

Peter Dacomb

From: Mercy <mercyp@pixleykaseme.gov.za>
Sent: Tuesday, 18 December 2018 3:24 PM
To: Eric Basson; Peter Dacomb; praveer.tripathi@athagroup.in
Subject: Letter to adress the rezoning issues
Attachments: Letter with Tribunal concerns.pdf

Attached please receive the letter and attend to the listed issues

Kind regards

Mercy Phetla
Acting Municipal Manager
Associate General Accountant – AGA(SA)
Dr Pixley Ka Isaka Seme Local Municipality
Volksrust
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DR. PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY
OFFICE OF THE MUNICIPAL MANAGER
PRIVATE BAG X9011, VOLKSRUST 2470

2018 -11- 30

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All correspondence to be addressed to
THE MUNICIPAL MANAGER

Alle korrespondensie moet gerig word aan
DIE MUNISIPALE BESTUURDER

Yonke imibhalo kumele iqondiswe
KUMPHATHI KAMASIPALA

OFFICE OF THE MUNICIPAL MANAGER

ENQUIRES: Ms MM Phetla

30 November 2018

TO WHOM IT MAY CONCERN

UPDATE ON THE OUTCOME OF THE TRIBUNAL SITTING REGARDING THE MATTER- CHANGE OF LAND USE OVER PORTION 1 OF THE FARM YZERMYN 96, REGISTRATION DIVISION HT, and MPUMALANGA PROVINCE

The above matter refers;

During the sitting of Dr Pixley Ka Isaka Seme Local Municipality joint Municipal Planning Tribunal (the Tribunal) on 14 November 2018, the Tribunal resolved to struck (remove) the subject application from the list of matter that were put up for consideration by it, because of the following reason:-

The applicant was neither the owner of the land over application was lodged nor authorized by the owner to lodge the subject application. The application therefore had no Locus Standi to represent the owner before the Tribunal.

It must be noted that the Tribunal is a creature of instruction and it is therefore carrying out its mandate based on applicable legislation. Your attention is drawn to the provision of section 90 subsection (1) & (2) of the Chief Albert Luthuli, Dipaleseng, Lekwa, Mkhondo and Msukaligwa Municipal by-law on Spatial Planning and Use Management, 2016, which states:-

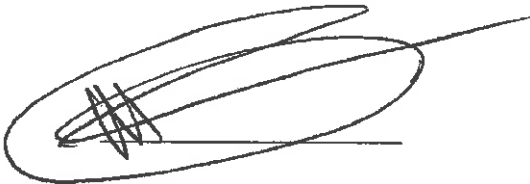
90 information required

- (1) Any application required in term of this By-Law must be completed on a form approved by the council, signed by the applicant and submitted to the Municipality

- (2) Any application referred to in subsection (1) must be accompanied by-
- a) If the applicant is not the owner of the land, a power of attorney signed by the owner authorizing the applicant to make the application on behalf of the owner and if the owner is married in community of property a power of attorney signed by both spouses;
 - b) If the owner of the land is a company, closed corporation or owners' association, proof that the person is authorized to act on behalf of the company, closed corporation, body corporate or owners' association;
 - c) If the owner of the land is a trust, the application must be signed by all the trustees;

The applicant did not provide a power of attorney appropriately signed by the relevant owner(s) reflected on the Deed of Transfer that was submitted by the applicant as part of the application documentation. The Tribunal was therefore in no position to proceed with the application that was not sanctioned by the owner.

Yours faithfully,



MM PHETLA

MUNICIPAL MANAGER (Acting)

DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY OFFICE OF THE MUNICIPAL MANAGER PRIVATE BAG X9011, VOLKSRUST 2470
2018 -11- 3,0
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30/11/2018

DATE