



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 119

DECLARATION AS AN APPROVED TOWNSHIP

The Mbombela Local Municipality declares hereby in terms of Section 103 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), Emkhatsini Township to be an approved township subject to the conditions set out in the schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY NURICRON PROPRIETARY LIMITED (REG NO. 2009/013107/07), (HEREAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER), IN TERMS OF THE PROVISIONS OF CHAPTER 3 (PART C) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 89 (A PORTION OF PORTION 34) AND PORTION 90 (PORTION OF PORTION 34) OF THE FARM GOEDE HOOP 128, REGISTRATION DIVISION J.U. MPUMALANGA PROVINCE, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township is to be **Emkhatsini Township**.

1.2 DESIGN

The township consists of erven and streets, as indicated on GENERAL PLAN L.G. No. 3111/2005.

1.3 ACCESS

Access to the township erven will be obtained from roads D 2296 and D 636.

1.4 RECEIPT AND DISPOSAL OF STORM WATER

The township owner shall arrange the storm water drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the storm water running off or being diverted from the road.

1.5 REMOVAL AND/OR REPLACEMENT OF MUNICIPAL SERVICES

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

1.6 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Mbombela Local Municipality, or make the necessary arrangements with Mbombela Local Municipality for such removal.

1.7 REMOVAL AND/OR REPLACEMENT OF ESKOM SERVICES

Should it become necessary to remove, alter, or replace any existing services of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.8 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove, alter, or replace any existing services of Telkom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.9 RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES

The township owner shall provide all essential services in terms of the provisions of sections 116 to 121 of Ordinance 15 of 1986 prior to the registration of any stands in the township, or as agreed in the services agreement to be concluded between the parties.

1.10 PROTECTION OF STAND PEGS

The township owner shall comply to the requirements with regard to the protection of boundary pegs as determined by the Mbombela Local Municipality in this regard, when required to do so by the Mbombela Local Municipality.

1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner must at his own costs demolish all existing buildings and structures that are located within building restriction areas, side spaces or common boundaries to the satisfaction of Mbombela Local Municipality.

1.12 COMPLIANCE WITH CONDITIONS IMPOSED BY MPUMALANGA DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT

The township owner shall at his own expense comply with all the conditions imposed, by which the Mpumalanga Department of Agriculture and Land Administration: Environment Management has granted authorization for the township in terms of regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, 1989, for the development of this township.

1.13 COMPLIANCE TO CONDITIONS CONTAINED IN GEO-TECHNICAL REPORT

Development of this township must be strictly in accordance with the recommendations contained in the geo-technical report compiled for this township, if any.

1.14 COMPLIANCE TO CONDITIONS CONTAINED IN R.O.D.

Development of this township must be strictly in accordance with the Record of Decision issued by the Department of Agriculture and Land Administration: Environmental Management in respect of this township.

1.15 CONDITIONS WHICH ARE BINDING AND MUST BE CONFORMED TO BY THE TOWNSHIP ESTABLISHER OR SUBSEQUENT OWNER IN TITLE

Any written condition imposed by Mbombela Local Municipality, a Non-Governmental or Governmental Organization to which this township establishment application was referred to in terms of the requirements of Ordinance 15 of 1986, or to which Mbombela Local Municipality specifically requested that the application must be referred to, in respect of this township must be conformed to by the Township Establisher or any subsequent owners in title of stands within the township, to the satisfaction of that organization which originally set such condition. Any such condition remains legally binding in perpetuity upon the Township Establisher or any subsequent owners in title of stands within the township individually and/or collectively until it has been fulfilled or accomplished to the satisfaction of the organization which imposed such condition.

1.16 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven are to be made subject to existing conditions and servitudes as well as the reservation of rights to minerals, if any but excluding the following conditions that must **not** be carried over to the erven in the Township:

"A. Portion "K" of the aforesaid farm GOEDE HOOP 128 (a portion whereof is hereby transferred) is subject to the following conditions:

- (a) Subject and entitled to the obligations and rights set forth in certain Notarial Deed of Servitude No 125/1923 S, whereby Hercules Gideon du Plessis as owner of certain remaining extent of the quitrent farm MANCHESTER 259, District Barberton, granted to JOHANNES PETRUS DE JAGER and his successors in title, the right to construct and use a water furrow for conveying water for the use of the Remaining Extent of the farm GOEDE HOOP 128 (the Remaining Extent of Portion 52 of which is hereby transferred from point B on the White River on the remaining Extent of the said farm MANCHESTER 259 and across is to point A on its Eastern boundary (being boundary line between the Remaining Extent of the farm MANCHESTER and portions known as NOORDWIJK of the farm GOEDE HOOP 128, as shown by the

blue line lettered B aA and marked "Race" on the approved diagram S G No A 2732/1922, prepared by surveyor A.H. MATTHEWS IN JULY 1922, annexed to the said Deed of Servitude) with the right to convey such water over other portions of GOEDE HOOP entitled to water and over portion known as NOORDWIJK being held under Notarial Deed of Servitude No 124/1923-S.

SUBJECT to the servitude of the said water furrow and right to convey water in favour of certain other portions of the farm GOEDE HOOP entitled to water.

PORTION 52 (the remaining Extent whereof is hereby transferred) and the remaining extent of the portion K of the said farm GOEDE HOOP measuring 17,0821 Hectares, originally held under Deeds of Transfer Nos 9085/1926 and 252/1935, shall be entitled to enjoy the fifty eight three hundredths (58/300ths) of the water out of the said water furrow and shall be subject to the obligation to maintain and keep clean the said water furrow jointly with other owners entitled to water therefrom.

SUBJECT to the conditions that the owners of portion 52 (the remaining extent of which is hereby transferred) and the remaining extent of Portion K, together with the owners of the other portions of the said farm GOEDE HOOP 128, entitled to such water, shall respectively in their pro-rata share at their own costs and expense keep clean and maintain the said water furrow and also fence and keep fenced any dangerous portions thereof, for which purpose they and their servants shall at all reasonable times have free access to and egress from the remaining extent of the said farm MANCHESTER 259, and that portion known as Noordwijk of the said farm GOEDE HOOP 128.

If any owner or owners shall fail to carry out this obligations, the remaining or any other owner or owners shall be entitled to effect the said work and recover the share due by such defaulting owner or owners, by action after proper demand made for payment.

The rights to water in favour of the owner of portion 1 of portion K measuring 33,4932 hectare, portion 2 of portion F, measuring 10,7609 hectares, and portion 1 of portion F, measuring 51,3876 hectare of the said farm GOEDE HOOP have been defined by Notarial Deed No 414/1927 S, registered on the 3rd day of June 1927.

- (b) the former remaining extent of the farm GOEDE HOOP 128, measuring 727,3499 hectares (of which the property hereby transferred is part), is subject to a full, free and unencumbered right of way and passage in favour of portion 2 of portion C of the said farm GOEDE HOOP as held under Deed of Transfer No. 824/1924, from and to the said portion to and from the nearest or most conveniently accessible public road.
- (c) Portion 52 (the remaining extent of which is hereby transferred) shall be subject to the servitude in favour of Portion 1 of Portion K and Portion 2 of Portion F of the GOEDE HOOP measuring, respectively 33,4932 hectares, 10,7609 hectares, transferred under Deed of Transfer No. 9996/1922, of sufficient grazing for 30 head of large stock on the uncultivated ground situate on the said Portion 52 (the Remaining Extent of which is hereby transferred).
- (d) That the owners of that Portion of Portion 52 (the remaining Extent of which is hereby transferred) shown by the figure lettered DEFf inner bank of the Crocodile River G inner Bank of White River H.D., on Diagram SG No A69/41 annexed to the aforementioned Certificate of Consolidated Title, and the remaining extent of the said Portion K of the farm GOEDE HOOP shall grant to the present and future lessee or owner of Lots (perselen) Nos. 185, 186, 186a, 187, 188, 190, 191 and 314 Section E Kaap Block, district Barberton, the right to take out a water furrow and to lead water from the White River over the said Portion 52 (the remaining extent of which is hereby transferred) and the said remaining extent of Portion K provided that the owners shall have the right jointly with the other owners entitled to use one/half of the water thus conveyed and further upon this understanding that the lessee or owner of the said Lots and the owners of the said portion 52 (the remaining extent of which is hereby transferred) and the said remaining extent of Portion K shall pay half the costs connected with the maintenance of that portion of the said furrow which runs

over the said portion 52 (the remaining extent of which is hereby transferred) and the said remaining extent of Portion K."

2. CONDITIONS OF TITLE

The erven shall be subject to the following conditions imposed by the Mbombela Local Municipality in terms of the provisions of the Town-planning and Townships Ordinance, 1986:

- (1) The erf is subject to a servitude 2m wide in favour of the Mbombela Local 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 Mbombela Local Municipality: Provided that the Mbombela Local Municipality may dispense with any such servitude.
- (2) 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.
- (3) The Mbombela Local 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, to 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) Telkom SA (Ltd) reserves the right to lay telephone cables and erect overhead plant along the boundaries of an erf, within the normal building line servitude provided for each erf in terms of the relevant Town Planning Scheme.
- (5) Mbombela Local Municipality cannot provide any engineering services to the Township as a result of the locality of the Township in respect of existing municipal bulk engineering services. Any bulk engineering services provided to the Township or any part or phase thereof by the Township Applicant shall not be taken over by the Municipality: Provided that if and when in future the Municipality can provide bulk engineering services to the Township or any part or phase thereof, the Township Applicant is under the obligation to connect to the bulk engineering services of the Municipality subject to on condition that such services comply with the standards and requirements of the Municipality. If any of the said engineering services are to be taken over by the Municipality, as per agreement to be concluded between the Township Applicant and the Municipality, this condition shall lapse.

3. CONDITIONS WHICH ARE TO BE INCORPORATED INTO THE TOWN PLANNING SCHEME, NOTWITHSTANDING THE EXISTING REQUIREMENTS OF THE EXISTING TOWN PLANNING SCHEME IN OPERATION, IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986.

(1) GENERAL CONDITIONS (applicable to all erven)

- (a) Except with the written consent of the Municipality, and subject to such requirements as it may impose, neither the owner nor anyone else shall –
 - (i) except to prepare the erf for building purposes, excavate any material therefrom;
 - (ii) sink any pits or boreholes thereon or use any subterranean water therefrom; or
 - (iii) for any purpose whatsoever, manufacture or permit to be manufactured on the erf tiles or earthenware pipes or other articles of similar nature.
- (b) Where, in the opinion of the Municipality, it is impractical for storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

- (c) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the Municipality.
- (d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (e) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the Municipality and subject to such conditions as may be determined by it.
- (f) A screen wall or walls shall be erected and maintained to the satisfaction of the Municipality as and when required by it.
- (g) If the property is fenced, such fence, and the maintenance thereof shall be to the satisfaction of the Municipality.
- (h) The registered owner is responsible for the maintenance of the whole development on the property. If the Municipality is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.
- (i) The erf is situated in an area that has geological characteristics which can negatively influence buildings and structures and can cause damage. Building plans submitted to the Municipality for approval must contain preventative measures in accordance with the recommendations as contained in the engineer's geological report which was compiled for the Township, to restrict possible damage to buildings and structures as a result of unfavourable foundation conditions unless proof can be submitted to the Municipality that such measures are unnecessary or that the same objective can be achieved in a more efficient manner.

Mr X C Mzobe
Municipal Manager
Mbombela Local Municipality

LOCAL AUTHORITY NOTICE 120**NELSPRUIT AMENDMENT SCHEME 1712**

The Mbombela Local Municipality hereby in terms of the provisions of Section 125 of the Town-Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Nelspruit Town-Planning Scheme 1989, comprising of the same land as included in the Township of **Emkhatsini**.

Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Department of Agriculture, Rural Development and Land Administration, Nelspruit and the office of the Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times.

This amendment is known as the **Nelspruit Amendment Scheme 1712** and shall come into operation on date of publication hereof.

A copy of this notice will be provided in Afrikaans or Siswati to anyone requesting such in writing within 30 days of this notice.

Mr X C Mzobe
Municipal Manager
Mbombela Local Municipality
