

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
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Hlawuleka hinkwato • Gazethe dza Nyingo***

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 146 OF 2020**MARULENG LOCAL MUNICIPALITY****MARULENG AMENDMENT SCHEME 203**

It is hereby notified in terms of the provisions of Section 56 of the Maruleng Local Municipality Spatial Planning and Land Use Management By-Law, 2016, that the Maruleng Local Municipality has approved an amendment scheme with regard to the land in the township of Hoedspruit Extension 15, being an amendment of the Maruleng Land Use Management Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Department Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Maruleng Amendment Scheme 203.

The Annexure number is 218 (Maruleng LUS, 2008)

MARULENG LOCAL MUNICIPALITY

9 December 2020

MARULENG LOCAL MUNICIPALITY**DECLARATION OF HOEDSPRUIT EXTENSION 15 AS APPROVED TOWNSHIP**

In terms of Section 56 of the Maruleng Local Municipality Spatial Planning and Land Use Management By-Law, 2016, the Maruleng Local Municipality hereby declares the township of Hoedspruit Extension 15 to be an approved township, subject to the conditions as set out in the Schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZANDSPRUIT ESTATES (PTY) LTD REGISTRATION NUMBER 2006/033649/07 (HEREINAFTER REFERRED TO AS THE APPLICANT/ OWNER) IN TERMS OF THE PROVISIONS OF THE MARULENG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 AND THE PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013), TO ESTABLISH A TOWNSHIP ON PORTION 451 OF THE FARM HAPPYLAND 241 KT HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP)

1.1 NAME

The name of the township shall be Hoedspruit Extension 15.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. No. 281/2020

1.3 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall make the necessary arrangements with ESKOM, the licensed supplier of electricity in the township for the provision of electricity to the township.

1.4 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the Maruleng Local Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.5 CONDITIONS IMPOSED BY THE LIMPOPO PROVINCIAL GOVERNMENT: DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM (LEDET)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Economic Development, Environment and Tourism including (if applicable) those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 REFUSE REMOVAL

(a) The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Maruleng Local Municipality, when required to do so by the Municipality.

(b) The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

1.7 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines 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 and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.9 COMPLIANCE WITH CONDITIONS IMPOSED BY THE ROADS AGENCY LIMPOPO (RAL)

The township owner shall at his own expense comply with the conditions as laid down by the Roads Agency Limpopo (RAL) as contained in their approval of the proposed township.

1.10 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 Roads Agency Limpopo (RAL), 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 the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.11 ACCESS

(a) The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Roads Agency Limpopo (RAL) for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Roads Agency Limpopo.

(b) Access to or egress from the township shall be provided to the satisfaction of the local authority and the Roads Agency Limpopo.

1.12 RECEIVING AND DISPOSAL OF STORM WATER

(a) The township owner shall arrange the storm water drainage of the township in such a way as to fit in with that of existing roads and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the storm water design proposal must be submitted to the Head of the Department: Roads Agency Limpopo (RAL) for approval at the time of the application, i.e. before Township Proclamation.

(b) The storm water plan for this township must be integrated with the greater storm water master plan for the total relevant catchment area, including adjoining areas.

(c) The low points in roads and the accumulation of storm water in crescents and lower lying erven must be drained to the satisfaction of the Municipality.

1.13 ELECTRICITY

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall make the necessary arrangements with ESKOM, the licensed supplier of electricity in the township for the provision of electricity to the township.

1.14 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.15 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 1512 in the township shall be transferred to the non-profit Company (Homeowner's Association) as the first transfer after proclamation of the township, by and at the expense of the township owner.

The erven may not be transferred by the non-profit Company.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of the provisions of the Maruleng Local Municipality Spatial Planning and Land Use Management By-Law, 2016 must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The township owner shall install and provide internal engineering services in the township as provided for in the services agreement.

The services agreement shall determine which external engineering services for the township shall be install and provided by the Local Authority.

2.2 RESTRICTIONS ON THE ALIENATION OF LAND:

No transfer or registration transaction of any Erf, Portion or Unit shall be done without the consent of the local authority, which consent shall certify that all conditions of establishment, endowments have been paid, engineering contributions or any other obligations in terms of any agreement or imposed on the township owner including those contained under condition 3.3 herein have been complied with.

2.3 THE TOWNSHIP OWNER'S/DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The township owner must at his own cost establish a Non Profit Company (Homeowners' Association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the Non Profit Company. A copy of the registered Memorandum of Incorporation must be submitted to the Maruleng Local Municipality.

The Memorandum of Incorporation must clearly state that the main objective of the Homeowners' Association is the maintenance of the Non-Profit Company's property and the internal engineering services of the township (i.e. water, sewerage, electricity, roads and stormwater) and the aesthetical evaluation of building plans. The township owner is deemed to be a member of the Non Profit Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

2.3.2 PROVISION OF ENGINEERING DRAWINGS

The township owner shall submit to the Maruleng Local Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design 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.

The detail design drawings will only be evaluated after the required Services Reports have been approved.

The township owner must obtain a way-leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.3.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the Maruleng Local Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water services, in which it is certified that the internal engineering services have been completed in accordance with the approved construction plans and agreements and that the engineers accept professional responsibility for the services. The Maruleng Local Municipality may at its own discretion allow an exception in respect of the internal road and storm water system. If this is the case, the township owner must give the Maruleng Local Municipality an undertaking that the township owner will complete this service on or before a certain date and must provide the Maruleng Local Municipality 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 relevant department.

2.3.4 MAINTENANCE PERIOD AND GUARANTEE

- (a) A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 78 (2)(a) of the Maruleng Local Municipality Spatial Planning and Land Use Management By-Law, 2016 has been complied with and when the last of the internal engineering services (i.e. water, sewerage), and the road and stormwater have been completed, as specified by the services agreements.
- (b) A maintenance guarantee must be issued for the said period by a recognized financial institution, to provide for repair work in case of poor workmanship and/or materials with regard to the civil engineering services, which guarantee must be issued in favour of the Non Profit Company for an amount that is equal to 10% of the contract cost of the civil services, before the commence date of the contract and proof of this must be submitted to the Maruleng Local Municipality.
- (c) The Non-Profit Company shall be responsible for the operation and maintains of the water and sanitation services to be determined by the services agreements.

3. EXISTING CONDITIONS OF TITLE

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

4. CONDITIONS OF TITLE

4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE MARULENG LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE MARULENG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016

4.1.1 ALL ERVEN

- (a) Each erf is subject to a servitude, 1m wide, in favour of the local authority, 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 3m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority 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 2m thereof.

4.1.2 ERF 1512

- (a) The entire erf, as indicated on the General Plan, is subject to a servitude for municipal engineering services and right of way in favour of the local authority, all the erven in the township.
- (b) The erf shall not be alienated or transferred into the name of any purchaser other than the Non-Profit Company without the written consent of the local authority and the registered owners in the township first having been obtained and the Erven shall be transferred and registered together with any private/public Erf or Servitude for access purposes as the first transfers and registration transaction in the township.

4.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

4.2.1 ERF 1512

The Erf shall not be alienated or transferred into the name of any purchaser other than non-profit company in terms of Schedule 1 of the Companies Act, (Act 71 of 2008) to be registered by the developer for the residential developments in the township without the written consent of the local authority first having been obtained and the Erf shall be transferred together with any private/public Erf or Servitude for access purposes as the first transfers from the Township.