

**Johannesburg Office**

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**PBO No. 930003292**  
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# LRC

Legal Resources Centre

Our ref: Lucien Limacher/Lauren Nel  
Your ref: Mining rights 132, 133 and 206

06 February 2020

**TO: DEPARTMENT OF MINERAL RESOURCES AND ENERGY**

**Mr Sunday Mabaso**

Mineralia Building  
Cnr De Korte and De Beer Streets  
Braamfontein  
2017

Tel: 011 358 9700/9758

Per email: [sunday.mabaso@dmr.gov.za](mailto:sunday.mabaso@dmr.gov.za); [Rudzani.mabogo@dmr.gov.za](mailto:Rudzani.mabogo@dmr.gov.za)

**CC: DEPARTMENT OF WATER AFFAIRS**

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Bothongo Plaza East  
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**CC: NATIONAL NUCLEAR REACTOR**

Eco Glades Office Park  
Eco Glades 2 Block G  
Witch Hazel Avenue  
Highveld Ext 75, Eco Park  
Centurion

Tel: 012 674 7100

Per email: [Johnp@nnr.co.za](mailto:Johnp@nnr.co.za)

**CC: MOGALE CITY LOCAL MUNICIPALITY**

[sdt.hunter@gmail.com](mailto:sdt.hunter@gmail.com); [stephan.dutoit@mogalecity.gov.za](mailto:stephan.dutoit@mogalecity.gov.za)

Dear Sir/Madam

**URGENT - RE: REHABILITATION AND REMEDIATION DERICTIVE ON PTN 209  
LUIPAARDSVLEI 246 IQ**

1. The above matter and the email dated 25 January 2020 refer.
2. We further refer to the letter dated 19 December 2019 sent to various parties reporting an issue regarding a bridge which was allegedly built by the Mintails Groups of Companies which may collapse attached hereto.
3. We write on behalf of our client, Federation of Sustainable Environment ("**our client**").
4. We refer to the Directive issued by the Department of Mineral Resources ("**DMR**") on 13 January 2020, attached hereto. A copy of the said Directive was provided to our client by an official of Mogale City, Mr Stephan du Tiot and Ms Mosai.
5. The mining license of Luipaardvlei was previously held under ML9/2000 and ML 12/2003 and is currently held under GP 30/5/1/1/2/206 MR. To our knowledge, Mogale Gold within the Mintails Limited Group is the holder of mining right under MR 206.
6. In terms of point 2.2 of the Directive, the area is covered by layers of gold bearing concentrates tailings floors that are radio-active due to their uranium content. The tailings also contain iron sulphide minerals which during rainy seasons react with oxygen to form sulphuric acid thus leading to major pollution hazards in the area which is occupied for residential purposes.
7. The Directive endorses Mr. MI Khosana of Mona Le Mane Trading (PYT) LTD ("**the Company**") to conduct the remediation of environmental damage on portion 209 of Farm Luipaardvlei 246-IQ.
8. In terms of the Directive, we infer that the tailings on the floor of Luipaardvlei contain gold. It is our view that the removal of the tailings will provide a source of gold to the Company.
9. Section 28 of the National Environmental Management Act 107/1998 ("**NEMA**") provides for a broad duty to take reasonable measures to rectify pollution or degradation. The company that is responsible for remediation of the environment we allege is Mogale Gold Pty Ltd who is the mining right holder for MR 206.
10. In terms of section 22(1) of the National Nuclear Regulator Act 47/1999, any person wishing to engage in any action described in section 2(1)(c) of this Act may apply for a certificate of registration or a certificate of exception.
11. The National Water Act and the National Nuclear Regulator Act stipulate that prior authorisation must be acquired before engaging in an activity that is carried out in terms of these Acts.

12. In light of the above our client demands the following:

- 11.1. Clarification on 2.1 of the Directive as it states that the property under consideration as defined was subject to an older Mining License which was not converted into New Order Mining Right and the Company is no more in existence;
- 11.2. Information on whether the Company is in possession of an approved Mining Right or Permit or alternatively, whether a transfer of the mining Right in terms of section 11 of Mineral and Petroleum Resources Development Act 28 of 2002 was approved by the Minister of Mineral Resources and Energy;
- 11.3. Information on whether an environmental impact assessment was conducted or not and whether the Company is in possession of an approved Environmental Management Programme Report;
- 11.4. Whether the company has consulted with the interested and affected parties;
- 11.5. Information on whether a Water Use Licence since according to the Directive these tailings also contain iron sulphide minerals which during raining seasons reacts with oxygen to form sulphuric acid;
- 11.6. Information on whether the Company is in possession of a Certificate of Registration in terms of the National Nuclear Regulatory Act since in terms of the Directive these gold bearing concentrates are radioactive due to their uranium content;
- 11.7. Information on approval of rehabilitation and closure plan in terms of the 2014 EIA Regulations since notwithstanding the reference to the rehabilitation plan in 4.3 of the Directive we have not been supplied with a copy of the rehabilitation plan;
- 11.8. Whether the Company has provided the necessary financial provisions for the removal of the gold bearing tailings and rehabilitation of the area in terms of the National Environmental Management Act (107/1998): Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations;
- 11.9. Information on necessary financial provisions for the removal of the gold bearing tailings and rehabilitation of the area in terms of the National Environmental Management Act read with Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations;
- 11.10. Portion 209 of Farm Luipaardsvlei 246-IQ is alleged in the directive to be owned by Mogale City Local Municipality, however the attached deeds

office search indicates that Luipaardsvlei (Pty) Ltd is the current owner.  
Kindly advise.

13. Mining rights 132, 133 and the abovementioned 206 are all currently included in an application launched by our offices on behalf of client which is pending before the Courts under case number 38365/2019 in the Johannesburg High Court. Therefore all aspects of these mining rights including the land which is involved should not have any further rights or directives issued or be in anyway interfered with. In terms of the application, it is alleged that the Mintails group of companies is liable for the rehabilitation of the areas included in Mining rights 132, 133 and 206 (this includes Mogale Gold). We are not aware of any closure certificates being issued in respect to these mining rights. Please advise.
14. Kindly provide the information to our offices by close of business on 13 February 2020.
15. The above mentioned situation and the request are urgent due to the nature of the matter.

Yours sincerely

**LEGAL RESOURCES CENTRE**

**Per:** Lauren Nel

Attorney

Johannesburg Office

(Sent electronically and not signed by writer)