



Reg. 2019/0817

30 January 2024

The Environmental Commissioner
Ministry of Environment, Forestry and Tourism
Private Bag 13306 Windhoek, Namibia

Attention: Mr. Timoteus Mufeti

Dear Sir,

RE: Environment Assessment (EA) for Exclusive Prospecting Licences (EPLs) No. 4404 & 4405 Located Northeast of Okahandja in the Otjozondjupa/ Omaheke Region, Namibia: Environmental Clearance Certificate (ECC) Application No. 002706

The above-mentioned subject bears reference.

Gazania Investment Four Hundred and Twenty-Three (Pty) Ltd (The Proponent) appointed Excel Dynamic Solutions Pty Ltd (EDS Namibia), a team of Independent Environmental Consultants to conduct the required Environmental Scoping Assessment (ESA) study and apply for the Environmental Clearance Certificate (ECC), according to the Environmental Management Act (EMA) No. 7 of 2007 and its 2012 EIA Regulations.

The study was submitted in 2021 to the DEAF, MEFT for evaluation, but MEFT was instructed to withhold the evaluation process due to a court case as indicated in Annexure 1. The screening process of the project in 2021 by the DEAF did not recommend for an archaeology consent letter to be acquired and therefore no survey was done during the environmental field investigation stage. The court has ordered for the EPLs to be reinstated by MME, which means the EIA evaluation process can recommence. At resubmission of the reports this time, the screening process requested for the Proponent to carry out an archaeological/heritage survey and get a consent letter. Unfortunately, the proponent is unable to hire an archeologist at this time to carry out a full archaeological survey, and he claimed to have lost all his investment due to court engagements. He is pleading with your office to evaluate his reports based on the initial findings in the 2021 reports, and archaeological mitigation measures outlined in the EMP that were based on desktop review and stakeholders input. The Proponent is committed to have the EPLs surveyed once the ECC and subsequent investment are acquired to be able to mobilize specialists.

Our office hereby submits this letter and the attached annexure for attention and consideration.

Yours Sincerely,



EXCEL DYNAMIC
SOLUTIONS (PTY) LTD
Reg. No. 2019/0817
P.O. Box 997154, Maerua Mall
Tel: +264 81 239 530
Email: info@edksnambis.com

Environmental Assessment Practitioner (EAP)

Mr. Silas David

Annexure 1



REPUBLIC OF NAMIBIA

MINISTRY OF MINES AND ENERGY

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E-mail: info@mme.gov.na
Website: www.mme.gov.na

1 Aviation Road
Private Bag 13297
WINDHOEK

Enquiries: K. Siseho

Reference No.: 14/2/4/1/ 4404 & 4405

Directors
Gazania Investment Four Hundred and Twenty-Three (PTY) LTD
Private Bag 12012
Ausspannplatz
Windhoek
Namibia

REINSTATEMENT OF EXCLUSIVE PROSPECTING LICENCES 4404 AND 4405 AS PER THE HIGH COURT ORDER HC-MD-CIV-MOT-GEN-2022/00052 DATED 12 DECEMBER 2023.

I acknowledge receipt of the above-stated High court order dated 12 December 2023.

I am pleased to inform you that EPL 4404 and 4405 has been reinstated on Landfolio (mining cadastral portal) as per the above stated court order. The physical licences will only be endorsed in January 2024, to allow due processes to take effect.

I hope you find the above in order.

Yours sincerely,


MS ISABELLA CHIRCHIR
MINING COMMISSIONER

Ministry of Mines and Energy
Mining Commissioner

2023 -12- 19

DATE
Department of Mines



HC-MD-CIV-MOT-GEN-2022/00052

IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION,
HELD AT WINDHOEK
ON THURSDAY, THE 07th DAY OF DECEMBER 2023
BEFORE THE HONOURABLE JUSTICE COLEMAN

In the matter between:

GAZANIA INVESTMENT FOUR HUNDRED AND TWENTY THREE (PTY) LTD **APPLICANT**

and

MINISTER OF MINES AND ENERGY
THE MINING COMMISSIONER

LANDMARK MINERAL RESOURCES (PTY) LTD

Certified to be a true copy of the duplicate/original document filed on record in this office.

HD

1st RESPONDENT

2nd RESPONDENT

3rd RESPONDENT

COURT ORDER

Having heard **MR COMALIE**, on behalf of the Applicant, and having read the pleadings and other documents filed of record under Case Number **HC-MD-CIV-MOT-GEN-2022/00052** and having considered the submissions on behalf of the applicant during the hearing,

IT IS HEREBY ORDERED THAT:

- 1 The decision of the First Respondent taken and communicated to Applicant on 16 April 2021 pursuant to the provisions of Section 76 (2) (a) of the Minerals (Prospecting and Mining) Act 33 of 1992 (as amended) in respect of EPL 4404 and EPL 44-5 is reviewed and set aside.
- 2 The decision of the First Respondent taken and communicated to Applicant on 09 June 2021 pursuant to the provisions of Section 71 (2) of the Minerals (Prospecting and Mining) Act 33 of 1992 (as amended) in respect of EPL 4404 and EPL 4405 is reviewed and set aside.
- 3 EPL 4404 and EPL 4405 are declared to endure for a period of not less than three years from the effective date as contemplated in Section 37 (1) (a) of the Minerals (Prospecting and Mining) Act 33 of 1992 (as amended).
- 4 There is no order as to costs.
- 5 The matter is removed from the roll and regarded as finalised.

BY ORDER OF THE COURT





REGISTRAR

TO:

BRADLEY BASSON

On behalf of

Applicant

BD Basson Inc.

1

Haddy Street

Windhoek

Namibia

Namibia

AND TO:

FRIEDA DA SILVA

On behalf of

1st Respondent and 2nd Respondent

Government - Office of the Government Attorney

2nd floor

Sanlam Centre Independence Avenue

Windhoek

Namibia

WINDHOEK

KHOMAS

Namibia

LANDMARK MINERAL RESOURCES (PTY) LTD

3rd

Respondent

NO 19 TITUS NAMUEJA KATUTURA

WINDHOEK

KHOMAS

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