

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA)**

Case No: 11761/2021

In the matter between:

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|---|--------------------------|
| MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA | First Applicant |
| GROUNDWORK | Second Applicant |
| BIRDLIFE SOUTH AFRICA | Third Applicant |
| ENDANGERED WILDLIFE TRUST | Fourth Applicant |
| FEDERATION FOR A SUSTAINABLE ENVIRONMENT | Fifth Applicant |
| ASSOCIATION FOR WATER AND RURAL DEVELOPMENT | Sixth Applicant |
| BENCH MARKS FOUNDATION | Seventh Applicant |

and

| | |
|---|---------------------------|
| UTHAKA ENERGY (PTY) LTD | First Respondent |
| MEC FOR AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA | Second Respondent |
| THE MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES | Third Respondent |
| THE MINISTER OF MINERAL RESOURCES AND ENERGY | Fourth Respondent |
| THE MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION | Fifth Respondent |
| ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA | Sixth Respondent |
| GERT SIBANDE DISTRICT MUNICIPALITY | Seventh Respondent |
| DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY | Eighth Respondent |
| THE WATER TRIBUNAL | Ninth Respondent |

**OCCUPIER OF PORTION 1 OF THE FARM
YZERMYN 96 HT**

Tenth Respondent

**THE ESTATE OF THE LATE PIERRE WILLIAM
BRUWER UYS**

Eleventh Respondent

**THE VOICE COMMUNITY REPRESENTATIVE
COUNCIL**

Twelfth Respondent

**THE MABOLA PROTECTED ENVIRONMENT
LANDOWNERS ASSOCIATION**

Thirteenth Respondent

**NOTICE TO PRODUCE DOCUMENTS IN TERMS OF
RULE 35(12) OF THE UNIFORM RULES OF COURT**

PLEASE TAKE NOTICE THAT the First Respondent requires you to produce for its inspection the following documents referred to in your founding affidavit, which was attested to on 5 March 2021, namely:

1. the whole of the appeal proceedings referred to in paragraph 8.8.1 thereof;
2. the whole of the judicial review proceedings referred to in paragraph 8.1.2 thereof;
3. the whole of the water use license referred to in paragraph 8.1.2, 40 and 51.2 thereof;
4. the whole of the internal statutory appeal proceedings referred to in paragraph 8.1.3 thereof;

5. the whole of the Environmental Management Programme referred to in paragraph 8.1.3 and 51.1 thereof;
6. the whole of the judicial review proceedings referred to in paragraph 8.1.3 thereof;
7. the whole of the judicial review proceedings referred to in paragraph 8.1.4 and 51.3 thereof;
8. the whole of the Environmental Authorisation referred to in paragraph 8.1.4 and 51.3 thereof;
9. the whole of the judicial review proceedings referred to in paragraph 8.1.5 thereof;
10. the whole of the Mining Right referred to in paragraph 8.1.5, 40 and 51.4 thereof;
11. the whole of the judicial review proceedings referred to in paragraph 8.1.6 thereof;
12. the whole of the approval of the rezoning referred to in paragraph 8.1.6 thereof;
13. the whole of the confirmation of the approval of the rezoning referred to in paragraph 8.1.6 thereof;

14. the whole of the judicial review proceedings referred to in paragraph 8.1.7 and 47-50 thereof;
15. the whole of the 2017 interdict proceedings referred to in paragraph 40 thereof;
16. the whole of the National Water Resource Strategy (2013) referred to in paragraph 41 and 51.6.1 thereof;
17. the whole of the National Water and Sanitation Master Plan (2019) referred to in paragraph 42 thereof;
18. the whole of the National Mining and Biodiversity Guideline (2013) referred to in paragraph 45.2 thereof;
19. the whole of the Spatial Development Framework (2010) of the local municipality, referred to in paragraph 45.3 thereof;
20. the whole of the Spatial Development Framework (2020) of the local municipality, referred to in paragraph 45.4 thereof;
21. the whole of the Spatial Development Framework (2014) of the district municipality, referred to in paragraph 45.5 thereof;
22. the whole of the Coal and Water Futures Report (2011) referred to in paragraph

51.2.1 thereof;

- 23.** the whole of the 2018 SWSAs report referred to in paragraph 51.2.1 thereof;
- 24.** the whole of the judgement of the Water Tribunal referred to in paragraph 51.2.1, 51.6.1, 57 and 58 thereof;
- 25.** the whole of the Social and Labour Plan referred to in paragraph 51.3.5 thereof;
- 26.** the draft summary of the Social and Labour Plan referred to in paragraph 51.3.5 thereof;
- 27.** the whole of the SAS 2015 report referred to in paragraph 51.3.6 thereof;
- 28.** the Integrated water and Waste Management Plan (IWWMP) referred to in paragraph 51.6.5 and 84 thereof;
- 29.** the Environmental Impact Assessment Report (EIAR) referred to in paragraph 51.6.5 thereof;
- 30.** all the Ecological Assessment Reports by Natural Scientific Services, referred to in paragraph 76 and 77 thereof;
- 31.** all the Ecological Assessment Reports by Scientific Aquatic Services, referred

to in paragraph 76 thereof;

32. the Groundwater Specialists Assessment referred to in paragraph 80 thereof;
and
33. the whole of the socio-economic report referred to in paragraph 87 thereof.

March 8, 2021

SIGNED AND DATED AT PRETORIA THIS DAY OF MARCH 2021.

DocuSigned by:

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Attorney for 3rd Respondent
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To: The Registrar of the High Court
Gauteng Division
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**And to: Centre for Environmental Rights
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**And to: MEC for Agriculture, Rural Development, Land and Environmental
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**And to: Minister of Environment, Forestry and Fisheries
Third Respondent**

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And to: Minister of Mineral Resources and Energy

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**And to: Acting Chief Director: Environmental Affairs, Department of
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Ref: Mr Mohlala

**And to: Dr Pixley Ka Isaka Seme Local Municipality
Eighth Respondent**
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**And to: WATER TRIBUNAL
Ninth Respondent**
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- And to: Estate Late Pierre William Bruwer Uys
Tenth Respondent**
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- And to: Occupier of Portion 1 of Yzermyn 96 HT
Eleventh Respondent**
Portion 1 of Yzermyn 96 HT
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- And to: The Voice Community Representative Council
Twelfth Respondent**
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