



**BRIEL INC
ATTORNEYS & CONVEYANCERS**

9 PICKARD STREET | ANNLIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

19 MARCH 2021

Department of Environment, Forestry & Fishery
473 Steve Biko Street
Arcadia
Pretoria
0083

Your ref: Director-General: Ms Nomfundo Tshabalala

Madam,

APPLICATION FOR PROSPECTING RIGHT BY GEO-ASPEX (PTY) LTD ON BEHALF OF THEDZA GLOBAL CORPORATION (DMRE REF: LP 30/5/1/1/2/ 13854 PR) ON THE FARM SNYMANSDRIFT 738 LS, SITUATED IN THE MAGISTERIAL DISTRICT OF POLOKWANE, LIMPOPO PROVINCE

We refer to the above and wish to formally lay a complaint regarding the above prospecting right application.

Also attached hereto our supporting documentation for your urgent attention, investigation and reply.

We kindly request that you acknowledge receipt hereof before close of business Wednesday 24 March 2021 and provide us with the investigation number.

Regards,

Briel Incorporated
Our ref: C Briel | CB1727

The Director General	Ms Momfundo Tshabalala	dg@environment.gov.za
The Regional Manager	Mr Azwihangwisi Mulaudzi	Azwihangwisi.Mulaudzi@dmre.gov.za
Geo-Aspex (Pty) Ltd	Mr S Rakhandani	stanley@geoaspex.co.za
Lund Farms (Pty) Ltd	Mr R Briel	rudie@kuipersgroup.co.za
Complaints		environment@thehotline.co.za



BRIEL INC
ATTORNEYS & CONVEYANCERS

9 PICKARD STREET | ANNILIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

19 MARCH 2021

GEO-ASPEX (PTY) LTD
Office 7, 8 Corridor Crescent
N4 Business Park
Ben Fleur X11
Emalahleni
2070

Your ref: Mr S Rakhandani

Sir,

APPLICATION FOR PROSPECTING RIGHT BY GEO ASPEX (PTY) LTD ON BEHALF OF THEDZA GLOBAL CORPORATION (DMRE REF: LP 30/5/1/1/2/ 13854 PR) ON THE FARM SNYMANSDRIFT 738 LS, SITUATED IN THE MAGISTERIAL DISTRICT OF POLOKWANE, LIMPOPO PROVINCE

We refer to the above as well as the various correspondence to yourself, the Regional Manager of Polokwane and the Minister it is still our submission that you fail to meet the requirements for consultation as prescribed in terms of Regulation 41 of the Environmental Impact Assessment Regulations ("EIA") as well as that of Section 16 of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA").

We place the following on record:

You have been informed in writing on more than one occasion that your company failed to comply with the prescribed Acts or any of its Regulations;

The content of the Basic Assessment Report and Environmental Management Programme Report ("BAR & EMPR") is questionable and we reserve our clients rights to comment in the future thereon.

You as well as the other applicants have been advised that there is now 3 applications for the same mineral on the same land.

We demand as we hereby do to withdraw your application due to the irregularities as described above and in previous correspondence addressed to you.

Finally a copy of this letter and all previous correspondence in this matter will be provided to the Department of Environmental Affairs for investigation as your failure to comply with our requests, forces our client to take further action.

Regards,

Briel Incorporated
Our ref: C Briel | CB1726

DIRECTOR: CM BRIEL | B. PROC (UNISA)
ASSOCIATE: H CRONJE | B.COM LAW LLB (NWU)

Subject: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Tuesday, 16 February 2021 at 13:31:18 South Africa Standard Time

From: Christie Briel

To: stanley@geoaspex.co.za

CC: Pierre Briel, Rudie Briel

Priority: High

Attachments: 20210216 GEO ASPEX.pdf

13854 PR

Good day,

We refer to the above and attach hereto letter for your attention and urgent reply.

Regards,

Christie Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182
P.O Box 14600 | Sinoville | Pretoria | 0129
T: 012 548 0317
F: 086 607 3097
E: cbriel@brielinc.com



BRIEL INC
ATTORNEYS & CONVEYANCERS

9 PICKARD STREET | ANNLIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

16 February 2021

GEO-ASPEX (PTY) LTD

Office 7
8 Corridor Crescent
N4 Business Park
Ben Fleur X11
Emalaheni
2070

Your ref: Mr Stanley Rakhadani

e-mail: stanley@geoaspex.co.za

APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

We refer to the above matter and confirm that we act on behalf of Lund Farms (Pty) Ltd ("LUND FARMS") the registered landowner of the remaining extent, portion 7 and portion 10 of the farm Snymansdrift 738 LS.

We acknowledge receipt of your undated correspondence what is presumed to be constitute consultation / consultation process, sent to Mr Peter Bartlet an employee of D Lund Farms (Pty) Ltd, who does not represent the landowner nor any of its interests. Mr Charles Le Maitre is the Chief Executive Officer of the Group of Companies and is the duly authorised representative of the group of companies managed by the Kuipers Group.

The requirements of section 16 (2) (c) of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA") clearly states that the Regional Manager can only accept an application for a prospecting right if no prior application has been accepted for the same mineral and for the same land. We wish to refer you to the applications for a prospecting right submitted and accepted by the DMRE over the farm Snymansdrift 738 LS under DMRE reference number LP 30/5/1/2/2/ (14026) PR and LP 30/5/1/1/2/ (13720) PR and as such your application for a prospecting right should not have been accepted.

We therefore request that you provide us with a copy of your acceptance of the application for a prospecting right issued by the DMRE as well as the acknowledgment of receipt of an application for an environmental authorisation also issued by the DMRE.

We demand that you provide us with the abovementioned documentation before close of business today **17 February 2021**.

Should you be unable or unwilling to provide same we request that you provide us with your client's formal letter of withdrawal of this application, failing which we reserve all our client's rights in this matter to seek the urgent relief to stop your flawed application.

Regards,



BRIEL INCORPORATED

OUR REF: C BRIEL | CB1726

Subject: RE: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Wednesday, 17 February 2021 at 15:52:08 South Africa Standard Time

From: Stanley Rakhadani <stanley@geoaspex.co.za>

To: Christie Briel <cbriel@brielinc.com>


CC: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>

Attachments: Acceptance letter.pdf

Good day,

Thanks for the correspondence. Kindly find the attached "acknowledgement letter" for the proposed application. The DMRE has not issued the acceptance letter thus far however, acknowledgement letter necessitate the initiation of EIA process.


Kind regards,

 Stanley Rakhadani

Sent from my Galaxy

----- Original message -----

From: Christie Briel <cbriel@brielinc.com>
Date: 2021/02/16 13:31 (GMT+02:00)
To: stanley@geoaspex.co.za
Cc: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>
Subject: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

 Good day,

We refer to the above and attach hereto letter for your attention and urgent reply.

Regards,

Christie Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182

P.O Box 14600 | Sinoville | Pretoria | 0129

T: 012 548 0317

F: 086 607 3097

"3"

Subject: Re: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Thursday, 18 February 2021 at 08:26:43 South Africa Standard Time

From: Pierre Briel <pbriel@brielinc.com>

To: Stanley Rakhadani <stanley@geoaspex.co.za>

STANLEY,

Please forward the acceptance of the application as well.

Kindly confirm where you are in the process?

Pierre Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182

T: 012 548 0317

F: 086 607 3097

E: pbriel@brielinc.com

From: Stanley Rakhadani <stanley@geoaspex.co.za>

Date: Wednesday, 17 February 2021 at 15:52

To: Christie Briel <cbriel@brielinc.com>

Cc: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>

Subject: RE: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Good day,

Thanks for the correspondence. Kindly find the attached "acknowledgement letter" for the proposed application. The DMRE has not issued the acceptance letter thus far however, acknowledgement letter necessitate the initiation of EIA process.

Kind regards,

Stanley Rakhadani

Sent from my Galaxy

----- Original message -----

From: Christie Briel <cbriel@brielinc.com>

Date: 2021/02/16 13:31 (GMT+02:00)

To: stanley@geoaspex.co.za

Cc: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>

Subject: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24

"L"

Subject: Re: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Thursday, 18 February 2021 at 09:34:42 South Africa Standard Time

From: Pierre Briel <pbriel@brielinc.com>

To: Stanley Rakhadani <stanley@geoaspex.co.za>

CC: Christie Briel <cbriel@brielinc.com>

Attachments: 20210218 GEO ASPEX.pdf

Stanley,

Attached hereto a letter for your urgent attention and reply

Pierre Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182

T: 012 548 0317

F: 086 607 3097

E: pbriel@brielinc.com

From: Stanley Rakhadani <stanley@geoaspex.co.za>
Date: Wednesday, 17 February 2021 at 15:52
To: Christie Briel <cbriel@brielinc.com>
Cc: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>
Subject: RE: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Good day,

Thanks for the correspondence. Kindly find the attached "acknowledgement letter" for the proposed application. The DMRE has not issued the acceptance letter thus far however, acknowledgement letter necessitate the initiation of EIA process.

Kind regards,

Stanley Rakhadani

Sent from my Galaxy

----- Original message -----

From: Christie Briel <cbriel@brielinc.com>

Date: 2021/02/16 13:31 (GMT+02:00)

To: stanley@geoaspex.co.za

Cc: Pierre Briel <pbriel@brielinc.com>, Rudie Briel <rudie@kuipersgroup.co.za>

Subject: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24



BRIEL INC

ATTORNEYS & CONVEYANCERS

9 PICKARD STREET | ANNLIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

18 February 2021

GEO-ASPEX (PTY) LTD

Office 7
8 Corridor Crescent
N4 Business Park
Ben Fleur X11
Emalahleni
2070

Your ref: Mr Stanley Rakhadani

e-mail: stanley@geoaspex.co.za

APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANDRIFT 738 LS, POLOKWANE

We refer to our letter dated 16 February 2021 to which you have failed or neglected to answer.

We are well aware of the process to be followed during a prospecting right application process as our firm also provide the same inhouse service to our clients.

We therefore again request that you provide us with your letter of acceptance of the prospecting right application as a matter of urgency. We also request that you respond to our letter dated 16 February, failing which we will approach a court for the relief sought.

Your urgent reply is expected before close of business today.

Regards,

BRIEL INCORPORATED

OUR REF: C BRIEL | CB1726

"S"

Subject: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Thursday, 18 February 2021 at 14:09:49 South Africa Standard Time

From: Christie Briel

To: Azwihangwisi.Mulaudzi@dmre.gov.za, Tebogo.Mangaba@dmre.gov.za, Pieter.alberts@dmre.gov.za, George.Lekorotsoana@dmre.gov.za

CC: Vuyelwa.Siyeka@dmre.gov.za, Carmichael.Ngalo@dmre.gov.za, Ditsietsi.Morabe@dmre.gov.za, Pierre Briel, Rudie Briel

Priority: High

Attachments: 20210218 DMRE LIMPOPO[3].pdf

Your ref: LP 30/5/1/2/2/(13854) PR | LP 30/5/1/2/2/(14026) PR | LP 30/5/1/2/2/(13720) PR

Good day,

We refer to the above and attach hereto letter for your urgent attention and reply.

Regards,

Christie Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182
P.O Box 14600 | Sinoville | Pretoria | 0129
T: 012 548 0317
F: 086 607 3097
E: cbriel@brielinc.com



BRIEL INC

ATTORNEYS & CONVEYANCERS

9 PICKARD STREET | ANNLIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

18 February 2021

THE REGIONAL MANAGER
DEPARTMENT OF MINERAL RESOURCES & ENERGY
BROLL BUILDING
101 DORP STREET
POLOKWANE
0699

Your ref: LP 30/5/1/2/2/(13854) PR | LP 30/5/1/2/2/(14026) PR | LP 30/5/1/2/2/(13720) PR

Sirs,

APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

We refer to the above matter and note with great concern that you have accepted three prospecting right applications from three different applicants for the same mineral over the same land in contradiction with the requirements of section 16 (2) (c) of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA") which clearly states that the Regional Manager can only accept an application for a prospecting right if no prior application has been accepted for the same mineral and for the same land.

We now also note from the three different applicant's consultants that they are already at the Draft Basic Assessment & Environmental Management Programme Report ("BAR & EMPR") stage without consulting our client, Lund Farms (Pty) Ltd, the registered landowner of the remaining extent, portions 7 and portion 10 of the farm Snymansdrift 738 LS, Grumeti 1198 LS aka Bochum 1198 LS, Lunds 1226 LS, Portion 1 Schanhauzen 737 LS, and Portion 77 (of Portion 2) Rondebosch 287 LS.

These properties were developed by the Lund Farms (Pty) Ltd who is part of the Kuipers Group as a commercial poultry and game farm with the necessary environmental authorisations. It needs to be pointed out that this site is a bio-security site and a secured food source supplier and registered as such in South Africa.

It is our instruction to demand from you that you withdraw these three applications due to a lack of compliance with section 16(2) (c) as well as section 16 (4) of the MPRDA. We would also ask that you provide us with an explanation as to how these three rights were accepted.

Our client is also in the process of applying to the Minister of Mineral Resources & Energy under section 53 of the MPRDA to exclude these farms from any mining related activities.

Due to the urgency of this matter and the advanced stage of these three applications, we require your urgent reply and response in this matter before close of business Friday 19 February 2021, failing which we will firstly approach a competent court to show your failure to comply with section 16 (2) (c) of the MPRDA and ask that the court issue an order that these applications must be withdrawn, secondly we will ask for an investigation into the actions taken by your office to allow such transgressions, thirdly we will ask the court to order the consultants to provide evidence in terms of section 16 of the MPRDA as well as compliance with section 24 of the NEMA.

We await your urgent reply.



BRIEL INCORPORATED

OUR REF: C BRIEL | CB1726 | CB1717 | CB1709

TO: Department of Mineral Resources and Energy	The Regional Manager Mr A Mulaudzi Azwihangwisi.Mulaudzi@dmre.gov.za Tebogo.Mangaba@dmre.gov.za
TO: Department of Mineral Resources and Energy	Legal Pieter.alberts@dmre.gov.za
TO: Department of Mineral Resources and Energy	Minister G Mantashe George.Lekorotsoana@dmre.gov.za Vuyelwa.Siyeka@dmre.gov.za Carmichael.Ngalo@dmre.gov.za
TO: DDG: Mineral Regulation - Adv Mmadikeledi Malebe	Ditsietsi.Morabe@dmre.gov.za
TO: DDG - Mineral Policy & Promotions - Ms. Buyisiwe Faith Ntokozo Ngcwabe	Ditsietsi.Morabe@dmre.gov.za



mineral resources
& energy

Department of Mineral Resources & Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9467, Polokwane, 0700, Tel: 015 287 4700, Fax: 015 287 4729
DME Building, 101 Dorp Street, Polokwane, 0699

Enquiries: Mr. T. Mashau

Ref: LP 30/1/1/3/2/1 (13854) EM

E-Mail Address: Telly.Mashau@dmr.gov.za

Sub-Directorate: Mine Environmental Management

BY REGISTERED MAIL

The Director
THEDZA GLOBAL CORPORATION
332 Generaal Beyers Street
PRETORIA NORTH
0182

Attention: Rudzani Muelelwa Fax: 086 439 9620 E-Mail: tshedzaglobalcorporation@yahoo.com

ACKNOWLEDGMENT OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) READ WITH REGULATION 19 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS AS AMENDED, 2014 FOR PROSPECTING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES IN RESPECT OF PORTION 5, 6, 11, 15, 17, 20, 23 AND 24 OF THE FARM SNAYMANDRIFT 738 LS, SITUATED WITHIN POLOKWANE LOCAL MUNICIPALITY: LIMPOPO REGION.

I refer to the abovementioned matter and confirm that your application for Environmental Authorisation herein referred to as "EA" lodged on **13 May 2020** is hereby acknowledged.

You are requested in terms of Section 24 K of National Environmental Management Act, Act 107 of 1998, as amended to consult with any organ of state responsible for administering legislation relating to matters affecting the environment and submit three (3) copies of **Basic Assessment Report (BAR)** in terms of Regulation 19 of **2014 EIA Regulation**. The said **BAR** must also include proof and results of consultation undertaken with the above mentioned state Departments in terms of the above mentioned Section.

The **BAR** reflected above has to be submitted within **90 Calendar days** from the date of acceptance of your application lodged in terms of Mineral and Petroleum Resources Development Act (Act 28 of 2002) as amended, failure to submit such reports as prescribed your application for EA will be considered being lapsed and would not be processed further, unless if an extension has been granted in terms of Regulation 3(7) of 2014 EIA Regulation.

Acknowledgement of your application does not grant you permission to commence with the activities applied for. Commencement of a listed activity without Granted Environmental Authorisation constitutes an offence in terms

of Section 49A (1) (a) of NEMA, 1998 (Act 107 of 1998) as amended and upon conviction for such an offence, a person is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

Kind Regards



REGIONAL MANAGER: MINERAL REGULATION
LIMPOPO REGION

DATE: 21/08/2020

7

Subject: RE: APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ON PORTIONS 5, 6, 11, 15, 17, 20, 23, AND 24 OF THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

Date: Friday, 19 February 2021 at 10:41:17 South Africa Standard Time

From: stanley@geoaspex.co.za

To: 'Pierre Briel'

CC: 'Christie Briel'

Attachments: image001.jpg

Good day,

20210216 Geoaspex letter refers

1. Kindly note that we have registered Mr. Charles Le Maitre as an Interested & Affected Party (adjacent landowner, RE, P-7, P-10) for the project in question and going forward he shall be consulted through yourselves. Kindly note that the notification letter handed to Mr. Bartlet was not to say that he must represent/act on behalf of the landowner, instead was to assist by handing it over to the landowner so that going forward a formal notification meeting can be arranged with the relevant person.
2. The DMRE has not issued us with the acceptance letter of the application yet, thus far the applicant has received only acknowledgement letter. We noted your submission that there is a prior application for the same mineral in the same land and we have informed the applicant. We believe that the applicant will sought the status of his application at mineral law section at DMRE as it is the relevant body to deal with that query.
3. I have forwarded you the copy of the acknowledgement letter
4. It is also essential to outline that Lunds is the adjacent landowner since the application excludes portions under Lunds.
5. We are organizing a meeting with landowners and adjacent landowners to formally notify them about the proposed project and the environmental impacts so that they may register their comments/objection to the project

Kind regards,

Stanley Rakhadani
Mining Geologist

T: 078 840 9798 / 071 4075 833

E: stanley@geoaspex.co.za

A: Office 7, 8 Corridor Crescent, N4 Business Park, Ben Fleur x11, Witbank, 1034.



Geo-Aspex
(PTY) Ltd

88

Subject: Your Ref: LP 30/5/1/1/2/13720 PR | LP 30/5/1/2/2/13854 PR | LP 30/5/1/2/2/14026 PR
Date: Tuesday, 02 March 2021 at 14:58:15 South Africa Standard Time
From: Christie Briel
To: Azwihangwisi.Mulaudzi@dmre.gov.za, Tebogo.Mangaba@dmre.gov.za,
Pieter.alberts@dmre.gov.za, Ditsietsi.Morabe@dmre.gov.za
CC: Rudie Briel
Priority: High
Attachments: 20210302 THE REGIONAL MANAGER_DMRE.pdf

APPLICATION IN TERMS OF SECTION 10(2) OF THE MINERAL AND PETROLEUM
RESOURCES DEVELOPMENT ACT 28 OF 2002 ("MPRDA") AGAINST THE ACCEPTANCE
AND OR GRANTING OF A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE
MPRDA ON THE FARM SNYMANSDRIFT 738 LS, POLOKWANE
OUR CLIENT: LUND FARMS (PTY) LTD

Good day,

Please find attached hereto letter for your attention and urgent reply.

Kind regards,

Christie Briel

Briel Incorporated

9 Pickard Street | Annlin | Pretoria | 0182
P.O Box 14600 | Sinoville | Pretoria | 0129
T: 012 548 0317
F: 086 607 3097
E: cbriel@brielinc.com



BRIEL INC
ATTORNEYS & CONVEYANCERS

9 PICKARD STREET | ANNLIN | PRETORIA | 0182 T: 012 548 0317 | F: 086 607 3097

02 MARCH 2021

THE REGIONAL MANAGER

DEPARTMENT OF MINERAL RESOURCES & ENERGY
Broll Building, 101 Dorp Street,
Polokwane
0699

BY HAND

Your Ref: LP 30/5/1/1/2/13720 PR | LP 30/5/1/2/2/13854 PR | LP 30/5/1/2/2/14026 PR

Sir,

APPLICATION IN TERMS OF SECTION 10(2) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002 ("MPRDA") AGAINST THE ACCEPTANCE AND OR GRANTING OF A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MPRDA ON THE FARM SNYMANSDRIFT 738 LS, POLOKWANE

OUR CLIENT: LUND FARMS (PTY) LTD

1. INTRODUCTION

- 1.1. We refer to the above and confirm that we act on behalf of Lund Farms (Pty) Ltd the registered landowner of the remaining extent, portions 7 and 10 of the farm Snymansdrift 738 LS ("the property"). Our client is also the holder of valid environmental authorisations for poultry farming on the property. Our client's properties are bio-security sites and highly susceptible to cross contamination of any form of unnatural disturbance. The main activities on site consist of breeder hens, and eggs are collected and sold to Serfontein hatchery. After hatching, the hens are purchased back from Serfontein hatchery where it is reared from day old to seventeen (17) weeks. During week eighteen (18) of the rearing process the hens are transferred to the laying stations for up to seventy-two (72) weeks, during which period the hens lay eggs to be fed back into the system. The site consists of 10 breeder houses, 18 rearing houses, 58 laying houses, offices, transportation and packing facilities, a laboratory, and a feed mill and the remainder of the property is used as a game farm.
- 1.2. The fact that our client is the largest commercial poultry farmer in South Africa and a secured food source in the country, also holding a valid ZA certificate, must deter the Department of Minerals and Energy ("DMRE") from accepting or granting any rights over these or adjacent

portions. Should the Regional manager further entertain this application it will have a detrimental effect on our client's business and employment opportunities and will endanger the secured food source as supplied to the market by the largest poultry farming industry in South Africa.

2. LEGAL REQUIREMENTS

- 2.1 The application that was submitted on behalf of Vitalo Trading (Pty) Ltd by Singo Consulting (Pty) Ltd in terms of S 16 of the MPRDA on 13 December 2019. This application was only accepted by your office on 3 December 2020 in terms of S 16(4) of the MPRDA, almost a year later. S 10 (1) of the MPRDA provides, in peremptory terms that *"within 14 days after accepting an application lodged in terms of S 16 the DMRE must make known and publish this fact in the prescribed manner"*. The manner of publication is set out in Regulation 3 of the Regulations published in terms of S 107 of the MPRDA ("the regulations"). The notice in terms of S 10 (1) of the MPRDA were not supplied or made known to the registered landowner and you are hereby requested to provide this office with proof of compliance with regulation 3 (3) (b) (d) (e) of the Regulations. There can be no denying that S 16 (1) (b) of the MPRDA provides that the application must be submitted in the prescribed manner.
- 2.2 The preamble of the Standard Directive states categorically that since the introduction of the MPRDA the State acknowledges the importance of the involvement of communities where mining is taking place at the earliest stages of the application for prospecting and mining rights and permits. This entails the communities being informed and consulted on any mining activities applied for by mining companies in their area. This preamble points out that the consultation process (and the result thereof) is an integral part of the fairness process because the decision cannot be fair if the administrator did not have full regard to what happened during the consultation process in order to determine whether that consultation was sufficient to render the grant of the application procedurally fair.
- 2.3 The regulations as published by the Minister in terms of S 107 (1) of the MPRDA, prescribe the manner in which the acceptance must be made known and the manner in which interested persons must be called upon to comment. It is mentioned in passing that S 16 (1) (b) of the MPRDA provides that the application must be lodged in the prescribed manner. Needless to state that these Regulations are couched in peremptory terms and the word 'must' is used throughout.
- 2.4 The provision of S10 (1) (a) and 10 (1) (b) of the MPRDA read with Regulation 3 of the Regulations promulgated thereunder has as its object, an information process whereby all landowners are notified of the acceptance of the prospecting right application.
- 2.5 The fact that the prescribed method and procedures have not been adhered to by the DMRE and/or the Applicant is a failure to comply with peremptory provisions of the law and this fact alone, stands to have this application rejected and/or set aside.

3. PROSPECTING RIGHT APPLICATION PROCESS

- 3.1 It is evident that you in your acceptance letter dated 3 December 2020 instructed the applicant to notify in writing and consult with the landowner or lawful occupier and any other affected party and submit the results thereof within thirty (30) days being 19 January 2021. It is our submission that the DMRE Polokwane and its Regional Manager failed to comply with the conditions as stated in S10 (1) (a) and 10 (1) (b) and S 16 (4) of the MPRDA read with Regulation 3 of the Regulations promulgated thereunder by not informing the applicant timeously within the prescribed fourteen (14) days but only did so almost a year later.
- 3.2 The applicant's consultants deemed sufficient consultation with the landowner as sending a mere email attaching the Background Information Document, Landowner notification as well as the proof of publication in a newspaper as send to Mr Jurie Kuipers an employee at Lund Farms (Pty) Ltd and not the duly authorised representative of the landowner send and received on 04 February 2021.
- 3.3 The applicant's consultants failed and or neglected to notify and or consult with our client as landowner within the prescribed timelines. No proof of an extension as contemplated in regulation 3(7) of the EIA regulations were attached or supplied.
- 3.4 Meaningful Consultation with interested and affected persons as described in S 3A is as follows: The meaningful consultation with landowners, lawful occupiers and interested and affected persons contemplated in sections 16(4)(b) of the Act shall be conducted in terms of the public participation process prescribed in the Environmental Impact Assessment Regulations promulgated in terms of section 24(5) of the National Environmental Management Act, 1998.
- 3.5 The applicant's consultants have on receipt of an acknowledgement of an application for an environmental authorisation lodged in terms of section 24 of the National Environmental Management Act 107 of 1998 read with regulation 19 of the Environmental Impact Regulations as amended, 2014 for a prospecting right and related infrastructural activities in respect of all the portions of the farm Snymansdrift 738 LS dated 7 January 2020, prepared and supplied via email the draft Basic Assessment Report and Environmental Management Programme Report and same was provided to us on 11 February 2021 still failing to consult this office as requested, nor consulting the landowner.
- 3.6 We are of the opinion that the Applicant and their consultants have not consulted with the landowners or the lawful occupier as prescribed and again, this fact stands to have this application rejected or to be set aside.

4. PURPOSE OF THIS LETTER

- 4.1 Section 10 (2) of the MPRDA provides that if a person objects to the granting of a prospecting right, the Regional Manager must refer the objection to the Regional Mining Development Committee ("RMDEC") to consider the objections and to advise the Minister thereon.

-
- 4.2 Our instructions are that we confirm, on behalf of our client to object to the acceptance and or granting of this application in support of its contention that there has not been compliance with the Act or its Regulations under the MPRDA and the NEMA by both the Regional Manager of the DMRE Polokwane, and Singo Consulting (Pty) Ltd acting on behalf of the applicant, Vitalo Trading (Pty) Ltd.
- 4.3 We therefore request that you provide us with the information as requested in paragraph 2.1 above and that you withdraw this application for a prospecting right for failure to comply with the legal requirements as stated above.
- 4.4 The above request is also amplified in that you as Regional Manager transgressed the provisions of S 16 (2) (b) by accepting two other applications for the same mineral on the same land under reference LP 30/5/1/2/2/13854 PR and LP 30/5/1/2/2/14026 PR respectively.

We therefore now demand as we hereby do that you withdraw these three applications submitted, which applications were accepted by your office in contradiction with the requirements of S 16 (2) (b) of the MPRDA.

We also demand that you arrange a meeting as provided for in terms of S 10(2) of the MPRDA with all affected parties within seven days from date hereof failing which we will approach a competent court for the necessary relief sought.

We also hold instructions from our client to proceed with and submit an application in terms of Section 53 of the MPRDA as soon as possible.

We await your urgent reply

Yours faithfully,

BRIEL INCORPORATED

OUR REF: C BRIEL | LUND FARMS