



**PRACTICE GROUP**  
townplanners

30 YEARS

**DRAFT FOR COMMENT**

Our Ref: 700/299  
PJ Dacomb

Your Ref: 15/4/1/2

30 January 2019

Attention: Ms MM Phetla

Municipal Manager (Acting)  
Dr Pixley Ka Isaka Seme Local Municipality

Dear Ms Phetla

**YZERMYN 96, REGISTRATION DIVISION HT, MPUMALANGA PROVINCE**  
**LAND DEVELOPMENT APPLICATION: ATHA AFRICA VENTURES (PTY) LTD**

With reference to the above, we confirm our recent telephone discussions with various representatives within your municipality viz a viz the notice on the outcome of the Tribunal sitting dd 30 November 2018 which was communicated to our office under cover of an e-mail received from the Acting Municipal Manager dated 18 December 2018. We note the following for your urgent consideration:

1. We have been informed (telephonically) that the aforesaid notice was erroneously communicated to the land development applicant in this matter as ostensibly being a decision of the Municipal Planning Tribunal (MPT). The record shows that, in response to such erroneous communication, the land development applicant was placed under the incorrect impression that the decision of the MPT alluded to in the aforesaid notice was an official decision in response to the land development application. As a result the land development applicant was forced to lodge an appeal with regard thereto.

Such appeal was indeed lodged upon 8 January 2019.

2. We have now been informed that the aforesaid notice, under cover of your e-mail dated 18 December 2018, was indeed not an official decision of the MPT and that the aforesaid matter will indeed be submitted to the MPT to conduct its hearing as contemplated in the local municipal by-law in due course.
3. In the above context your confirmation as aforesaid, the notice of appeal, submitted by our office on 8 January 2019, requires to be withdrawn and in this regard we also make reference to our prior e-mail responses dated 18 December 2018 and 10 January 2019 respectively in which you were informed that the matter should indeed proceed to the MPT for a hearing and that the matter should not be prejudged with regard to the alleged absence of *locus standi* on the part of the land development applicant as alluded to in your e-mail and attachments dated 18 December 2018. The record shows that, with regard to our e-mails of 18 December 2018 and 10 January 2019, we received no response and the land development applicant was therefore placed in an invidious position with regard to the window of opportunity within which to lodge an appeal against what appeared to be a decision of the MPT.
4. Please therefore consider that the aforesaid appeal is herewith officially withdrawn and that, with regard to its content, please provide same to the Tribunal in advance in order to seek clarification with regard to what we consider to be the correct interpretation of the relevant

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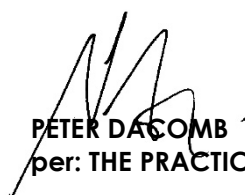
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provisions of the ruling legislation, more particularly, the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).

5. Based on the aforesaid, we kindly repeat our various previous requests that the matter should now proceed to the MPT for the conducting of a hearing as contemplated in your by-law and for all parties in this matter to be afforded ample notice with regard to the hearing date and for all parties on record to receive, in advance, the full version of the recommendation report which has been prepared by your municipality to serve before the MPT.
6. We have copied this letter to those parties on record, known to the applicant, and we note in passing that, given the above circumstances, the petition to be granted the status of an intervener, submitted to your office on 29 January 2019 by the Centre for Environmental Rights, will therefore no longer be relevant.
7. Those parties who submitted objections timeously with regard to the first application in this matter remain on record and are to be invited to attend the hearing to be conducted by the MPT.

Please acknowledge receipt hereof and confirm that the matter will now proceed to the MPT accordingly.

Yours faithfully



**PETER DACOMB**  
per: THE PRACTICE GROUP

cc: Mr P Triphathi  
Mr Joubert

SERVED ON:

SP Malan  
Mabola Protected Environments Association  
KZN Urban Planning Studio

Centre for Environmental Rights  
Pikkie Uys Trust (Executor Estate PWB Uys) and Thys Uys Trust  
WWF-SA Land & Biodiversity Stewardship Programme

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