



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
15th floor Atterbury House (The Box), Corner Riebeeck and Lower burg Street, Cape Town, 8001

Enquiries: Mr. BP Mohasoa E-Mail: Peter.Mohasoa@dmre.gov.za

Ref:

Sub-Directorate: Mine Environmental Management

BY E-MAIL

The Directors
Doug Jeffery Environmental Consultants (Pty) Ltd
P.O. Box 44
Klapmuts
7625

Attention : Ms A Groenewald
Tell : 021 875 5272
Cell phone : 083 269 0596
Email : doug@dougjeff.co.za

Dear Sir/Madam

RE: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT OF PORTION 11 OF FARM NO 1426, PAARL.

The letter dated 26th October 2022 requesting guidance on establishing residential and mixed-used development on illegally mined area refers.

1. The Department confirms that there is no record of any Mining License on the subject mentioned property.
2. The Department supports the proposed development as it will bring about a positive impact to the environment and thus serving the purpose of a mine closure plan.

3. Please note that although the site itself was mined illegally, mining being the competency of this Department, the intended development does not constitute mining and thus the Department cannot be identified as a Competent Authority. Please consult with the Provincial Authority for guidance.

Your cooperation would be greatly appreciated. Thank you in advance.

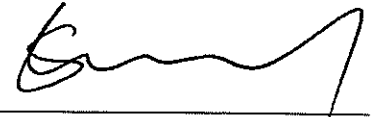
Warmest Regards


Regional Manager: Mineral Regulation
Western Cape Region
Date: 8/11/2012

1079

Van Der Spuy & Partners
P O Box 218 Paarl 7620

Prepared by me



CONVEYANCER
RITZEMA STEYTLER DE LA BAT (81037)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 19 500 000,00	R. 4 588,00
	R22 435 000,00	R5 347,00
Reason for exemption	Category Exemption.....	Exemption i t b. Sec/Reg..... Act/Proc.....

DATA / CAPTURE
22 -08- 2022
NOLUVO MTYATYAMBA

T 039833 / 22

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT


~~GATHERINE SARAH GOUWS (98597)~~

MARCELLO PHILLIP ROSS LPCM 94806

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

MARIA JOHANNA MOSTERT
Identity Number 580909 0062 08 3
Unmarried

which said Power of Attorney was signed at PAARL on 9 June 2022



6-9-2022

- D. ENTITLED to a pipeline servitude of water supply 6 (six) metres wide, of which the eastern boundary is indicated by the line D E on Diagram Number 2750/1996 over the property described as

PORTION 7 OF FARM 1426
IN THE DRAKENSTEIN MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 19, 5525(NINETEEN COMMA FIVE FIVE TWO FIVE) Hectares

HELD by Certificate of Registered Title Number T82365/1996

- E. ENTITLED to a pipeline servitude of water supply 6 (six) metres wide, of which the eastern boundary is indicated by the line B C on Diagram Number 2751/1996 over the property described as

PORTION 8 OF FARM 1426
IN THE DRAKENSTEIN MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 22, 9142(TWENTY TWO COMMA NINE ONE FOUR TWO)
Hectares

HELD by Certificate of Registered Title Number T82366/1996

- F. ENTITLED to a pipeline servitude of water supply 6 (six) metres wide, of which the eastern boundary is indicated by the line B C on Diagram Number 2752/1996 over the property described as

PORTION 9 OF FARM 1426
IN THE DRAKENSTEIN MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 21, 8385 (TWENTY ONE COMMA EIGHT THREE EIGHT FIVE)
Hectares

HELD by Certificate of Registered Title Number T82367/1996

- G. ENTITLED to a pipeline servitude of water supply 6 (six) metres wide, of which the eastern boundary is indicated by the line B C on Diagram Number 2753/1996 over the property described as

PORTION 10 OF FARM 1426
IN THE DRAKENSTEIN MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 25, 5724 (TWENTY FIVE COMMA FIVE SEVEN TWO FOUR)
Hectares

HELD by Certificate of Registered Title Number T82368/1996

H. H.



(vi) PORTION 10 OF FARM 1426
IN THE DRAKENSTEIN MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 25, 5724 (TWENTY FIVE COMMA FIVE SEVEN TWO FOUR)
Hectares

HELD by Certificate of Registered Title Number T82368/1996

I.

J. SUBJECT FURTHER in terms of an endorsement on Deed of Transfer Number
T82369/1996 dated 20 January 2008 to a Powerline Servitude in favour of
ESKOM as will more fully appear in Deed of Servitude Number K55/2006S
which servitude route has been amplified in terms of Deed of Servitude of Route
Establishment Number K442/2012S with ancilliary rights.



home affairs

Department
Home Affairs
REPUBLIC OF SOUTH AFRICA

H 0608367

83/DHA - 5

PARTICULARS FROM THE POPULATION REGISTER I.R.O.:

DEATH CERTIFICATE

IDENTIFICATION NUMBER: 540602 5088 08 3

NAME: MOSTERT

SURNAME: BYBRAND JACOBUS

DATE OF BIRTH: 1974-06-02

SEX: MALE

MARITAL STATUS: MARRIED

DATE OF MARRIAGE: 2020-09-10

RELIGION: PAARL

CAUSE OF DEATH: NATURAL CAUSES

14/12/2020

GESERTIFISEER 'N WARE EN
KORREKTE AFSKRIF VAN DIE
OORSPRONKLIKE DOKUMENT

Mdufrees

Maria Susanna Catharina Du Preez
Commissioner of Oaths
Manager Trust Company
African Mutual Trust Company (Pty
25 Van der Lingen Street, Paarl

NAME OF REGISTRAR: ...

DATE OF DEATH: ...

18/12/2020

DEPARTMENT OF HOME AFFAIRS
POSTAL BAG 23028
2020-09-14
PAARL 7520
PAARL (67)

SFA

Date: 26 October 2022

Department of Mineral Resources & Energy

Atterbury House, 9th Floor
 c/o Lower Burg & Riebeeck Street
 CAPE TOWN
 8012

Attention: Mr Pieter Swart (pieter.swart@dmre.gov.za)

Dear Mr Swart

THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL

1. Introduction

Doug Jeffery Environmental Consultants (Pty) Lt. has been appointed to apply for Environmental Authorisation for the proposed residential and mixed-use development on Portion 11 of Farm 1426 Paarl (**Figure 1**).

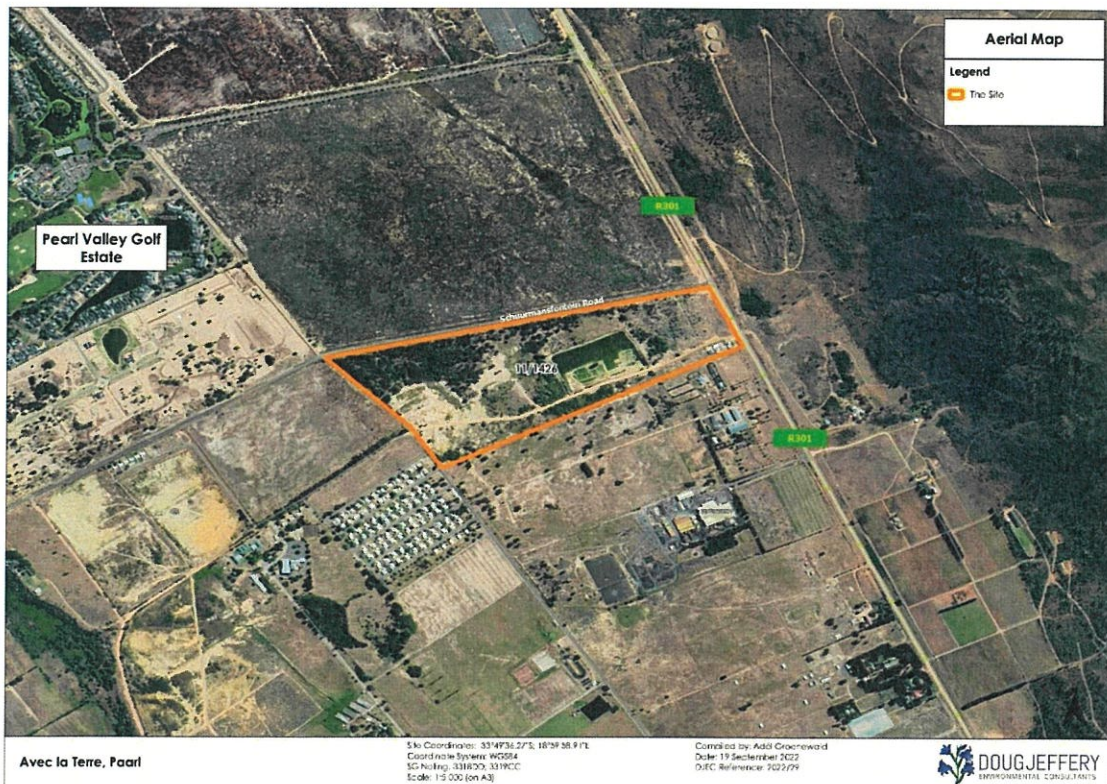


Figure 1: Location of Portion 11 of Farm 1426, Paarl.

During our initial investigations, it has come to our attention that the property has been extensively disturbed in the past and has recently been mined for sand and stones. No evidence of any approval being obtained before the mining activities on site proceeded is evident.



Figure 4: Google Earth aerial image from 2020.

3. Landownership

The owner of the property who undertook the mining activities on the site at the time was Mr Sybrand Mostert (see Title Deed attached as Appendix A). Unfortunately, Mr Mostert is deceased (see Death Certificate 2020 attached as Appendix B). The property has been inherited by the wife of Mr Mostert who sold the property to Future Megawatt (Pty) Ltd. (see Title Deed attached as Appendix A).

Future Megawatt (Pty) Ltd., now the new landowner, are in the process of applying for development rights on Portion 11 of Farm 1426, Paarl. The intention is to develop the site for residential use.

4. Way forward

Since Mr Mostert, who undertook the mining activities on Portion 11 of Farm 1426, Paarl, is deceased he cannot be held responsible for his actions.

It was established with the Department of Environmental Affairs and Development Planning (DEA&DP) Directorate: Law Enforcement, that since the person who undertook the illegal activities is deceased from their perspective there is no one to pursue or to be held accountable in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended. DEA&DP did however indicate that we need to approach DMRE since the site was mined and this falls under your mandate.

We have two queries:

1. Is it possible that the proposed residential and mixed-use development on Portion 11 of Farm 1426 Paarl and the environmental impact assessment process we are following could essentially serve as the mine closure plan since the proposed development will in fact serve as the rehabilitation plan for the site?
2. An application for development will be required in terms of NEMA – can this application be run under DEA&DP since it is an application to develop the site for residential purposes or will it be necessary to submit the application through the DMRE.

Based on the above, we hereby request the DMRE to provide guidance, in terms of the requirements of the Mineral and Petroleum Resources Development, 2002 (Act No. 28 of 2002), on the way forward in order for the EIA process to proceed.

Adél Groenewald

From: Peter Mohasoa <Peter.Mohasoa@dmre.gov.za>
Sent: Monday, 28 November 2022 09:33
To: Adél Groenewald
Cc: Pieter Swart; Doug Jeffery
Subject: RE: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL
Attachments: Xerox Scan_08112022091450.PDF
Follow Up Flag: Follow up
Flag Status: Completed

EXTERNAL EMAIL - DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. If this email is not expected check with the sender that it is safe.

Dear Client;

This is to confirm that since the person responsible for illegal mining activities is now deceased, the DMRE will not pursue the matter or take any further action. The proposed "Residential and Mixed-used Development" is supported.

Kind Regards;
BP Mohasoa

From: Adél Groenewald <adel@dougjeff.co.za>
Sent: Tuesday, November 22, 2022 10:35 Am
To: Peter Mohasoa <Peter.Mohasoa@dmre.gov.za>
Cc: Pieter Swart <Pieter.Swart@dmre.gov.za>; Doug Jeffery <doug@dougjeff.co.za>
Subject: RE: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL

Dear Peter

Your email below and the letter attached refer.

I had a telephone conversation with Pieter Swart this morning and he asked me to email you in this regard.

After receiving your letter (attached), we sent it on to the Department of Environmental Affairs and Development Planning (DEA&DP) Directorate: Development Planning.

DEA&DP then came back saying that the response from your department (DMRE) does not confirm that no further steps are required to rectify the unlawful mining activities that took place on the farm.

DEA&DP stated that your letter merely confirmed that DMRE supports the fact that the proposed development can serve the purpose of mine closure and that DMRE is not the competent authority for the proposed rezoning application since it does not relate to mining activities.

Nevertheless, DEA&DP specifically require written confirmation from the DMRE whether the unlawful mining activities will require rectification in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), and if not, whether the matter will be dealt with in the same manner as concluded by DEA&DP Law Enforcement. DEA&DP Law Enforcement concluded, that since the person who undertook the illegal activities is deceased from their perspective there is no one to pursue or to be held accountable in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and therefore they would take no further action.

In my conversation with Pieter, he mentioned that DMRE should follow the same approach as DEA&DP Law Enforcement.

It is therefore our understanding that no further action is intended by DMRE and that the NEMA process should now follow its course.

Please can you confirm by the return of this email simply stating that our interpretation of the situation with respect to DMRE is correct and that DMRE will be taking no further action in this regard.

Thank you in advance.

Kind regards

Adél Groenewald

Environmental Assessment Practitioner
Reg. EAP (EAPASA)



DOUG JEFFERY
ENVIRONMENTAL CONSULTANTS

High Acres Farm, Simondium Road, Klapmuts
P.O. Box 44, Klapmuts, 7625
021 875 5272
dougjeff.co.za

From: Peter Mohasoa <Peter.Mohasoa@dmre.gov.za>

Sent: Tuesday, 08 November 2022 09:54

To: Adél Groenewald <adel@dougjeff.co.za>

Cc: Pieter Swart <Pieter.Swart@dmre.gov.za>

Subject: RE: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL

EXTERNAL EMAIL - DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. If this email is not expected check with the sender that it is safe.

Dear Client;

Herewith, please find the Department response to your enquiry. Should you have further enquiries please do not hesitate to contact me.

Kind Regards;
BP Mohasoa

From: Adél Groenewald <adel@dougjeff.co.za>

Sent: Friday, 28 October 2022 11:28

To: Pieter Swart <Pieter.Swart@dmre.gov.za>

Cc: Doug Jeffery <doug@dougjeff.co.za>

Subject: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL

Good day Mr Swart

RE: THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL

Please refer to the attached letter for your attention.

We look forward to receiving your response.

Kind regards

Adél Groenewald

Environmental Assessment Practitioner

Reg. EAP (EAPASA)



DOUG JEFFERY
ENVIRONMENTAL CONSULTANTS

📍 High Acres Farm, Simondium Road, Klapmuts

✉ P.O. Box 44, Klapmuts, 7625

☎ 021 875 5272

🌐 dougjeff.co.za