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VUNDU LA LIMPOPO  
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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 409 OF 2022****LOCAL AUTHORITY NOTICE 35 OF 2022****BELA-BELA LOCAL MUNICIPALITY****BELA-BELA AMENDMENT SCHEME 60/08**

It is hereby notified in terms of the provisions of Section 61 of the Bela-Bela Municipal Spatial Planning and Land Use Management By-Law, 2020, that the Bela-Bela Local Municipality has approved an amendment scheme with regard to the land in the township of N1 Irrigasie Service and Rest Area Extension 1, being an amendment of the Bela-Bela Land Use Scheme, 2019.

Map 3 and the scheme clauses of this amendment scheme are filed with the Development and Spatial Planning Department and are open to inspection during normal office hours.

This amendment is known as Bela-Bela Amendment Scheme 60/08.

**BELA-BELA LOCAL MUNICIPALITY**

July 2022  
(Notice No 35 of 2022)

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**BELA-BELA LOCAL MUNICIPALITY****DECLARATION OF N1 IRRIGASIE SERVICE AND REST AREA EXTENSION 1 AS APPROVED TOWNSHIP**

In terms of Section 61 of the Bela-Bela Municipal Spatial Planning and Land Use Management By-Law, 2020, Bela-Bela Local Municipality hereby declares the township of N1 Irrigasie Service and Rest Area Extension 1 to be an approved township, subject to the conditions as set out in the Schedule hereto.

**SCHEDULE**

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY ALBERT DYKEMA PROPRIETARY LIMITED, (REGISTRATION NUMBER 1976/004170/07) IN TERMS OF SECTIONS 30(3) AND 60 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) READ WITH SECTION 56 OF THE BELA-BELA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017, FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 5 OF THE FARM IRRIGASIE 69, REGISTRATION DIVISION JR, LIMPOPO PROVINCE HAS BEEN GRANTED**

**1.1 NAME**

The name of the township shall be N1 IRRIGASIE SERVICE AND REST AREA EXTENSION 1.

**1.2 DESIGN**

**The township shall consist of erven as indicated on approved General Plan S.G No. 647/2021 of N1 Irrigasie Service and Rest Area Extension 1, as approved by the Surveyor General.**

**1.3 PRECAUTIONARY MEASURES**

1.3.1 The Applicant shall at own expense, make arrangements with the Municipality, in order to ensure that-

- (a) water will not dam up, that the entire surface of the township is drained properly and that public and private streets are sealed effectively with tar, cement or bitumen; and
- (b) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.3.2 The applicant shall insure that the land development will not cause more rights than what was granted in terms of consent from the Minister : Land Use and Soil Management dated on 9 July 2012.

**1.4 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES**

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the applicant.

**1.5 REMOVAL OF LITTER**

The applicant shall at his own expense have all litter within the township removed to the satisfaction of the Bela-Bela Local Municipality, when required to do so by the Municipality.

**1.6 CONSOLIDATION OF ERVEN**

The applicant shall at his own expense after promulgation of the township but prior to the development of any erf in the township consolidate Erven 3 and 4 to the satisfaction of the Municipality. The Bela-Bela Local Municipality hereby grants its consent to the consolidation of Erven 3 and 4 in terms of Section 71 of the By-Law of 2017, which consolidation shall only come into operation on proclamation of the township.

**2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE****2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES**

A certificate issued in terms of section 80 of the By-Law of 2017 must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement (if applicable).

**2.2 THE DEVELOPER'S OBLIGATIONS****2.2.1 PROVISION OF ENGINEERING DRAWINGS**

The developer must submit to the Bela-Bela Local Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design engineering drawings in respect of the internal storm water, sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

**2.2.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER**

Before any erf is transferred, the Bela-Bela Local Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which it is certified that the internal engineering services have been completed and that such Engineer accepts liability for the services. The Bela-Bela Local Municipality may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the Bela-Bela Local Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the Bela-Bela Local Municipality with a guarantee issued by a recognized financial institution.

**2.2.4 MAINTENANCE PERIOD AND GUARANTEE**

A maintenance period of 12 (twelve) months commences on the date on which the Municipality has certified that the provisions of Section 80 of the By-Law of 2017 have been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity), and the road and stormwater have been completed.

A maintenance guarantee must be issued for the said period by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be issued in favour of the non profit Company for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, before the commence date of the contract and proof of this must be submitted to the Bela-Bela Local Municipality.

A retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the local authority for an amount that is equal to 10% of the contract cost, and proof of this must be submitted to the Bela-Bela Local Municipality.

### 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject and, where relevant, entitled to existing conditions and servitudes, if any:

#### 3.1. Excluding the following which do not affect the township due to its geographic location:

Condition of Title A on page 3 of Deed of Transfer T55336/1980 (the Deed) describing the expropriation by the then South African Railways and Harbour Administration dated 30 May 1949 which does not affect the erven in the township due to geographical location and reads as follows:

"A. 'n Gedeelte groot ongeveer 1834 vierkante meter van die bogenoemde eiendom is onteien deur die Suid-Afrikaanse Spoorweë en Hawens Administrasie soos meer volledig sal blyk uit kennisgewing en kaart geheg aan Akte van Transport No. 12651/1949, gedateer 30 Mei 1949."

Condition of Title B on page 3 of the Deed describing a pipeline servitude 3,15m wide together with an area of approximately 2826m<sup>2</sup> having been expropriated by the then South African Railways and Harbours Administration vide notice of expropriation number 524/1968 which does not affect the erven in the township due to geographical location, and reads as follows:

"B. 'n Pyplynserwituut 3,15 meter wyd en 'n gedeelte groot ongeveer 2826 vierkante meter van die bogenoemde eiendom is onteien deur die Suid Afrikaanse Spoorweë en Hawens Administrasie soos meer volledig sal blyk uit die Kennisgewing van Onteining No. 524/1968, gedateer 20 November 1968."

- (iii) Condition of Title C on page 3 of the Deed describing a servitude 3,148m wide expropriated by the then South African Railways and Harbours Administration vide notice of expropriation number 329/1971 which does not affect the erven in the township due to geographical location, and reads as follows:

"C. 'n Serwituut 3,148 meter wyd van bogenoemde eiendom is onteien deur die Suid Afrikaanse Spoorweë en Hawens Administrasie soos meer volledig sal blyk uit die Kennisgewing van Onteining No. 329/1971."

- (iv) Condition of Title D on page 3 of the Deed describing a right reserved in favour of Eskom to convey electricity over the property together with additional rights vide Notarial Deed K2291/1974S which does not affect the erven in the township due to geographical location and reads as follows:

"D. Kragtens Notariële Akte K2291/1974S, gedateer 25 Januarie 1974 is die reg aan ELEKTRISITEITSVOORSIENINGSKOMMISSIE verleen om elektrisiteit oor die hierbogemelde eiendom te vervoer, tesame met die bykomende regte, en onderhewig aan kondisies soos meer volledig sal blyk uit gemelde Akte en kaart."

- (v) Endorsement on page 8 of the Deed pertaining to Expropriation Notice 708/1981 describing an expropriation in favour of the then Department of Transport which does not affect the erven in the township due to geographical location and reads as follows:

"ENDORSEMENT IN TERMS OF SEC, ACT NO. 37/1955

A portion(s) measuring approximately .... Of the within mentioned property has/have been expropriated by the South African Transport Services. See Expropriation Notice No. 708/1981. Deeds Office Pretoria, Assistant Registrar C.Claassens. 1982.01.12"

- (vi) Endorsement on page 12 of the Deed pertaining to Notarial Deed of Servitude K2952/99S describing a servitude of pipeline 15m wide in favour of Magalies Water Board denoted on Servitude Diagram SG 12484/95 which reads as follows:

"Kragtens Notariële Akte van Serwituut K2952/99S gedateer 03-04-1998, is die binnegemelde eiendom onderhewig aan 'n serwituut vir pypleiding 15 (vyftien) meter wyd ten gunste van Magalies Wateraad en waarvan die Oostelike grens aangedui word deur lyn aB op Serwituutkaart LG 12484/95, soos meer volledig sal blyk uit die Notariële Akte van Serwituut."

**3.2 THE FOLLOWING ENTITLEMENT/RIGHTS SHALL NOT PASS ON TO THE ERVEN IN THE TOWNSHIP**

Endorsement on page 11 of the Deed pertaining to Notarial Deed of Servitude K2197/98S in terms of which the affected farm portion is entitled to a servitude of right of way 6m wide over Portion 1 of the farm De Witskraal 68 JR which entitlement shall not be passed onto the erven in the development area.

"1. Kragtens Serwituut van Reg van Weg K2197/98S, gedateer 23ste Maart 1998. Die binne-gemelde Eiendom is geregtig op 'n serwituut van reg van weg 6 meter wyd, parallel en al langs die westelike grens van voormelde Gedeelte 1 van die plaas De Witskraal 68JR, Gauteng = 107,8372 hektaar welke westelike grens aangedui word deur die lyn AF op Kaart LG Nr. 9637/1997 soos meer volledig sal blyk uit gemelde Akte van Serwituut van Reg van Weg.

**4. CONDITIONS OF TITLE****4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, IMPOSED BY BELA-BELA LOCAL MUNICIPALITY IN TERMS OF THE PROVISION OF THE BELA-BELA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017.****4.1.1 All erven**

(a) The erf is subject to a servitude 2m wide in favour of the Municipality for sewerage and other municipal purposes along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the Municipality: Provided that the Municipality may dispense with any such servitude.

(b) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(c) The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Municipality.

**4.2 CONDITIONS IN FAVOUR OF THIRD PARTIES****4.2.1 ERF 4:**

The erf is subject to an 18 meter wide overhead electrical powerline servitude in favour of Eskom as indicated on the General Plan.

**4.3. CONDITIONS IMPOSED BY THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED**

The erven in the township shall be subject to conditions as indicated below:

- (i) Except for any essential stormwater drainage structure, no building, structure or other thing attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 60 metres measured from the reserve boundary of Road N1, nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the consent in writing of the South African National Roads Agency Limited.
- (ii) A security wall/palisade fence shall be erected on the N1/23 road reserve boundary and shall be maintained by the applicant as his/her cost.
- (iii) No storm water disposal from the above-mentioned development to national route N1/23 shall be allowed without approval of SANRAL and Bakwena, and the applicant shall accept SANRAL's storm water where applicable.
- (iv) Save for the approved points of entry and exit, ingress to and egress from the erf shall not be permitted along the boundary of the erf abutting on Road N1.

- (v) Except with the written consent of the South African National Roads Agency Limited, the erf shall be used for the purposes of a Service and Rest Area, including overnight accommodation facilities only.

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