



Dickinson & Theunissen Inc.

ATTORNEYS, CONVEYANCERS
& NOTARIES PUBLIC

OUR REF MR SMITH/mg/MAT15395

YOUR REF

02 October 2024

SIZWE KHUZWAYO

Email: sizwe.khuzwayo@mandeni.gov.za

Dear Sir,

**RE: RESERVE 7A MANGETE ILEMBE WATER PROJECT – URGENT
RESOLUTION**

We advise that we act on behalf of the Dunn Family Trust which comprises of various owners of Lots in Reserve 7A Mangete.

We have been instructed by client that they have become increasingly concerned at the manner in which the Ilembe District Municipality has been dealing with the Trust regarding the implementation of a Water Reticulation Project in Mangete.

Concerns have been expressed at previous meetings voicing the worry that the Project is aimed at benefiting the illegal occupants who have erected permanent structures on the land belonging to the various members of the Dunn Family Trust and owners who are not necessarily represented by the Trust.

Inasmuch as the Project of this nature is welcomed, the Municipality has failed to address the concerns of the Trust in that this Project will create permanent homesteads on farms owned by the Trust and / or various others.

This concern is underpinned by the failure to implement the Section 42D Agreement which was formulated to resettle the land invaders on land within Reserve 7A and to restore the use of the land to its owners.

To date, there has been no real consultation with the various Dunn Family members, yet the Municipality has had several meetings with the illegal occupants regarding the implementation of the Project whilst basic human rights are recognized but the manner in which the Municipality is implementing the Project be deemed unconstitutional as it is not taking any meaningful consultation or approach toward the landowner.

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Docex 5, Pinetown | BEE LEVEL 2 | Practice No 126

Directors F. P van Oers, R. Pringle, C. I Smith

Consultant M.P.A Baldocchi



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We also wish to point out that we are instructed to attend to the eviction of the various illegal occupants in line with Court Orders that have been granted to the various land owners.

We are instructed to recommend that as an alternative, the Municipality gives consideration to the construction of sandpipes on the boundaries of each farm, which follow the principles of the RDP in making water available to the illegal occupants. Once the illegal occupants have been resettled in line with the Section 42D Agreement, the infrastructure can then be recovered or sold to the land owner.

This will avoid any fruitless and wasteful expenditure of tax payers / State revenue in terms of the Public Finance Management Act, 1 of 1999.

We have been instructed to communicate the following to you.

1. The local Municipality is to desist forthwith from implementing the Project until the land owners have been comprehensively consulted on the Water Reticulation Project.
2. The Mandeni Municipality provide a written undertaking to the Dunn family that it is not their intention to create permanent homesteads on the farms owned by the families within Reserve 7A, but only to grant temporary access to a basic human right. The expression of this intent must be underpinned by an undertaking from the Municipality in their capacity as a signatory to the Section 42D Agreement to provide a written commitment for the implementation of the Agreement.
3. We are directed to request that you respond to this letter within seven (7) days with the undertaking failing which, our instructions are to approach Court for urgent relief for which an appropriate cost order will be sought.

In order to assist your consideration in this regard, we attach the following:

- (i) A record of the discussion with the Municipalities in which the Trust has stated their position on the Water Reticulation Project;
- (ii) A letter received from iLembe which has not been honoured;

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- (iii) A progress report compiled by the Contractor appointed to construct the reticulation;
- (iv) Consent Forms; and
- (v) A copy of the High Court Interdict which is self-explanatory.

We request that your response is received by no later than the close of business on the 8th October 2024 failing which, client's rights herein are strictly reserved.

Yours faithfully,

Not signed as transmitted electronically

CLINTON SMITH
DICKINSON & THEUNISSEN INC.
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