
PROCLAMATION • PROKLAMASIE

PROCLAMATION 2 OF 2015**ELIAS MOTSOLEDI LOCAL MUNICIPALITY
DECLARATION AS APPROVED TOWNSHIP**

THE ELIAS MOTSOLEDI LOCAL MUNICIPALITY("MUNICIPALITY") HEREBY DECLARES THE TOWNSHIP OF WALKRAAL EXTENSION 2 TO BE AN APPROVED TOWNSHIP IN TERMS OF SECTION 101 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986(ORDINANCE 15 OF 1986) SUBJECT TO THE CONDITIONS SET OUT IN THE SCHEDULE HERETO. SIMULTANEOUSLY, THE MUNICIPALITY WITHDRAWS IN ITS ENTIRETY AN EARLIER NOTICE NO. 129 PUBLISHED UNDER PROVINCIAL GAZETTE EXTRAORDINARY NO. 2245, PAGE 3, DATED 30 AUGUST 2013 WHICH WAS PUBLISHED IN ERROR.

ANNEXURE

STATEMENT OF AMENDED CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT MADE BY DAYBREAK PROPERTIES 3 (PTY) LTD, DEEMED TO HAVE BEEN LODGED UNDER THE PROVISIONS OF PROVISIONS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, NO. 15 OF 1986 FOR THE PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 22 (A PORTION OF PORTION 21) OF THE FARM WALKRAAL NO. 35 – JS, LIMPOPO PROVINCE TO BE KNOWN AS WALKRAAL EXTENSION 2 (HEREINAFTER REFERRED TO AS THE 'PROPERTY') HAS BEEN GRANTED BY THE ELIAS MOTSOLEDI LOCAL MUNICIPALITY

A. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP IN TERMS OF THE PROVISIONS OF SECTION 103 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986(NO. 15 OF 1986)

(1) GENERAL

- (a) The township owner must enter into an agreement with the local government, Eskom and other applicable service providers regarding the provision of essential engineering services to the proposed township, the payment of bulk services contributions, delivery of guarantees for engineering services and the long term maintenance of services in the township.
- (b) The township owner shall make the necessary arrangements to ensure -

 - (i) That a favourable geotechnical report has been submitted.
 - (ii) That the geotechnical soil zones have been shown on the layout plan and that the geotechnical engineer has certified on the plan that the layout of the township complies with the requirements and recommendations set out in the geotechnical report.
- (c) That a 1:100 year flood line if required be shown on the layout plan and certified by a competent engineer as prescribed in Section 44 of the National Water Act, 1998 (Act No, 36 of 1998).
- (d) The township owner shall make the necessary arrangements to ensure that the relevant bulk water supply agency has approved the arrangements regarding the disposal of sewerage, trade and domestic effluent in respect of this township;
- (e) That the necessary Environmental authorisation has been obtained from the Limpopo Department of Economic Development, Environment and Tourism.

B. CONDITIONS OF ESTABLISHMENT**(1) NAME**

The name of the township shall be ***WALKRAAL EXTENSION 2***.

(2) LAYOUT DESIGN

The township shall consist of erven and streets as indicated on General Plan No. **47/2013**.

(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any;

- (i) excluding Conditions A(b), A(c) and A(d), in Deed of Transfer Number T 17960/2013 which shall fall away from the said Deed of Transfer as more clearly indicated by Condition A(d) upon the declaration of the Township as an approved Township in terms of Section 103 of the Town-Planning and Townships Ordinance No. 15 of 1986;

(4) DISPOSAL OF SURFACE RIGHT PERMITS

The township owner shall at his/her own expense either accept, amend or if applicable, abandon surface right permits which may affect the township by way of servitudes, to the satisfaction of the Director-General of the Department of Mineral Resources.

(5) LAND WITH DETRIMENTAL SOIL CONDITIONS

The township owner shall with respect to the geotechnical report submitted, the recommendations made as precautionary measures, at its own expense make arrangements in order to ensure –

- (a) That proper water management is addressed through the services design report (surface water and leaking pipes) to be approved by the Elias Motsoaledi Local Municipality (Hereinafter referred to as the 'Council')
- (b) That special attention is given to foundation design for residential structures in the geotechnical soil zones as prescribed by the geotechnical report.
- (c) That building plans be submitted to the Council for approval indicating the measures taken as prescribed by the geotechnical report.
- (d) That the recommendations made as precautionary measures in respect of the installation of services be adhered to and more specifically towards the stands provided below the indicated 'Wet line' area, should that be applicable.

(6) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING ESKOM, TELKOM AND MUNICIPAL SERVICES

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing services, the cost thereof shall be borne by the township owner.

(7) REMOVAL OF REFUSE

The township owner shall provide the necessary facilities for the removal of refuse to the satisfaction of the Council.

(8) STORMWATER DRAINAGE AND STREET CONSTRUCTION

(a) The township owner shall, on request by the Council, submit for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer (SAACE or SABTACO), who shall be approved by the Council, for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarring, kerbing and channeling of the streets therein, together with the provision of such retaining walls as may be considered necessary by the Council. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

(b) The township owner shall, when required to do so by the Council, carry out the approved scheme, at his / her own expense on behalf and to the satisfaction of the Council under the supervision of a civil engineer approved by the Council and shall, for this purpose, provide financial guarantees to the Council as determined by it.

(c) The township owner shall be responsible for the maintenance of the streets and stormwater drainage system to the satisfaction of the Council, until the streets and stormwater drainage system have been constructed as set out in sub-clause (b) above.

(d) Should the township owner fail to comply with the provisions of (a), (b) and (c) hereof, the Council shall be entitled to do the work at the cost of the township owner.

(9) OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The township owner shall install and provide appropriate, affordable and upgradeable internal and external services in or for the township.

C. CONDITIONS OF TITLE

(1) All erven shall be subject to the following conditions imposed by the Council in terms of the provisions of the Town-Planning and Townships Ordinance, No. 15 of 1986.

(a) The erf is subject to a servitude, 1 metre wide, in favour of the Council, 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 1m wide across the access portion of the erf if and when required by the Council: Provided that the Council may dispense with any such servitude.

(b) 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 1m thereof.

(c) The Council 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 the construction, maintenance or removal of such sewerage mains and other works as it, in 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 or other works being made good by the Council.

D. GENERAL TOWN PLANNING CONDITIONS (applicable to all erven)

- (a) Except with the written consent of the Council, and subject to such conditions as it may impose, neither the owner, nor any other person shall: -
 - (i) Save and except to prepare the erf for building purposes, excavate any material there from;
 - (ii) Sink any wells or boreholes thereon or abstract any subterranean water there from;
 - (b) Where, in the opinion of the Council, it is impracticable for stormwater 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 / or permit the passage over the erf of such stormwater: Provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the reasonable 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 Council.
 - (d) The registered owner is responsible for the maintenance of the whole development on the erf. If the Council is of the opinion that the erf or any portion of the development is not being satisfactorily maintained, the Council shall be entitled to undertake such maintenance at the cost of the registered owner.
- (2) BUSINESS 1

The Erf shall be zoned "Business 1"

Erf 1 is subject to the following conditions:

- (a) The erf and the buildings erected thereon, shall be used solely for the purposes of shops, business purposes, residential buildings, dwelling houses, places of public worship, places of instruction, social halls, sport and recreational purposes and institutions and with the special consent of the Council all other uses except noxious industries.
- (b) The height of buildings shall not exceed 2 [two] storeys except with the consent of the Council.
- (c) The Floor Area Ratio shall not exceed 1.4.
- (d) The coverage of the buildings shall not exceed 70 %.
- (e) Effective parking together with the necessary manoeuvring area shall be provided on the erf to the satisfaction of the Council;
- (f) Buildings, including outbuildings hereafter erected on the erf shall be located not less than 3m from any street boundary: Provided that the Council may relax this restriction or any other building line restriction if such relaxation would in its opinion result in any improvement of the development of the erf.

(3) BUSINESS 2

The Erf shall be zoned "Business 2"

Erf 2 is subject to the following conditions:

- (a) The erf and the buildings erected thereon, shall be used solely for the purposes of Filling Station together with a convenience shop and related uses.
- (b) The height of buildings shall not exceed 2 [two] storeys except with the consent of the Council.
- (c) The Floor Area Ratio shall not exceed 0.8.
- (d) The coverage of the buildings shall not exceed 40 %.
- (e) Effective parking together with the necessary manoeuvring area shall be provided on the erf to the satisfaction of the Council ;
- (f) Buildings, including outbuildings hereafter erected on the erf shall be located not less than 3m from any street boundary: Provided that the Council may relax this restriction or any other building line restriction if such relaxation would in its opinion result in any improvement of the development of the erf.

BUSINESS 3

The Erf shall be zoned "Business 3"

Erf 3 is subject to the following conditions:

- (a) The erf and the buildings erected thereon, shall be used solely for the purposes of Filling Station together with a convenience shop and related uses.
- (b) The height of buildings shall not exceed 2 [two] storeys except with the consent of the Council.
- (c) The Floor Area Ratio shall not exceed 0.8.
- (d) The coverage of the buildings shall not exceed 40 %.
- (e) Effective parking together with the necessary manoeuvring area shall be provided on the erf to the satisfaction of the Council;
- (g) Buildings, including outbuildings hereafter erected on the erf shall be located not less than 3m from any street boundary: Provided that the Council may relax this restriction or any other building line restriction if such relaxation would in its opinion result in any improvement of the development of the erf.

R.M. Maredi (Municipal Manager, Elias Motsoaledi Local Municipality)

2 Grobler Avenue, P.O. Box 48, Groblersdal, 0470

Date 17 July 2015