



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

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affects
us all



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struggle

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 440

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 (Ord. 15 of 1986), **Sonheuwel Extension 9** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BRENDAN ANDREW KING; ANDREW EDWARD KING AND HENDRIKA BERTINA KING (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANTS) IN TERMS OF THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 12 (A PORTION OF PORTION 10) OF THE FARM BERYL 313 J.T., HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)

1.1 NAME

The name of the township shall be **SONHEUWEL EXTENSION 9**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on the approved General Plan Number **SG No 234/2006**.

1.3 ACCESS

The ingress and egress via the existing entrance at the University of Tshwane shall be to the satisfaction of Mbombela Local Municipality.

1.4 RECEIPT AND DISPOSAL OF STORMWATER

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

1.4.1.1 The township owner shall submit for the Mbombela Local Municipality's approval a detailed scheme complete with plans, sections and specifications prepared by a civil engineer who is a member of SAACE for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing channelling of the streets therein together with the provisions of retaining walls as may be considered necessary by the Mbombela Local Municipality.

1.4.1.2 Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

1.4.1.3 The township owner shall carry out the approved scheme at its own expense on behalf and to the satisfaction of the Mbombela Local Municipality under the supervision of a civil engineer who is a member of SAACE.



1.4.1.4 The township owner shall be responsible for the maintenance of the streets to the satisfaction of the Mbombela Local Municipality until the streets have been constructed as set out in subclause 2.4.1.1.

1.4.1.5 If the township owner fails to comply with the provisions of paragraphs 2.4.1.1, 2.4.1.2 and 2.4.1.3 hereof, the Mbombela Local Municipality shall be entitled to execute the work at the cost of the township owner.

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 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Mbombela Local Municipality, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as this responsibility is taken over by the Mbombela Local Municipality.

1.7 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.

1.8 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.

1.9 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.

1.10 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.

1.11 PROTECTION OF STAND PEGS

The township owner shall comply with 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.

1.12 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.

1.13 SIGNAGE

The applicant shall at his own expense erect the required signs to the satisfaction of the Mbombela Local Municipality and the township owner shall maintain such signage in a good state of repair, until such time as his responsibility is taken over by the Mbombela Local Municipality.

1.14 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.

1.15 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of mineral rights, as follows:

1.15.1 The following condition which shall be passed on to all Erven in the township:

- "A. That all rights to minerals, mineral products, mineral oils, metals and precious stones are reserved to the State."
- B. The owner of portion marked 1 of the said farm "BERYL" transferred under Deed of Transfer 21658/1937 shall be entitled to the sole use during the period from 6 a.m. on Sunday to 6 a.m. on Tuesday in each and every week of the water from certain existing fountain situate on the former Remaining Extent of the said farm "BERYL", measuring as such 146.7704 Hectares held under Deed of Transfer No. 17760/1935 (of which the property hereby transferred forms a portion) to the South East of the aforesaid portion marked 1 of the said farm, conveyed on to and across the said portion 1 by means of an existing pipe line, the position of which pipe line Percy Albert Frederick Wilhelm and his successors in title shall be entitled to alter or deviate.

The owner of the said portion marked 1 of the said farm shall not, however, be entitled to the said water at any other time nor shall she take any steps to interfere with the said fountain or pipe line or to interfere with the flow of the fountain in any manner. The costs of the maintenance, repair, replacement of the said pipe shall be born by Percy Albert Frederick Wilhelm and Johanna Jacoba Anna Arnoldina de la Rey (born van Beers) married out of community of property to Ignatius Marthinus Jacobus de la Rey, in equal shares:

Percy Albert Frederick Wilhelm further reserved the right of aqueduct in respect of the aforesaid property marked 1 of the said farm to the said Remaining Extent measuring as such 146.7704 Hectares (of which the property hereby transferred forms a portion) over the aforesaid – portion marked 1 of the said farm to the said Remaining extent measuring as such 146.722 Hectares, this condition shall bind the successors in Title of both Percy Albert Frederick Wilhelm and the owner of the said Portion marked 1 of the said farm.

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- C. Excluding the following rights which must not be carried over to the erven in the township:
- (a) Except with the written approval of the Controlling Authority:-
 - (i) The land may not be subdivided.
 - (ii) The land shall be used solely for residential and agricultural purposes. The number of the buildings on the land or any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
 - (iii) No store or place of business or industry whatsoever may be opened or conducted on the land.
 - (iv) No building or any structure whatsoever may be erected within a distance of 300 Cape Feet from the centre line of the public road.
 - (b) In the event of the land being laid out as a Settlement or Township or being included in an existing township or being consolidated with other land, the conditions set out in clauses (i) to (iii) in paragraph (a) shall with the written consent of the Controlling Authority, lapse"

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AS LAID DOWN BY THE MBOMBELA LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1 CONDITIONS APPLICABLE TO ALL ERVEN

- 2.1.1 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.
- 2.1.2 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.
- 2.1.3 The Mbombela Local Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area 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 by the Mbombela Local Municipality.

- 2.1.4 The erf is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the Mbombela Local Municipality for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the Mbombela Local Municipality that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

2.2 CONDITIONS APPLICABLE TO ERF 1682

- 2.2.1 The erf is subject to a servitude right of way 6m wide which will serve as access to Stand 1681.

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

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