



Province of the
EASTERN CAPE

ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS AND TOURISM

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South Africa, 5605

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Email: div.deVilliers@deaet.ecape.gov.za

Reference: SBROB#01/09/2017

Enquiries: EMI Roberts

Mr. Edgar Brotherton

Just Milk Pty (Ltd)

P.O Box 357

Kenton on Sea

Attention: Mr. E. Brotherton

DELIVERY: BY HAND

Dear Mr. E. Brotherton

NOTICE OF INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31 L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED IN RESPECT OF THE COMMENCEMENT OF LISTED ACTIVITY WITHOUT AN ENVIRONMENTAL AUTHORISATION ON BOSFONTEIN FARM TRADING AS "JUST MILK", ALEXANDRIA MAGISTERIAL DISTRICT, NDLAMBE MUNICIPALITY.

1. I, Deon De Villiers, in my capacity as an Environmental Management Inspector (Grade 1,) hereby give you written notice of my intention to issue you Mr. Edgar Brotherton with a compliance notice in terms of section 31L of the National Environmental Management Act (Act 107 of 1998) as amended (NEMA,) further read with regulation 8 of the Regulations pertaining to Environmental Management Inspectors (Government Notice R. 480 in Government Gazette 40879 dated 31 May 2017, (Regulations.)
2. The section 31L compliance notice that I intend to issue in terms of NEMA arises from your non-compliance with the provisions of Section 24F read with Section 1, Section 24D and Section 49A of the said Act, read with

Government Notice No. R. 983¹ in Government Gazette 38282 of 4 December 2014 and further read with Section 250 of the Criminal Procedure Act 1977, (Act 51 of 1977) as amended.

3. The compliance notice I intend issuing you with, specifically relates to your non-compliance with the following provisions of Government Notice R.983 whereby Activity 27 commenced without an environmental authorization being issued.
- 3.1 The activity that was undertaken on the site and is listed in Government Notice R.327 is Activity 27 which prohibits a person without an environmental authorisation from:
- "the clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-*
- (i) ...;
- (ii) ...;"
- 3.2. The commencement of a listed activity without an environmental authorization was informed after a site inspection by officials from this department on the 12 September 2017 on the premises known as "Just Milk" in the Bosfontein farming area, Alexandria Magisterial District. The farm is being managed by Allan Brotherton who was present during the site inspection. The officials observed that:
- An area of approximately 6.2 hectares or more of indigenous vegetation was cleared using a bulldozer,
 - Another area of approximately 2 hectares on a hillside had also been cleared progressively,
 - The manager alleges that all cleared areas were previously pastures utilized by the previous owner a few years ago and were infested with prickly pear and thorn trees, *Vachellia karoo*,
 - The cleared areas were immediately planted with pasture grasses for grazing cattle, and
 - At the time of the visit the remnants of heaps of bulldozed indigenous forest consequent of the clearing activities were being burned by fire.
4. In terms of regulation 8 of the Regulations I hereby afford you an opportunity to make representations in writing to Environmental Management Inspector (EMI) Roberts, (Department of Economic Development, Environmental Affairs and Tourism, Cacadu Region, P/Bag X5001, Greenacres, 6057; alternatively you may make delivery per hand to the Colligate Building, Corner of Belmont and Castle Hill Streets, Port Elizabeth, 6057, Office telephone number 041 508

¹ Government Notice R.983 in Government Gazette 38282 of 8 December 2014 was amended by Government Notice R.327 in Government Gazette 40772 of 7 April 2017 and then Government Notice R.706 Government Gazette 41766 of 13 July 2018.



5881, fax number 041 508 5865) within twenty (20) working days of receipt of this letter if you believe there are any compelling reasons for me not to issue you with section 31L compliance notice in terms of the NEMA that will instruct you to, *inter alia*:

- 4.1 Immediately stop and desist from the further undertaking of the fore mentioned activities that informed the subject of this notice.
- 4.2 Within ten (10) working days of receipt of the envisaged section 31L compliance notice submit to this Department for approval by the Senior Manager: Environmental Impact Management a terms of reference that provides for the appointment of a suitably qualified person to compile a rehabilitation plan whereby the site that was impacted on as a consequence of the said clearing of indigenous vegetation, is rehabilitated. The terms of reference must provide for;
 - 4.2.1 Rehabilitation of the affected area as a consequence of the commencement of the said activities to a standard indicative to the landscape prior to the commencement of activities that informed the subject of this notice, and
 - 4.2.2 Reflect the achievement of specific realistic targets against achievable time frames.
- 4.3 Within ten (10) days of receipt of this Department's Senior Manager: Environmental Impact Management approval of the terms of reference at your own cost you must appoint a suitably qualified person to develop the rehabilitation plan as per the Senior Manager: Environmental Impact Management approval. Proof of the appointment of a suitably qualified person will be required to be provided to EMI Roberts.
- 4.4 Within ten (10) days of receipt of this Department's Senior Manager: Environmental Impact Management approval of the rehabilitation plan for implementation at your own cost implement the rehabilitation plan adhering to the specified timeframes.
- 4.5 On completion of the implementation of the rehabilitation plan and the rehabilitation of the site I must be informed in writing after which a site meeting will be held and the rehabilitation inspected.
5. The section 31L compliance notice that I intend to issue you with has offences and penalties that are applicable to non-compliance in terms of Section 49A of the NEMA. Upon conviction for:
 - 5.1 Non-compliance with a Section 31L compliance notice, a person is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment, and
 - 5.2 Commencement of a listed activity without an environmental authorization, a person is liable to a fine not exceeding R10 million or to imprisonment not exceeding 10 years, and in both instances to both such fine and such imprisonment.
6. You may however at your own risk submit a section 24G application in terms of NEMA for the post facto authorization of the said unlawful commencement of the listed activities. Please note that your application will not summarily guarantee that after the payment of an administrative fine that you will be granted an environmental authorization. If you intend to submit a section 24G application in terms of NEMA you must indicate your intention in writing within twenty (20) days of receipt of this letter, failing which the contemplated compliance notice will be issued to you, the

provisions of which you have to comply with. If you intend submitting a section 24G application in terms of NEMA, please direct your formal intention to EMI Roberts.

7. I wish to make it clear that the instructions contained in this letter are made in the interest of responsible environmental management, and with a view to a co-operative resolution of the issue. Further, please note that this notice of intention to issue you a NEMA S31L compliance notice does not negate your obligations to comply with Section 28(4) of the NEMA or the consequences of contravening any other overlapping or concurrent environmental legislation which may include the National Forest Act, 1998 (Act 84 of 1998). Should you have any further queries, please contact EMI Roberts.
8. Notice is hereby given in terms of Section 31H and 31K of the NEMA that duly authorized officials from either the South African National Parks or this Department may / will enter the site at various times after issuing this notice and at reasonable intervals thereafter in order to ensure that you are complying with this notice.

Signed on this 26th Day of August 2019, at Amalinda



Environmental Management Inspector (Grade 1)

Deon De Villiers

Department of Economic Development and Environmental Affairs and Tourism

Acknowledgement of Receipt: NOTICE OF INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31 L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED IN RESPECT OF THE COMMENCEMENT OF LISTED ACTIVITY WITHOUT AN ENVIRONMENTAL AUTHORISATION ON ERF ON BOSFONTEIN FARM TRADING AS JUST MILK, ALEXANDRIA, MAGISTERIAL DISTRICT NDLAMBE MUNICIPALITY.

(page 5 of 5)

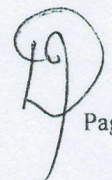
Received by Mr. /Ms. _____

On behalf of the company _____

B

on this _____ day of _____ 2019, at _____

Signature: _____



Our Ref/Ons Verw JJMCOETZEE/as/J-97

Your Ref/U Verw SBR0B#01/09/2017

16 September 2019

Environmental Management Inspector (EMI Roberts)
Department of Economic Development
Environmental Affairs and Tourism,
Cacadu Region,
Private Bag X 5001
GREENACRES
6057

grahamstown:

2 allen street | po box 930 | 6140 | docex 11

fax: +27 46 622 2469

fax to e-mail: 086 440 1372

tel: +27 46 622 2799

werner@djlw.co.za

alexandria:

25 retief street | po box 36 | 6185

fax: +27 86 234 7679

tel: +27 46 653 0005

tanya@djlw.co.za

Dear Sir

RE: NOTICE IN TERMS OF SECTION 31 L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED IN RESPECT OF THE COMMENCEMENT OF LISTED ACTIVITY WITHOUT AN ENVIRONMENTAL AUTHORISATION ON BOSFONTEIN FARM TRADING AS "JUST MILK", ALEXANDRIA MAGISTERIAL DISTRICT, NDLAMBE MUNICIPALITY

1. We refer to the above and confirm that we act on behalf of our Client "Just Milk (Pty) Ltd"
2. We attach hereto a Notice of Intention to issue a compliance Notice in terms of Section 31 L of NEMA, as addressed to our client, and dated 26 August 2019.
3. From the onset we wish to assure you of our client's willingness to cooperate in your investigations and in order to resolve any uncertainty there may be in this regard.

De Jager & Lordan Incorporated

Director: Werner de Jager (B.Juris, LLB)

Non-Executive Director: Douglas Henney (B.Proc, Dip. Const. Litigation,
Dip. Project Management, Dip. Risk Management)

Assisted by: Marius Coetzee (LLB)

Candidate Attorneys: Byron Raw (B.Soc.Sci., LLB), Pallans Vuma (Bcom Accounting Science (Law), LLB),
Karabo Mokou (LLB), Olivia Mukozhiwa (B.Soc.Sci., LLB), Michelle du Toit (LLB, LLM)

Consultants: Deborah Joubert (B.Proc.), Jan Smit (B.Iuris, LLB, LLM)

4. We are currently awaiting the outcome of an assessment by a suitably qualified expert with regards to the issues raised in your letter. From our understanding of the circumstances surrounding the observations as noted in Paragraph 3.2 of your notice, there appear to have been a clearing of invasive species of various plants and trees upon the property of our client. The activities would appear to have been *bona fide* and in compliance with legislation requiring of our client to restrict and prevent the spread of invasive plant species upon its property.
5. In as far as it concerns the invitation for a *post facto* authorisation, in terms of Section 24 G of NEMA, our client reserves its rights to do so should it be necessary.
6. Kindly direct all further correspondence through our offices.
7. We will keep you posted and revert to you as soon as our investigations have been completed.

Yours faithfully,



MARIUS COETZEE
DE JAGER LORDAN INC.

Mr Edgar Brotherton
Dalfreuch Farm Prop cc
Just Milk Pty Ltd
P.O Box 357
Kenton on Sea

DELIVERY PER HAND

Dear Mr E. Brotherton

COMPLIANCE NOTICE IN TERMS OF SECTION 31 L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED IN RESPECT OF THE COMMENCEMENT OF LISTED ACTIVITIES WITHOUT AN ENVIRONMENTAL AUTHORISATION ON ERF ON BOSFONTEIN DAIRY FARM TRADING AS JUST MILK (BOSFONTEIN DAIRY FARM RE/260, FARM 405, FARM 261, FARM, FARM 17/257, FARM 7/257, AND FARM 2/258 FARM, ALEXANDRIA, MAGISTERIAL DISTRICT NDLAMBE MUNICIPALITY.

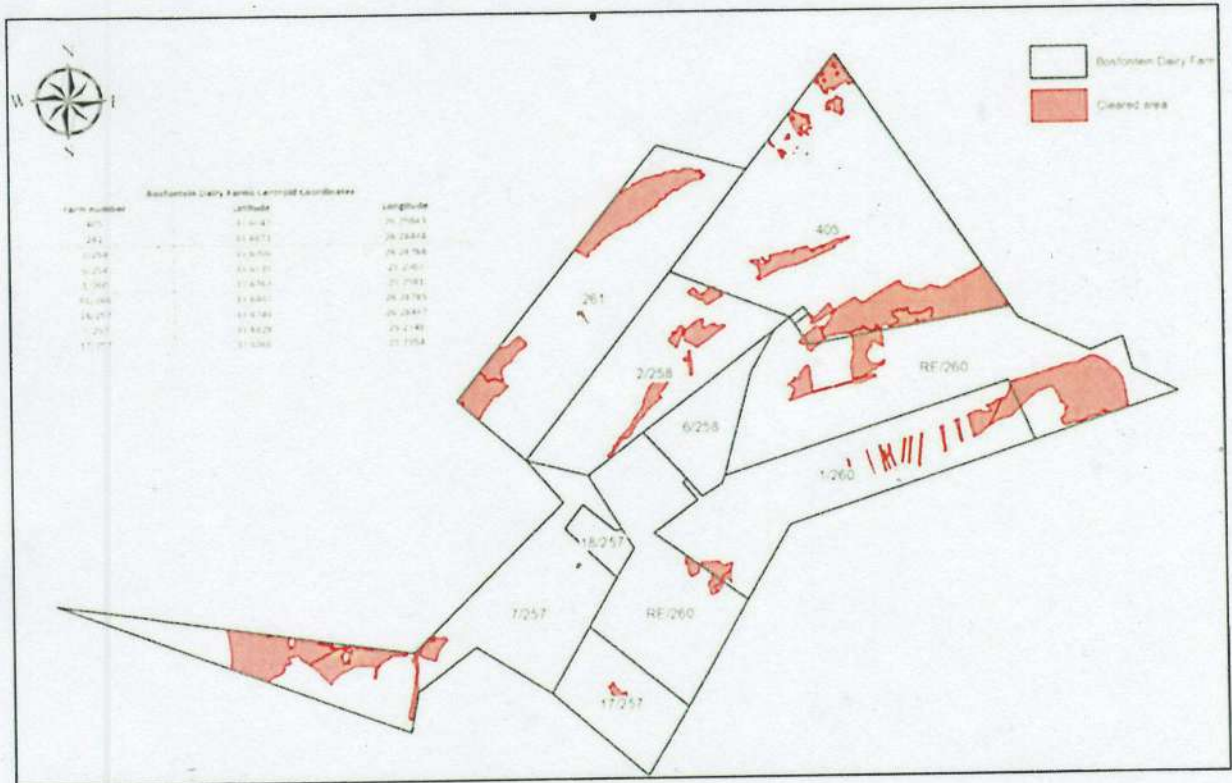
1. I, Deon Johan De Villiers, in my capacity as an Environmental Management Inspector, (Grade 1) hereby issue you Mr. Edgar Brotherton, Dalfreuch Farm Prop CC trading as Just Milk (Pty) Ltd, with a compliance notice in terms of section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended (NEMA), further read with regulation 8 of the Regulations pertaining to Environmental Management Inspectors in GNR. 480 in Government Gazette 40879 of 31 May 2017, (Regulations).
2. Prior to my issuing you with this compliance notice, I have considered the content of my, "notice of Intention to issue you with a compliance notice" dated 26 August 2019, received by Mr N.Lubisi, on 29 August 2019 on your behalf, to which you have not provided me with compelling reasons not to issue you with this notice. I considered the following:
 - 2.1. Your representation submitted by Mr Coetzee of De Jager Lordan attorneys dated 16 September 2019 wherein he states that he is your representative and is acting on your behalf.
 - 2.2. On the 19 December you stated that you were awaiting an assessment by a suitably qualified expert regarding the content of my letter. You go on stating that alien vegetation of varying species was cleared

- on your land to which you claim were *bona fide* activities in accordance with statutory provisions to halt and prevent the spread of alien vegetation. The Department disputes that the cleared area did not include indigenous vegetation.
- 2.3. Your express desire to reserve your right to apply for a section 24G application is noted but if this is your choice you will have to request a variance of this compliance notice as its provisions remain in full force and effect. Non-compliance with the compliance notice is an offence.
- 2.4. Since your representation this Department waited sufficient time prior to trying to elicit a response to my pre compliance notice from you:
- 2.4.1. On the 9 September 2020 Mr Coetzee was telephoned by EMI Stegmann who requested when the study would be complete and when a submission would be made to the Department. The submission was requested to be provided to the Department prior to the 19 September 2020. Mr Coetzee agreed on this timeframe.
- 2.4.2. On the 22 September EMI Bans sent Mr Coetzee a reminder that the study was due per SMS. Mr Coetzee responded that his laptop was broken and that he would revert to EMI Bans by the 25 September 2020. Mr Coetzee did not respond.
3. This section 31L compliance notice arises from your non-compliance with the provisions of section 24F read with section 1, section 24D and section 49A of the NEMA, read with Government Notice No. R. 983¹ in Government Gazette 38282 of 4 December 2014 and further read with section 250 of the Criminal Procedure Act 1977, (Act 51 of 1977) as amended.
4. This compliance notice, specifically relates to your non-compliance with the following provisions of Government Notice R.983 whereby Activity 27 commenced without an environmental authorization.
- 4.1. Activity 27 in Government Notice R.983 prohibits a person from:
- "the clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-*
- (i) ...;
- (ii) ...;"
- 4.2. The commencement of a listed activity without an environmental authorization was informed following a site inspection by officials from this Department on 12 September 2017 to Just Milk (Pty) Ltd's, Bosfontein Dairy Farm (Alexandria Farm 260/Remainder, Alexandria Farm 261, Alexandria Farm 257/17, Alexandria Farm 257/7, Alexandria Farm 258/2, and Alexandria Farm 405.) The farm is being managed by Allan Brotherton he was present during the site inspection. The officials observed that:

- 4.2.1. An area of approximately 6.2 hectares or more of indigenous vegetation was cleared using a bulldozer.
- 4.2.2. Another area about 2 hectares on the hillside has progressively been cleared.
- 4.2.3. The manager alleges that all cleared areas were previously pastures utilized by the previous owner a few years ago and were infested with prickly pear and thorn trees, *Vachellia karroo*.
- 4.2.4. The cleared areas were immediately planted with pasture grasses for grazing cattle completely transforming the vegetation type, and
- 4.2.5. At the time of the visit, the remnants of indigenous vegetation were heaped into windrows and were in the process of being burned by fire. (Some pictures of areas cleared of vegetation is attached in Annexures hereto.)
- 4.2.6. A desktop study using aerial images was also undertaken. It was determined that clearing of indigenous vegetation has taken place on the said properties. This was confirmed to have been done without the required environmental authorisation. The total extent of the clearing of indigenous vegetation amounts to approximately 86ha on the farm. (The extent of the clearing of indigenous vegetation per registered farm is reflected in table 1 and map 1 hereunder.) The clearing of "indigenous vegetation" includes selective clearing using artificial means that changes the structure and composition of the vegetation type.)

Farm number	Surveyor General ID	Owner	Year registered	Farm area (ha)	Area cleared (ha)
405	C00400000000040500000	DALFREUCH FARM PROP C C	2016	136	25
261	C00400000000026100000	DALFREUCH FARM PROP C C	2016	86	15
2/258	C00400000000025800002	DALFREUCH FARM PROP C C	2016	59	6
6/258	C00400000000025800006	DALFREUCH FARM PROP C C	2016	22	None visible
1/260	C00400000000026000001	DALFREUCH FARM PROP C C	2016	76	5
RE/260	C00400000000026000000	DALFREUCH FARM PROP C C	2016	164	19
18/257	C00400000000025700018	DALFREUCH FARM PROP C C	2016	6	None visible
7/257	C00400000000025700007	DALFREUCH FARM PROP C C	2016	96	15
17/257	C00400000000025700017	DALFREUCH FARM PROP C C	2016	28	1

Table 1: Extent of indigenous vegetation cleared on Bosfontein Dairy Farm.



Map 1: Depicting the location of indigenous vegetation cleared in respect of the cadastral boundary of the land parcels that form Bosfontein Dairy Farm.

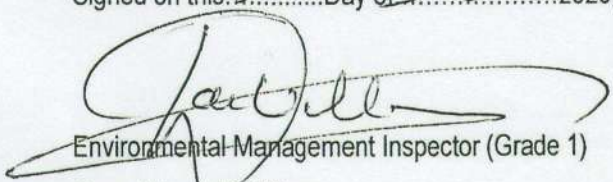
5. You are hereby instructed to:
 - 5.1. Immediately stop and desist from the further undertaking of the aforementioned activities that informed the subject of this notice.
 - 5.2. Within ten (10) working days of receipt of section 31L compliance notice submit to me for my approval a terms of reference that provides for the appointment of a suitably qualified person to compile a rehabilitation plan whereby the site that was impacted on as a consequence of the said clearing of indigenous vegetation, is rehabilitated. The terms of reference must provide for;
 - 5.2.1. Rehabilitation of the affected area because of the unauthorised commencement of the said activities to a standard indicative of the landscape prior to the commencement of activities that informed the subject of this notice, and
 - 5.2.2. Reflect the achievement of specific realistic targets against achievable time frames.
 - 5.3. Within ten (10) days of receipt of my approval of the terms of reference at your own cost, you must appoint a suitably qualified person to develop the rehabilitation plan in accordance with the approved terms of reference. Proof of the appointment of a suitably qualified person will be required to be provided to EMI Bans.

- 5.4. Within ten (10) days of receipt of my approval of the rehabilitation plan, at your own cost implement the provisions of the rehabilitation plan adhering to the specified timeframes.
- 5.5. Once the rehabilitation plan is implemented and the rehabilitation of the site complete I must be informed in writing after which a site meeting will be held and the rehabilitation inspected.
6. Procedure for lodging an objection to this NEMA section 31L compliance notice (Section 31L and section 31M of the NEMA):
- 6.1 If you would like me to vary this compliance notice or extend the period thereof, you may make a written representation to do so.
- 6.2 If you wish to lodge an objection an objection against this compliance notice you may do so by making representation in writing to the Member of Member of the Executive Council (the MEC) Department of Economic Development, Environmental Affairs and Tourism with thirty (30) days of the receipt of this notice.
- 6.3 You may also make representation to the MEC to suspend the operation of the compliance notice pending finalization of your objection.
- 6.4 Irrespective of any representation you may make to the MEC or myself, you must comply with the provisions of this compliance notice within the time period mentioned herein unless the MEC agrees to suspend the operation of this compliance notice.
7. Should you fail to comply with this compliance notice:
- 7.1 You will have committed an additional offence in terms of section 49A(1)(k) of the NEMA.
- 7.1.1 Non-compliance with a section 31L compliance notice, a person is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment, and
- 7.1.2 Commencement of a listed activity without an environmental authorization, a person is liable to a fine not exceeding R10 million or to imprisonment not exceeding 10 years, and in both instances to both such fine and such imprisonment.
- 7.2 Kindly take note the environmental management inspectors from this Department are given wide powers in terms of NEMA to investigate whether or not you have complied or are complying with this compliance notice, and to exercise certain powers in order to enforce any contravention thereof, including but not limited to the power to seize items used in the commission of an offence as well as the power of arrest; and
- 7.3 The Department will be entitled to take the required steps on your behalf and to claim from you any costs incurred in so doing.
8. I wish to make it clear that the instructions contained in this letter are made in the interest of responsible environmental management, and with a view to a co-operative resolution of the contravention. Further, please

note that this notice of intention to issue you a NEMA S31L compliance notice does not negate your obligations to comply with Section 28(4) of the NEMA or the consequences of contravening any other overlapping or concurrent environmental legislation which may include the National Forest Act, 1998 (Act 84 of 1998). Should you have any further queries, please contact EMI Bans.

9. Notice is hereby given in terms of Section 31H and 31K of the NEMA that duly authorized officials from either the South African National Parks or this Department may / will enter the site at various times after issuing this notice and at reasonable intervals thereafter in order to ensure that you are complying with this notice.

Signed on this 21st Day of December 2020, at East London


Environmental Management Inspector (Grade 1)

Deon Johan de Villiers

Senior Manager: Directorate Compliance and Enforcement

Department of Economic Development, Environmental Affairs and Tourism

NOTICE OF INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31 L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED IN RESPECT OF THE COMMENCEMENT OF LISTED ACTIVITIES WITHOUT AN ENVIRONMENTAL AUTHORISATION ON ERF ON BOSFONTEIN DAIRY FARM TRADING AS JUST MILK (BOSFONTEIN DAIRY FARM RE/260, FARM 405, FARM 261, FARM, FARM 17/257, FARM 7/257, AND FARM 2/258 FARM, ALEXANDRIA, MAGISTERIAL DISTRICT NDLAMBE MUNICIPALITY (Pages 6 of 6.)

Received by Mr/Ms/Prof/Dr _____

On behalf of _____

On this _____ day of _____ 2020, at _____

Signature: _____

Our Ref/Ons Verw: JJM Coetzee/ad/J97

Your Ref/U Verw: SBROB#01/09/2017

13 January 2021

**DEPARTMENT OF ECONOMIC DEVELOPMENT,
ENVIROMENTAL AFFAIRS AND TOURISM**

Attention Senior Manager:

Directorate Compliance and Enforcement

Mr Deon Johan de Villiers

By email: div.devilliers@dede.gov.za

**THE MEMBER OF THE EXECUTIVE COUNCIL
DEPARTEMENT OF ECONOMIC DEVELOPMENT,
ENVIROMENTAL AFFAIRS AND TOURISM**

c/o

MR DEON JOHAN DE VILLIERS

Email: div.devilliers@dede.gov.za

Dear Sir,

**RE: DALFREUCH FARM PROP CC / DEPARTMENT OF ECONOMIC
DEVELOPMENT, ENVIROMENTAL AFFAIRS AND TOURISM**

1. We refer to the above and your Compliance Notice in terms of Section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended, and dated 21 December 2020.
2. We were handed the aforesaid Notice, which was delivered to our client on 6 January 2021 (copy **annexed**).

De Jager & Lordan Incorporated (Registration No. 1999/017135/21)

Director: Werner de Jager (B.Juris, LLB)

Non-Executive Director: Douglas Henney (B.Proc, Dip. Const. Litigation,
Dip. Project Management, Dip. Risk Management)

Assisted by: Marius Coetzee (LLB), Leo Vaccaro (B.A, LLB),
Pallans Vuma (Bcom Accounting Science (Law), LLB), Byron Raw (B.Soc.Sci., LLB)
Stuart Tarr (LLB, LLM)

Candidate Attorneys: Karabo Mokou (LLB), Olivia Mukozhiwa (B.Soc.Sci., LLB)

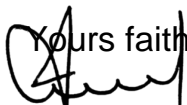
Consultants: Deborah Joubert (B.Proc.), Jan Smit (B.Iuris, LLB, LLM)

3. We act on behalf of Dalfreuch Farm Prop CC.
4. We do not intend dealing with every allegation as contained in your aforesaid letter, and our clients' rights to do so, remain reserved.
5. Our instructions are to record, as we hereby do that our client has not undertaken any of the activities as listed in the Pre-Compliance Notice, dated 24 August 2019, and specifically that which is stipulated in paragraph 4.1 thereof. There has accordingly been substantial compliance with the terms of the Pre-Compliance Notice.
6. Please note that your Compliance Notice at paragraphs 4.2.5 and 4.2.6 refer to photographs and aerial images having been used respectively, as part of your observations. Might we request copies of the aforesaid as (at least the photographs) which are referred to as annexures to the Compliance Notice, did not accompany it. We shall be obliged to receive same by email, alternatively, tender payment of the costs for the preparation of copies for ourselves, in which event, we look forward to hearing from you regarding its availability for collection.
7. In paragraph 2.2 and 2.4.1 of the Compliance Notice, you refer to assessments being conducted. Writer was referring to another matter and apologise for mis-speaking and creating unnecessary confusion.
8. We have however received instructions from our client to engage the services of Dr Mike Cowen, who is copied in on this correspondence, in order to assist with the assessment of your Compliance Notice and the issues raised therein. It is our client's intentions to co-operate with your department and not adopt an overly technical obstructive approach.
9. In order for Dr Cowen to advise our client as to the appropriate action in response to your Compliance Notice, Dr Cowen requires additional time beyond the ten-day period provided for in the aforesaid Compliance Notice. Our instructions are to request, as we hereby do, that the operation of the Compliance Notice be suspended in terms of the provision of Sections 31L (3), 31L (4) and as read with 31L (5).
10. We undertake to provide you with updated timeframes for either an application in terms of Section 24G, alternatively to comply with paragraphs 5.2, 5.3, 5.4, and 5.5 of your Compliance Notice, further alternatively, for an objection as provided for in Sections 31L and 31M.
11. Our client is desirous to engage with your offices and more specifically with your Mr de Villiers regarding the issues as raised in your aforesaid Compliance Notice. Before doing so, our Werner De Jager requests an urgent meeting with your Mr de Villiers, such meeting to take place either

telephonically, alternatively at your offices, or further alternatively at our Grahamstown offices when you again call in our area, with the express intention of addressing the concerns as raised in the Compliance Notice and finding a resolution. In addition, our client has requested that Dr Cowen engage with your Mr de Villiers for the aforesaid purposes and to address the concerns as raised in the Compliance Notice.

12. Kindly confirm your availability for such meeting to be held as a matter of urgency, and preferably within the ten-day time period which commenced on 6 January 2021.
13. Kindly contact our Werner De Jager on 083 281 0183, alternatively our landline number 046 622 2799 to confirm your availability for the aforesaid meeting.
14. We look forward to receiving your favourable response in respect of our requests as contained in paragraph 9 above.

Yours faithfully,



MARIUS COETZEE
DE JAGER & LORDAN INC.