appeal on the Environmental Authorization application has been finalized.
- 7 In order to give effect to the objects referred to in Section 2(d) of the Act. You are requested to submit on or before **01st July 2019 (within 60 days from the date of this letter)** to this office for the attention of Regional Manager any documentation proving such including but not limited to:
 - 7.1 Duly signed shareholders agreements with your empowerment partner in which provision **shall** be made for entrepreneurs, local community and employees.
 - 7.2 Share certificates,

- 7.3 Details relating to the equity by the BEE shareholders, Any other agreement relating to the BEE shareholding including the voting pool agreement where applicable,
- 7.4 Articles and memorandum of association of the company.
- 7.5 Any other information that may be necessary to explain and serve as evidence that the applicant meets the appropriate HDSA ownership and/or compliance requirements of the aforesaid Act and Mining Charter.
7. You are also required to adhere with the requirements of Mine Health and Safety Inspectorate and upload on system the required information and details on or before **17th May 2019 (within 30 days from the date of this letter)**.
8. Please be advised that your application might be processed in terms of section 9 (1) (b) of the Act, should this office discover that there is an existing right on the same properties and for the same mineral, this application shall discontinue.
9. Please take note that failure to adhere to the timeframe stipulated above and to submit any documentation required in terms of this notice will result into non-compliance with the provision of the Act and the Amendment Act and will result to your application being refused.

Yours faithfully



REGIONAL MANAGER

KWAZULU NATAL REGION

DATE: 08/04/2019