
PROCLAMATION • PROKLAMASIE

PROCLAMATION 42 OF 2019**MKHONDO LOCAL MUNICIPALITY NOTICE****DECLARATION OF PIET RETIEF EXTENSION 12 AS AN APPROVED TOWNSHIP**

In terms of Section 101(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986) the Mkhondo Local Municipality hereby declares the township of Piet Retief Extension 12 to be an approved township, subject to the conditions set out in the conditions hereto.

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

Mr Maqhawe Kunene
Municipal Manager
Mkhondo Local Municipality
PO Box 23
Piet Retief
2380

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY TRADEWITH 55 (PTY) LIMITED (REG. NO. 2013/125243/07) (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR THE ESTABLISHMENT OF A TOWNSHIP ON THE REMAINING EXTENT OF THE FARM POORT 226 AND THE REMAINING EXTENT OF PORTION 23 OF THE FARM WELVERDIEND 148, REGISTRATION DIVISION H.T., PROVINCE OF MPUMALANGA, TO BE KNOWN AS PIET RETIEF EXTENSION 12 TOWNSHIP, HAS BEEN GRANTED BY THE MKHONDO LOCAL MUNICIPALITY.

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **PIET RETIEF EXTENSION 12**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on the General Plan **P3-REE-DS-008 - Piet Retief Extension 12**.

1.3 ACCESS

1.3.1 The primary access to Erven 2691 and 2692 is from Brecher Street to the south of the township, while Erf 2690 will gain access from Gert's Place Street to the southwest.

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 Brecher Street, Gert's Place Street and / or Road P7-2 and he shall receive and dispose of the stormwater 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 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 Mkhondo Local Municipality, as and when required to do so, and the township owner shall maintain such fence or physical barrier in a good state to the satisfaction of the Mkhondo Local Municipality.

1.7 REMOVAL OF LITTER

The township owners shall at his own expense have all litter within the township area removed to the satisfaction of the Mkhondo Local Municipality, or as agreed with the Municipality.

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 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 Mkhondo Local Municipality in this regard, when required to do so by the Mkhondo 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 of common boundaries to the satisfaction of Mkhondo Local Municipality.

1.13 SIGNAGE

The applicant shall at his own expense erect the required signs to the satisfaction of the Mkhondo 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 Mkhondo Local Municipality.

1.14 COMPLIANCE WITH CONDITIONS IMPOSED BY MPUMALANGA DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM, ENVIRONMENTAL IMPACT MANAGEMENT, CONTAINED IN THE R.O.D.

The township owner shall at his own expense comply with all the conditions imposed by the Mpumalanga Department of Economic Development, Environment & Tourism: Environmental Management-Ehlanzeni District Office, if so required and if an authorisation is needed for a listed activity.

1.15 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 applicable and if any.

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

Any written condition imposed by Mkhondo Local Municipality, a Non-Governmental or Governmental Organization to which this township establishment application was referred to, or to which Mkhondo 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.

1.17 DISPOSAL OF EXISTING CONDITIONS OF TITLE

In respect of Deed of Transfer T 121270/2005:

1.17.1 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 NOT be carried over** to the erven in the township:

1.17.1.1 Die voormalige Gedeelte 86 (’n gedeelte van Gedeelte 1) van die plaas PIET RETIEF TOWN AND TOWNLANDS 149, soos aangedui deur die figuur D E F G H J K L M N O P Q op die aangehegde Kaart L.G. nr. A5080/1984 is onderhewig aan die volgende:-

(1) “The land hereby transferred is entitled to a perpetual and irrevocable right to construct a water furrow for irrigation and other purposes on certain two portions of the farm “Welgekozen” 514 situate in the Registration Division I.T., Transvaal registered in the name of JACOBUS PAULUS

ENGBRECHTS Senior and JACOBUS PAULUS ENGELBRECHT Junior and held by them under Deeds of Transfer 457/1883 and 3788/1889 respectively.”

- 1.17.1.2 (2) “Die voormalige Resterende Gedeelte van Gedeelte 1 van die plaas PIET RETIEF TOWN AND TOWNLAND 149, Registrasie Afdeling H.T., groot 5744,3313 hektaar (waarvan die gedeelte hierby gehou ’n deel uitmaak is geregtig op die volgende voorwaarde opgelê in Akte van Transport T13204/1955:

Dat die Stadsraad as eienaar van gesegde Resterende Gedeelte van die plaas PIET RETIEF TOWN AND TOWNLANDS die reg sal hê om waterpype te lê binne ’n afstand van 1,89 (een komma agt nege) meter langs die grenslyn A.B. soos aangetoon op Kaart L.G. Nr. A3298/47. Geheg aan vermelde Akte van Transport T13204/1955 oor Gedeelte 41 (’n gedeelte van gedeelte) van die gesegde plaas PIET RETIEF TOWN AND TOWNLAND.”

- 1.17.1.3 (C) “Die voormalige Resterende Gedeelte van Gedeelte 1 van die plaas PIET RETIEF TOWN AND TOWNLAND 149, Registrasie Afdeling H.T., Transvaal. Groot 5659,6666 hektaar (waarvan die gedeelte hierby gehou ’n deel uitmaak) is kragtens Notariële Akte van Serwituut K3314/1976S onderhewig aan die reg verleen aan ESKOM om elektrisiteit daarvoor te vervoer tesame met sekere bykomende regte en onderworpe aan voorwaardes soos meer ten volle sal blyk uit die gemelde Notariële Akte.

- 1.17.1.4 (2) “Die voormalige Gedeelte 47 (’n gedeelte van Gedeelte 1) van die plaas WELTEVREDEN 148, Registrasie Afdeling H.T., Mpumalanga soos aangedui deur die figuur A B C D R S op die hieraangehegde Kaart L.G. Nr. A5080/84, is onderhewig aan die volgende voorwaardes:

“2.A The former Remaining Extent of Portion 10 (Fallowdale)(a portion of Portion 1) of the farm WELVERDIEND 148, Registration Division H.T., Transvaal measuring 84,1165 hectares, (a portion of the property hereby held) indicated by the figures A B C T S on the annexed Diagram S.G. No. A 5080/84 is:

- (a) Entitled to a right of way over certain portion “b” of Portion 5 called FALLOWDALE of Portion BONNE ESPERANCE of the aforesaid farm, held under Deed of Transfer No. 3832/1925, dated the 24th day of April 1925, as shown on the diagram of the said

Portion "b" as indicated by the figure S a b on the annexed Diagram S.G. No. A 5080/84.

- (b) Subject to an expropriation in terms of Act 37/55 of a portion measuring approximately 6,92 hectares by the South African Railways and Harbours Administration, vide Expropriation Notice 738/72."

"2.B. The former Portion 28 (a portion of Portion 23) of the farm WELVERDIEND 148, Registration Division H.T., Transvaal (a portion of the property hereby held) indicated by the figures T D R S on the annexed Diagram S.G. No. A 5080/84 is subject to the following conditions:

- (a) That the owner of the remaining extent of Portion 5 called FALLOWDALE of portion BONNE ESPERANCE of the said farm WELVERDIEND 77, measuring 87,3077 hectares, held by Herman Wilhelm Olmesdahl under deed of Transfer 8811/1919 shall be entitled to a right of way 9,45 metres wide to be exercised by him in reasonable manner over the property hereby transferred, which said Right of Way is indicated by the figures F a b F on the Diagram S.G. No A1967/82 annexed by Deed of Transfer T52752/1984."
- (c) Subject to an expropriation in terms of Act 37/55 of a portion measuring approximately 1,15 hectares by the South African Railway and Harbours Administration; vide Expropriation Notice 737/72".

1.17.2 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:

1.17.2.1 2(B)(b): That subject to provisions of the Reserved Minerals Development Act 1926, and the Precious Stones Act, 1927, all rights to metals and precious stones on or under the land shall be and are reserved to the State by Certificate of Mineral Rights No. 1244/1938-S registered the 10th day of October 1928.

1.17.2.2 Kragtens Notariële Akte K4679/1990-S gedateer 25 Julie 1990, is die binnegemelde eiendom onderhewig aan 'n Serwituut te gunste van die Stadsraad van Piet Retief vir riolerings en ander Munisipale doeleindes, 191 vierkantemeter, aangedui deur die Figuur A B C D E op LG Kaart nr. 11578/1986, geheg aan Sertifikaat van Verenigde Titel nr. T70787/1990, soos meer volledig sal blyk uit bovermelde Notariële Akte.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AS LAID DOWN BY THE MKHONDO 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 2 metres wide in favour of the Mkhondo 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 2 metres wide across the access portion of the erf, if and when required by the Mkhondo Local Municipality: Provided that the Mkhondo 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 2 metres thereof.
- 2.1.3 The Mkhondo 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 Mkhondo Local Municipality.

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

3.1 Erf 2690 (1 Erf)

- Zoning: "Special"
- Land Use: Light Industrial purposes.
- Coverage: 60%.
- Height: 2 Storeys.
- Parking: Light Industrial: 2 parking spaces per 100m² gross leasable floor area.
- Other: On and off loading of good shall take place on the premises.
Ingress and Egress shall be to the satisfactory of the Municipality.