



# WEAVIND & WEAVIND

ATTORNEYS, NOTARIES AND CONVEYANCERS

— EST. 1905 —

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YOUR REF:  
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OUR REF:  
Louis van Bergen/J40001

DATE:  
17 May 2018

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Greenmined Environmental

[yolandie.c@greenmined.co.za](mailto:yolandie.c@greenmined.co.za)

Dear Sir/ Madam

## **PORTION 4 OF THE FARM WOODLANDS 407 NGWATHE LOCAL MUNICIPALITY**

1. We act on behalf of Tja Naledi Beafase Investment Holdings.
2. Mining activities are currently being conducted on the abovementioned land in accordance with our client's mining right issued under FS 30/5/1/1/2/10020.
3. It is our instruction the community members situate in close proximity to the property has recently voiced their concern insofar as they are of the view that the property has to be re-zoned for mining purposes.
4. Our client is practising well within the confines of the applicable legislation and it is accordingly unnecessary for the owners to rezone the property.

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BEE CERTIFICATION:  
Level 2 Contributor: BBBEE  
Sworn affidavit  
Practice number: F186

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5. It is our instruction that silica sand mining has been conducted on the property since the 1970's and was accordingly not subject to a land use scheme at its commencement.
6. You will appreciate that the Ngwathe Local Municipality has yet to adopt a land use scheme as contemplated in Section 24(1) of The Spatial Planning and Land Use Management Act of 2013 ("SPLUMA") nor does its current Land Use Scheme make provision for the zoning of farmland.
7. Consequently the property in question falls squarely within the ambit of Section 26(3) of SPLUMA which is quoted hereunder for your ease of reference:

*"Where no town planning or land use scheme applies to a piece of land before a land use scheme is approved in terms of this Act, such land may be used only for the purposes listed in Schedule 2 of this Act and for which such land was lawfully used or could lawfully have been used immediately prior to the commencement of the Act."*

8. Schedule 2 of the Act in turn includes "mining purposes".
9. In the premises the mining activities conducted on the property in question is not in contravention of any Law and we reiterate that the owners are under no obligation to rezone the property as alleged by the members of the community.
10. Our client is mindful of the value the community adds to its operations and it is accordingly committed to supporting them through the creation of jobs and infrastructure.



11. In order to maintain the longstanding relationship between our client and the community it insists that any grievance must be dealt with on the merits and is committed to settle same amicably.
12. Our client has great commercial interest in the aforesaid property and will oppose any application threatening its activities, we do however believe that this will not be necessary.
13. Please be advised accordingly.

Yours faithfully,

Weavind & Weavind  
Louis van Bergen

