

NOTICE 195 OF 2013**NOTICE OF PROCLAMATION****NOTICE IN TERMS OF SECTION 33(4) OF THE DEVELOPMENT FACILITATION ACT, 1995****MDT09/09/09/01/DIXIE CREEK**

It is hereby notified that in terms of Section 33(4) of the Development Facilitation Act, 1995 (Act 67 of 1995) that the Mpumalanga Development Tribunal in terms of its decision released on 29 July 2010 approved the land development application in terms of the Development Facilitation Act, 1995 (Act 67 of 1995). The relevant conditions issued and imposed in respect of the approval land development area by the Tribunal shall come into operation on the date and publication of this notice as contemplated in Section 33 (4) read with Section 33(3) of the Development Facilitation Act, 1995 (Act 67 of 1995).

The approval includes the following conditions:

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY DIXIE CREEK INVESTMENTS (PTY) LIMITED (HEREINAFTER REFERRED TO AS THE DEVELOPER / LANDOWNER) IN TERMS OF THE PROVISIONS OF SECTION 33(2) OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT NO 67 OF 1995), FOR PERMISSION TO ESTABLISH A LAND DEVELOPMENT AREA AS PER SUBDIVISION OF FARM LAND ON THE PROPOSED CONSOLIDATION OF THE REMAINDER OF THE FARM DIXIE NO 311-JU AND THE FARM CLAREMONT VALE NO 312-JU TO BE KNOWN AS THE FARM DIXIE VALE NO 932-JU

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE REGISTRATION OF ANY SUBDIVISION**1.1 MINERAL RIGHTS**

All rights to minerals shall be reserved to the State.

1.2 GENERAL

- (a) The applicant shall satisfy the Tribunal Registrar that-
- (i) the relevant amendment scheme is in order and may be published;
 - (ii) satisfactory access from a road or servitude system to a proposed portion subjective to registration is available;
 - (iii) a favourable geotechnical report has been submitted;
 - (iv) the mineral rights holder consent is obtained from the Department of Minerals and Energy or any associated stakeholder;
 - (v) the environmental authorization has been obtained from the Department of Agriculture and Land Administration of the Mpumalanga Provincial Government:- Provided that the developer/landowner shall comply with all the conditions imposed by the Mpumalanga Department of Agriculture and Land Administration in respect of the record of decision for the project, whereby the development is officially authorized in terms of the provisions of the Environment Conservation Act, 1989 (Act 73 of 1989):- Provided further that the management and monitoring functions of the Environmental Management Plan shall become the responsibility of the Section 21 Company upon constituting of same, and where the Section 21 Company as contemplated shall appoint an environmental overseer to implement the conditions set in the Environmental Management Plan contained in the Environmental Impact Report.;
 - (vi) the 1:100 year flood line has been shown on the subdivision plan and certified by a competent engineer;
 - (vii) Conditions A and B in Deed of Transfer T 32024/2007 is cancelled or consent is granted for such not to be transferred to portions in the subdivision.
- (b) The applicant shall comply with the provisions of Section 37 of the Development Facilitation Act, 1995 (Act 67 of 1995).

2. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED SUBDIVISION)**2.1 NAME**

The name of the development shall be Dixie Creek Bushveld Estate.

2.2 DESIGN

The land development area shall consist of portions and servitudes as indicated on General Plan No. 231/2012.

2.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All portions shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals and real rights, excluding Conditions C and D in Deed of Transfer T32024/2007, which would not apply to the total subdivision area, and only affect Portion 56 of the farm Dixie Vale No. 932-JU.

2.4 DEMOLITION OF BUILDINGS AND STRUCTURES

The landowner shall at its own expense cause all existing buildings and structures situated within the building line reserves, site spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.

2.5 REMOVAL OF LITTER

The landowner shall at its own expense cause all litter within the portions of subdivision to be removed to the satisfaction of the local authority, when required by the local authority to do so.

2.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the subdivision it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the landowner.

2.7 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

If, by reason of the establishment of the subdivision it should become necessary to remove or replace any existing Telkom services, the cost thereof shall be borne by the landowner.

2.8 REPOSITIONING OF CIRCUITS

If, by reason of the establishment of the subdivision it should become necessary to reposition any existing circuits of Eskom or Telkom the cost thereof shall be borne by the landowner.

2.9 RESTRICTION OF THE ALIENATION OF LAND

Regardless of the issuing of a certificate as contemplated in Section 38 of the Development Facilitation Act, 1995 (Act 67 of 1995), no portion in the subdivision may be transferred or be dealt with otherwise until the local authority certifies that the developer has complied with the provisions of conditions 2.10.1 to 2.10.4 inclusive below.

2.10 THE DEVELOPER'S OBLIGATIONS**2.10.1 ASSOCIATION AND STATUTES**

The developer must register a Section 21 Company (Property Owner's Association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of portions in the subdivision must become members of the Section 21 Company. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the local authority.

The Association and Statutes must clearly state that the main objective of the Property Owner's Association is (if applicable) the maintenance of the

internal engineering services of the development (i.e. water, sewerage, electricity and the road and storm water sewers). The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last portion has been transferred:- Provided that the Section 21 Company shall oversee the development and maintenance of the development.

2.10.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the local authority complete engineering drawings in respect of internal sewer and sewer connection points (if a formal sewer system is to be accommodated:- Provided that building plans should indicate the sewer option detail if septic tanks or french drain systems are provided) and complete engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services (if such is to apply).

2.10.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any portion is transferred, the local authority 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 the engineers accept liability for the services. The local authority 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 local authority an undertaking that the developer will complete this service on or before a certain date and must provide the local authority with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Technical Services Department of the local authority or the Property Owner's Association:- Provided that if septic tanks or french drain systems are encouraged, the land owner is responsible for the arrangements associated, including maintenance of such.

2.10.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and storm water sewers) have been completed. The developer must furnish the Section 21 Company with a maintenance guarantee, issued by the 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 for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the local authority.

2.11 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNER'S ASSOCIATION)

Portion 36 shall be transferred to the Property Owner's Association (Section 21 Company) by and at the expense of the landowner.

2.12 PROTECTION/REMOVAL OF ARCHAEOLOGICAL FEATURES

The developer shall at its own expense cause any archaeological feature or grave to be properly protected to the satisfaction of the local authority and if, by reason of the establishment of the subdivision registration it should become necessary to remove any archaeological feature or grave, the cost thereof shall be borne by the landowner:- Provided that if archaeological sites are exposed during construction work, it should immediately be reported to a museum, preferably one at which an archaeologist is available, so that an investigation and evaluation of the finds can be made.

2.13 RESTRICTION ON THE DISPOSAL/DEVELOPMENT OF PORTIONS

The developer shall not dispose of or develop Portions 8, 9, 11 and 56 and transfer on the portions shall not be permitted until the local authority has been satisfied that any archaeological aspects on site have been dealt with in a favourable manner, and related permits are obtained:- Provided that such input of authorization can include restriction conditions on any part of such land as per the expectations of the South African Resources Agency.

2.14 RESTRICTION ON DEVELOPMENT OF PORTIONS

Portions 9, 10 and 56 may not allow for development below the 1:100 year flood line, except with appropriate authorization of the authorities:- Provided that the local authority should ensure that any service provision infrastructure or buildings on the land, including a landscape development proposals should be indicated on an approved site development plan and/or landscape development plan.

2.15 FENCING AND ACCESS CONTROL

The developer shall be responsible for erection of an access control entrance building / structure on Portion 36, as well as the provision of walls / fencing on the perimeter of the proposed development, which may be deviated upon as to include adjacent farm areas if a conservancy area is established, and there is a related agreement of implementation.

2.16 SPECIAL SERVICE PROVISION STANDARDS

The developer and/or the relevant service delivery agent shall in respect of Portions 1 to 7, 12 to 35 and 37 to 55 provide and install the engineering services in the land development area as provided for in the services agreements (electrical and civil) (if applicable) concluded or to be concluded, in terms of Section 40 of the Act and Regulation 19 of the Development Facilitation Regulations:- Provided that the local authority will be under no obligation to provide any municipal services to the subdivided portions, and the following should apply:

- (a) Roads and storm water:
 - (i) The right of way servitude within the land development area will be as per Condition 3.1 herein.
 - (ii) The land development applicant must constitute a Section 21 Company of which the owner of each portion must remain a shareholder, where the Section 21 Company will be responsible for the maintenance of the roads and storm water opportunities / infrastructure.
- (b) Water:
Water for household purposes (independent from the local authorities supply) with a minimum of 1500 liters per day must be provided to each portion.
- (c) Sewerage:
Septic tanks and french drains must comply with the National Building Regulations:- Provided that no french drain must be placed within a distance of 20 meters from a stream or a borehole or within the building restriction area as indicated on the development plan.
- (d) Refuse:
That solid waste (refuse) must be disposed of at the local registered site:- Provided that a transfer station can be accommodated on site, or within the greater development area of Dixie Creek Estate, subject to the conditions which the local authority may imply.
- (e) Electricity:
An electricity connection must be provided to each subdivided portion to the satisfaction of the local authority:- Provided that the local authority is responsible for the bulk service provision as per content of the service agreement.

2.17 ACCESS

- (a) Ingress from Road 2353 to the development area and egress to Road 2353 from the development area shall be restricted to the access of Portions 9 and 36 with the said road, over Portion 56 of the farm Dixie Vale No 932-JU.

- (b) The developer shall at its own expense, submit a geometric design layout (scale 1:500) of the ingress and egress point referred to in (a) above, and specifications for the construction of the access to the Head of the Department, Roads Branch of the Mpumalanga Provincial Government for approval. The developer shall after approval of the layout and specifications, construct the said ingress and egress point at its own expense to the satisfaction of the Head of the Department, Roads Branch of the Mpumalanga Provincial Government.

2.18 ACCEPTANCE AND DISPOSAL OF STORMWATER

The developer shall arrange for the drainage of the development area to fit in with that of Road 2353 and for all storm water running off or being diverted from the road to be received and disposed of.

2.19 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The developer shall at its own expense, erect a fence or other physical barrier to the satisfaction of the Head of Department, Roads Branch of the Mpumalanga Provincial Government along Road 2353, as and when required by him to do so and the developer shall maintain such fence or physical barrier in good order and repair until such time as this responsibility is taken over by the Property Owner's Association: Provided that the developer responsibility for the maintenance thereof shall cease when the Property Home Owner's Association takes over the responsibility for the maintenance of the internal Roads in the development area.

3 CONDITIONS OF TITLE

All portions shall be subject to the conditions as indicated, laid down by the Tribunal in terms of the provisions of the Development Facilitation Act, 1995 (Act 67 of 1995)

3.1 PORTION 56

The necessary protecting servitude shall be registered for roads and the conveying of engineering services over Portion 56 of the farm Dixie Vale No 932-JU in favour of the service delivery agent and/or Property Owners Association or Body Corporate (as the case may be):- Provided that no servitudes need be registered over Portion 56 of the farm Dixie Vale No 932-JU after subdivision, where the title deed should make provision for a general right-of-way and service provision servitude.

3.2 PORTIONS 1 TO 7 AND 12 TO 55

- (a) The portion shall be subject to a servitude, 2m wide, for services (water, sewer, electricity and storm water) (hereinafter referred to as "the services"), in favour of the local authority or Property Owner's Association, along any two boundaries, excepting a general right of way servitude boundary and, in the case of a panhandle portion, an additional servitude for service provision purposes, 2m wide, over the entrance portion of the portion, if and when required by the local authority or Property Owner's Association: Provided that the local authority or Property Owner's Association may waive any such servitude.
- (b) No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2m from it.
- (c) The local authority or Property Owner's Association shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary and furthermore the local authority or Property Owner's Association shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the local authority or Property Owner's Association shall make good any damage caused during the laying, maintenance or removal of such services and other works.

3.3 PORTION 36

- (a) The Property Owners Association shall have the full responsibility for the maintenance of the access portion, to the satisfaction of the local authority.
- (b) A servitude for right of way and municipal purposes shall be registered over the access portion in favour of the local authority.

4 CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWNPLANNING SCHEME, HAVE TO BE INCORPORATED IN THE UMJINDI TOWNPLANNING SCHEME, 2002

The portions mentioned hereunder shall be subject to the conditions as indicated:

4.1 ALL PORTIONS

- (a) The portion lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must show measures to be taken, in accordance with recommendations contained in the geotechnical report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.
- (b) No structures shall be erected prior to the appointment of a professional structural or geotechnical engineer who must design, specify and supervise structural measures for foundations of all structures according to the soil classification for each specific zone as described in the report.
- (c) Building plans submitted for approval to local authority, must align with precautionary details in accordance with the Geotechnical report which was compiled for the land development area, so as to restrict any possible damage which could occur as a result of the detrimental foundation conditions, unless proof can be provided to the local authority that such precautionary measures are not necessary or that the objectives can be obtained in a more effective manner.
- (d) The land development area is considered favourable for residential development according to a geotechnical evaluation performed by the geologist:- Provided that additional unit-specific investigations need to be conducted in terms of the requirements of the NHBRC, which can include phase 2 geotechnical investigation, where the conditions stated in the geotechnical report need to be adhered to.
- (e) All standard conditions (other than specified) of the townplanning scheme shall apply:- Provided that building plans must be submitted to and be approved of by the local authority, before building commences or an occupational certificate is issued.
- (f) No development of a permanent building structure may be accommodated below the 1:100 year flood line, and where there is a possibility that any site is subject to a 1:100 year flood line, or where any site is within say 25 metres from such flood line area, the flood line position must be indicated on the building plan.

4.2 SPECIAL FOR RURAL RESIDENTIAL

Portions 1 to 7, 12 to 35 and 37 to 55 shall be zoned "Special for rural residential purposes which may include only the main dwelling unit and subservient and related uses to the main use to include staff housing and maintenance areas as the main use may need to entertain, with special consent of the local authority secondary uses as applicable to a standard scheme "Residential 1"-zoning and such other subservient and related uses which the local authority may approve of in writing after consideration of a site development plan", subject to the following conditions:

- (a) The height of buildings shall not exceed 2 storeys.
- (b) Buildings, including outbuildings, hereafter erected on the land, shall be located not less than 10m from any boundary:- Provided that the local authority may relax this restriction or any other building line restriction if such relaxation would in its opinion result in an improvement in the development of the portion.
- (c) The total coverage of all buildings on the portion shall not exceed 10%.
- (d) The floor area ratio shall not exceed 1,25.

- (e) Parking shall be provided to the satisfaction of the local authority.
- (f) The development shall take place in accordance with a harmonious architectural design theme and guidelines prepared by the project architect, and/or such guidelines pertained in the architectural and aesthetical guidelines serving as an annexure to the purchase agreement:- Provided that building plans must be submitted to the local authority for approval, and each site is to have available a site development plan, where the site development plan is to indicate either on the plan, or on a landscape development plan, landscaping proposals, which landscaping must be implemented within three (3) months from date of construction.
- (g) The site development plan must be compiled, and must be approved of by the local authority, before development may take place.
- (h) Discretionary powers are delegated to the local authority to permit additional land-use activities not specifically mentioned in the townplanning scheme, but which are regarded, in the sole opinion of the local authority, as complementary, ancillary or subservient uses to the existing approved use-rights. These powers include the authority to:
 - increase approved building areas for any of the land-use activities up to 20 percent of the maximum building area without the formal consent-use procedure being required:- Increases of 20 percent of the maximum building area or more may only be approved after having followed the formal consent-use application procedure.
 - allow for the development to be implemented or expanded upon, as per the contents of condition 1 hereof:- Increases in the number of units, may only be approved after having followed the formal consent use application procedure.

This condition is specifically imposed to increase flexibility of the approved land-use rights package to allow the land development applicant to respond to market influences with greater ease, not having to approach the Mpumalanga Development Tribunal again for trivial land-use management issues.

Provided that the local authority can with special consent agree to the adjustment of any aforementioned development control.

4.3 SPECIAL FOR A GAME RESERVE

Portion 56 shall be zoned "Special for a game reserve and conservancy area, and agricultural purposes applicable to a standard scheme "Agricultural"-zoning in "Height Zone 0" and such other subservient and related uses which the local authority may approve of in writing after consideration of a site development plan", subject to the following conditions:

- (a) The height of buildings shall not exceed 2 storeys.
- (b) Buildings, including outbuildings, hereafter erected on the land, shall be located not less than 5m from any boundary:- Provided that the local authority may relax this restriction or any other building line restriction if such relaxation would in its opinion result in an improvement in the development of the portion.
- (c) The total coverage of all buildings on the portion shall not exceed 0,25%.
- (d) Parking shall be provided to the satisfaction of the local authority.

Provided that the local authority can with special consent agree to the adjustment of any aforementioned development control.

4.4 SPECIAL FOR GOLF COURSE

Portions 8, 10 and 11 shall be zoned "Special for a golf course including uses ancillary to the main use (but which are subordinate) such as parking area, courtyards, places of refreshment not exceeding 100m² gross floor area, places of amusement not exceeding 200m² gross floor area, places of instruction not exceeding 150m² gross floor area, ablution facilities, maintenance buildings, storage facilities, refuse storage facilities and such other subservient and related uses which the local authority may approve of in writing after consideration of a site development plan", subject to the following conditions:

- (a) The height of buildings shall not exceed 2 storeys.

- (b) Buildings, including outbuildings, hereafter erected on the erf, shall be located not less than 5m from any street boundary:- Provided that the local authority may relax this restriction or any other building line restriction if such relaxation would in its opinion result in an improvement in the development of the portion.
- (c) The total coverage of all buildings on the land shall not exceed 0,1%.
- (d) The floor area ratio shall not exceed 0,1.
- (e) Parking shall be provided to the satisfaction of the local authority.

Provided that the local authority can with special consent agree to the adjustment of any aforementioned development control.

4.5 SPECIAL FOR ACCESS CONTROL

Portion 36 shall be zoned "Special for access control including uses ancillary to the main use (but which are subordinate) such as entrance gate facilities, offices not exceeding 50m² gross floor area, kitchen not exceeding 25m² gross floor area, parking area, ablution facilities, post boxes, water feature, refuse storage facilities and such other subservient and related uses which the local authority may approve of in writing after consideration of a site development plan", subject to the following conditions:

- (a) The height of buildings shall not exceed 2 storeys.
- (b) No building line will be applicable.
- (c) The total coverage of all buildings on the erf shall not exceed 30%.
- (d) The floor area ratio shall not exceed 0,4.
- (e) Parking shall be provided to the satisfaction of the local authority.

Provided that the local authority can with special consent agree to the adjustment of any aforementioned development control.

4.6 SPECIAL FOR TOWNSHIP DEVELOPMENT

Portion 9 shall be zoned "Special for township development", subject to the conditions pertained in the township application layout and approval:- Subject thereto that the land must be subjective to a general "Agricultural"-zoning, until a township is established on the land or any part thereof:- Provided further that with township phasing options this portion can be subdivided as per small scale diagram requirements linked to framing of General Plans that may be applicable.

4.7 PORTIONS SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out above, Portions 9, 11 and 56 of the farm Dixie Vale No 932-JU shall be subject to the following conditions:

- (a) The registered owner of the land shall erect a physical barrier consisting of a 2m high security fence, or a barrier of such other material as may be approved by the local authority, in accordance with the most recent standards of the Department of Public Transport and Roads of the Mpumalanga Provincial Government before or during development of the land along the boundary thereof abutting on Provincial Road No 2353 to the satisfaction of the local authority and shall maintain such fence to the satisfaction of the local authority.
- (b) Except for the physical barrier referred to in sub clause (a) above, a swimming bath or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of the land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the reserve boundary of Provincial Route 2353 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 written consent of the Department of Public Transport and Roads of the Mpumalanga Provincial Government.
- (c) Ingress to and egress from the land shall not be permitted along the boundary thereof abutting on Provincial Route 2353: Provided that the Department of Public Transport and Roads of the Mpumalanga Provincial Government may grant written permission for access subject to such

conditions as the Administration may determine, at a position agreed to, in favour of general access over the portions of relevance.

The relevant approved documents in respect of the land development are kept at the office of the Designated Officer as well as the Land Development Applicant.

You may contact the Designated Officer / Registrar Ms Refilwe Motaung if you have any queries at 18 Jones Street, Nelspruit, Mpumalanga, Tel 076 502 3700, or email motaung@mpg.gov.za, or the land development applicant: Plan-2-Survey Africa Incorporated, PO Box 478, Sonpark, 1206, Tel: (013) 741 1060, Fax: (013) 741 3752, email: plan2survey@telkomsa.net

Refilwe Motaung: Registrar
Mpumalanga Development Tribunal
Reference MDT 09/09/09/01/DIXIE CREEK