



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

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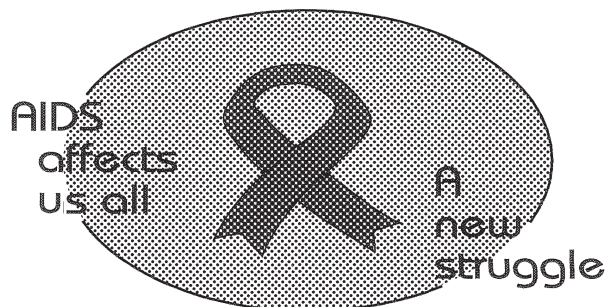
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NELSPRUIT
22 NOVEMBER 2018
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PROCLAMATION • PROKLAMASIE

PROCLAMATION 58 OF 2018**CITY OF MBOMBELA NOTICE****DECLARATION OF ALKMAAR COMMERCIAL PARK AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986) the City of Mbombela hereby declares the township of Alkmaar Commercial Park to be an approved township, subject to the conditions set out in the schedule hereto.

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 Neil Diamond

Municipal Manager

City of Mbombela

PO Box 45

Nelspruit

1200

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ESTRA HOMES (SA) (PROPRIETARY) LTD (REGISTRATION NUMBER 95/03430/07) REFERRED TO AS THE TOWNSHIP APPLICANT 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 THE REMAINING EXTENT OF PORTION 141 (A PORTION OF PORTION 102) OF THE FARM ALKMAAR 286 J.T., MPUMALANGA PROVINCE, HAS BEEN GRANTED

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE PROCLAMATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP**1. GENERAL****1.1 NAME**

The name of the township shall be **ALKMAAR COMMERCIAL PARK**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on **GENERAL PLAN NUMBER 479/2009**.

1.3 ACCESS

Access to the township will be obtained from Provincial Road D1175.

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.

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 Impact Management has granted the applicant authorization in terms of the National Environment Management Act, 1998, for the establishment of the 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 Impact 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

1.16.1 All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals as well as the following conditions which must be carried over to the erven in the township:

“Onderhewig aan die volgende voorwaardes:

A. The remaining Extent of the eastern half of the said farm ALKMAAR 286 Registration Division J.T., Transvaal, Measuring 1810,191 hectares (of which the land hereby held forms a portion) is SPECIALLY SUBJECT to the following reservations and conditions in regard thereto in favour of the Transvaal Consolidated Land and Exploration Company Limited (hereafter referred to as "The Company") which the Company holds by Certificate of Right to Minerals No. 758/1922 S.

(a) The Company reserves and retains the full, free and sole right and interest in and to all minerals, mineral substances and metals, oils, precious stones and coal on, in and under the said property, without any exception together with the sole right to deal with, alienate and dispose of the same at will.

(b) The Company reserves and retain the sole and exclusive right to prospect, exploit and mine for such minerals, mineral substances and metals, oils, precious stones and coal at any time on, in and under the land, and to deal with and turn to account, alienate and dispose of such rights or of any such minerals, etc. from time to time at pleasure.

(c) The Company reserves and retains the right to the use of all water on or connected with the said property necessary for the prospecting and/or mining purposes, with the exception of any water from any wells or boreholes sunk by the owners, and of the surface stored in any dams constructed by the owners prior to the commencement of any prospecting or mining operations by the Company.

(f) The rights to minerals reserved by the Company shall include all such rights under the precious and Base Minerals Act 1908 (Transvaal) or any other Act; appertain to the holder of the mineral right, but the transferee shall, in the event of prospecting

for gold, be entitled to all such rights under the said Act; appertain to any owner or surface rights.

B. DIE VOORMALIGE:

i. Gedeelte 25 van die plaas Alkmaar 286 J.T., (waarvan daardie gedeelte van die eiendom gehou aangedui deur figuur Ca middel van spruit ElukC op Kaart LG A 10400/1991, 'n gedeelte uitmaak); en

ii. Gedeelte 24 van die plaas Alkmaar 286 J.T., (waarvan daardie gedeelte van die eiendom hieronder gehou aangedui deur figuur jkumnQqSTUVWXYZA1J op Kaart LG A 10400/1991, 'n gedeelte uitmaak); is:

(a) subject to and with the benefit of the use in common with registered owners of portion 13 to 45 and Remaining Extent (portions of the eastern half) of the farm ALKMAAR 286, Registration Division J.T., Transvaal, of the water in the furrows on the said portion 13 to 45 and the remaining extent (portions as indicated on the General Plan SG No. A2943/43 filed with Title Deed of Transfer 6505/1944 dated 11 March 1944.

D. Die voormalige Gedeelte 24 van die plaas ALKMAAR 286, Registrasie Afdeling J.T., Transvaal, aangedui deur die figuur jkumnClqSTUVWXYZA1J op Kaart LG No. A 10400/1991,

en

By Notarial Deed No 836/48S dated the 19th September 1948, registered on the 23rd November 1948, and the property hereby transferred is entitled to a servitude of pump house and pipeline on the Remaining Extent of the eastern half portion of the farm ALKMAAR 286, Registration Division J.T., Transvaal, as will more fully appear from the said Notarial Deed.

(c) And the Remaining extent of the eastern half of the farm (a portion whereof is hereby transferred) is:

i. Subject to a servitude or road and with the benefit of the use of all roads over Portions 13 to 46 and the Remaining Extent (portions of eastern half) of the farm ALKMAAR 286 Registration Division J.T., Transvaal as indicated on the General Plan SG No. 1943/43 filed with Deed of Transfer T6505/1994 dated the 11th March 1944.

ii. Subject to and with the benefit of the use in common with registered owners of Portions 13 to 46 and the Remaining Extent (portions of the eastern half) of the farm ALKMAAR 286 Registration Division J.T., Transvaal of the water in the furrows on the said Portions 13 to 46 and the Remaining Extent (portions of the eastern half) of the farm ALKMAAR as indicated on the General Plan SG No. 1943/43 filed with the Deed of Transfer T6505/1944 dated the 11th March 1944.

(d) ONDERHEWIG aan 'n serwituut ten gunste van Gedeelte 64 ('n gedeelte van Gedeelte 16 van die plaas ALKMAAR 286 Registrasie Afdeling J.T., Transvaal, groot, 1,2113 hektaar getransporeer aan DIE KERKRAAD VAN DIE GEMEENTE VAN ALKMAAR VAN DIE NEDERDUITSE GEREFORMEERDE KERK kragtens Akte van Transport T12303/1960 naamlik geregtig om 'n onderaardse pyplyn van 2,2 sentimeter deursnit te lê vanaf die watervoor by die inloop van die tans bestaande dam geleë op die eiendom hierkragtens gehou tot by die gemelde Gedeelte 64 ('n Gedeelte van Gedeelte 16) voormelde, al langs 'n roete wat nog deur die partye ooreengekom moet word met die

reg om die water uit die voormelde dam te gebruik slegs gedurende die tydperk wanneer dit die gemelde FREDERIK MEYER as beurt is om water uit gemelde voor na sy dam te lei.

(e) GEREKTIG tot 'n serwituut van watervoor 1,26 meter wyd oor Gedeelte 64 ('n gedeelte van Gedeelte 16) van die plaas ALKMAAR 286, Registrasie Afdeling J.T., Transvaal, groot 1,2113 hektaar getransporeer aan die KERKRAAD VAN DIE GEMEENTE VAN ALKMAAR VAN DIE NEDERDUITSE GEREFORMEERDE KERK kragtens Akte van Transport T12302/1960 al langs die grense gemerk EF op Kaart LG No. 1407/69 geheg aan Akte van Transport T12302/1960 met die nodige reg van toegang om gemelde watervoor te repareer, skoon te maak en te onderhou.

1.16.2 Excluding the following conditions which must not be carried over to the erven in the township:

(d) As far as possible the Company shall not interfere with the crops standing at the commencement of any prospecting operations upon the property, but should such interference be unavoidable, of which the Company shall be the sole judge, the Company shall compensate the transferee's for all damage caused by such operations to the transferee's then standing crops, the amount of such compensation, failing mutual agreement to be submitted to arbitration in the usual way. At the termination of the prospecting operations, all shafts and other open places made by the Company shall be properly filled up or fenced in by the Company at its own expense.

(e) The Company reserves and retains the right to take any of the land it may from time to time require for the erection of buildings, works, machinery and dwelling houses, for

depositing sites for one and/or tailings; for the storage of water and for all other purpose directly or indirectly connected with prospecting, exploiting or mining on the said land; the land so taken shall be re-transferred to the Company at its expense, and upon re-transfer it shall pay to the transferee's in respect of any such area, a price to be mutually agreed upon, provided that if any dispute shall arise as to the price to be paid, the same shall be submitted to arbitration in the usual way. It is, however, directly understood that in the event of any dispute as above arising, the arbitrator or arbitrators shall consider and decide to retake, which agricultural value shall be taken to be in no way affected by the value of the mineral rights of the property.

(g) The Company shall have full rights of way from the place of such prospecting, exploiting or mining, the nearest Government road or highway, and also to the nearest convenient point on any neighbouring railway line. Should there be any road or track in existence on the property reasonably convenient for these purposes, the Company shall use such road or track, but should there be no such reasonably convenient road or track, the Company shall have the right to make and use such road or track, placing and maintaining gates in any fence with the road or track pass through.

B. DIE VOORMALIGE:

i. Gedeelte 25 van die plaas Alkmaar 286 J.T., (waarvan daardie gedeelte van die eiendom gehou aangedui deur figuur Ca middel van spruit ElukC op Kaart LG A 10400/1991, 'n gedeelte uitmaak); en

ii. Gedeelte 24 van die plaas Alkmaar 286 J.T., (waarvan daardie gedeelte van die eiendom hieronder gehou aangedui deur figuur jkumnQqSTUVWXYZA1J op Kaart LG A 10400/1991, 'n gedeelte uitmaak); is:

(b) Subject to a servitude of road and with the benefit of the use of all roads over portion 13 to 45 and the Remaining Extent (portions of Eastern half) of the farm Alkmaar 288, Registration Division J.T., Transvaal, as indicated on the General Plan S.G. 2943/43 filed with Deed of Transfer No. 6505/1944 dated 11th March 1944.

C. Die voormalige Gedeelte 25 van die plaas ALKMAAR 286, Registrasie Afdeling J.T., Transvaal, (waarvan daardie gedeelte van die eiendom hieronder gehou aangedui deur die figuur Ca middel van spruit ElukC op Kaart LG A10400/1991, 'n gedeelte uitmaak), is: Subject to the reservation of the Trading Rights over the property held to and in favour of ALKMAAR ESTATES (PROPRIETY) LIMITED its own successors in title or assigns.

F. Die voormalige Restant van Gedeelte 16 van die plaas ALKMAAR (waarvan daardie gedeelte van die eiendom hieronder gehou, aangedui deur die figuur ABckjB1 C1D1A op die Kaart LG A10400/1991, 'n gedeelte uitmaak), is onderhewig aan:

(a) Die voorwaardes uiteengesit onder die bepalings van Wet 21 van 1940:

i. Not more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with approval of the controlling Authority as defined in Act 21 of 1940.

ii. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever, may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940.

iii. No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the road without the written approval of the Controlling Authority as defined in Act 21 of 1940.

(b) Subject to the reservation of Trading Rights in favour of HENRY WILLIAM MOREY by virtue of Deed of Cession No. 781/45S dated 24th November 1945.

G. Die voormalige Restant Gedeelte 82 van die plaas ALKMAAR 286, Registrasie Afdeling J.T., Transvaal, (waarvan die gedeelte van die eiendom hieronder gehou aangedui deur die figuur Ca middel van spruit bGHcdefghrqSTUVWXYZA1jkC aangedui op aangehegde Kaart LG No A 10400/1991, 'n gedeelte uitmaak) is onderhewig aan die voorwaarde opgelê ingevolge Artikel 12 van die Wet op Nasionale Paaie (Wet 54 van 1972):

Met die uitsondering van bestaande bouwerke mag geen gebou of iets anders binne 'n afstand van 20 (TWINTIG) meter, gemeet vanaf die nasionale padreserwegrense, opgerig word nie”

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.

3.1.3 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.

3. CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE NELSPRUIT TOWN PLANNING SCHEME, 1989 IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986.

3.1 ALL ERVEN

The erf is situated in an area that may have 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.

**CITY OF MBOMBELA NOTICE
NELSPRUIT AMENDMENT SCHEME NO 2059**

The City of Mbombela 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 Alkmaar Commercial Park

Map 3's and the Scheme Clauses of the Amendment Scheme are filed with the Municipal Manager, No 1 Nel Street, Civic Centre, Nelspruit, and are open for inspection at all reasonable times.

This amendment is known as the Nelspruit Amendment Scheme No 2059 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 Neil Diamond
Municipal Manager
City of Mbombela
PO Box 45
Nelspruit
1200

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