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## GENERAL NOTICE

### NOTICE 456 OF 2008

#### IN THE DEVELOPMENT TRIBUNAL FOR MPUMALANGA.

Reference No: *MDT19/01/04/02/WINNAARSPOORT/15.*

#### NOTICE OF LAND DEVELOPMENT APPLICATION

(Section 33(4) of the Development Facilitation Act, 1995)

Notice is hereby given in terms of Sec 33(4) of the Development Facilitation Act of 1995 that the Development Tribunal Mpumalanga approved a Land Development Area on 21<sup>st</sup> July 2004 on Portions 10; 17; 11; 12; 9; 4 and a portion of Portion 13 of the Farm Winnaarspoort 350JT.

The application was approved subject to the following:

- 1 The subdivision of Portion 13 of the farm Winnaarspoort and the consolidation of the portion to the south of the provincial road with portions 4, 9, 10 11 12 and 17 to form the development area; now registered as Portion 24 of the farm Winnaarspoort No 350JT and reflected in SG Diagram No 12195/2004.
- 2 The establishment of 40 one-hectare portions and a remaining extent of approximately 1000 hectares as indicated on the Site Development Plan.
- 3 The subdivision of the existing Portion 13 into a portion indicated as portion A2 on the site layout plan; now included as a component part of Portion 24 and a remainder now known as Portion 23 of the farm Winnaarspoort 350JT.
- 4 The one-hectare subdivisions to be utilised for holiday accommodation or rural residential purposes (permanent occupation)
- 5 The land use to be changed from Agriculture to Private Resort.
- 6 The conditions of Establishment submitted with the application be approved. Annexure A hereto.

M Taljaard Designated Officer. Mpumalanga Development Tribunal. Building 6, Riverside Provincial Government Complex, Nelspruit, Private Bag X11304, Nelspruit, 1200, Reference Number MDT 19/01/04/02/Winnaarspoort/15,

#### Annexure A CONDITIONS OF ESTABLISHMENT

##### CONDITIONS FOR THE CONSOLIDATION, SUBDIVISION AND ESTABLISHMENT OF THE LAND DEVELOPMENT AREA

- (1) **Provision and installation of services**  
The land development applicant shall be responsible for the provision and installation of all the services required for the land development (eco-tourism) to the satisfaction of the relevant local government body in the land development area.
- (2) **Open space endowment**  
The land development applicant shall not be required to pay a contribution in lieu of providing public open spaces.
- (3) **Provision of streets, parks and other open spaces**  
No formal streets, parks or other open spaces are to be provided as a result of the nature of the development
- (4) **Suspension of existing conditions of title**  
There are no conditions of title to be suspended, unless the suspension of conditions becomes apparent during the processing and finalisation of the application.
- (5) **Imposition of servitudes**  
There are no servitudes to be registered in respect of the land on which the land development area is to be established, unless such servitudes become apparent during the processing and finalisation of the application.
- (6) **Building standards (if any)**  
The land development area will be subject to the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977). Building plans, in accordance with the regulations of Act 103 of 1977, must be submitted to the relevant local government body, prior to commencement of any building activities.

**(7) Application of zoning scheme or other measures**

There is no zoning scheme or other measures regulating land uses in force in respect of the land development area. The conditions of establishment regulate the land use.

The development in the land development area will be subject to the further conditions determined by the Tribunal if any.

Any and all development in the land development area shall be made subject to the submission to and approval of a site development plan to the responsible authority, in accordance with the relevant development phases, if and when required.

**(8) Applicability of certain laws**

The operation of the following laws dealing with land development shall be suspended in respect of the land development:

- (a) Sections 9, 9A, and 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940);
- (b) The following laws on physical planning:  
The Physical Planning Act, 1967 (Act 88 of 1967); and The Physical Planning Act, 1991 (Act 125 of 1991).
- (c) Section 12 of the National Roads Act, 1971 (Act No. 54 of 1971):  
[This Act has been repealed by the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998)].
- (d) The following law requiring the approval of an authority for the consolidation and subdivision of land: *The Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)*.
- (e) The following law requiring the provision of a receipt, certificate or any other document by a local government body, public revenue officer or other component authority, as a prerequisite to the transfer of land in a land development area: *Not applicable*.
- (f) The following law relating to land development, which has a dilatory effect on the development of the land development area: *Not applicable*

**(9) Provision of education and other community facilities**

The land development applicant is not be required to provide land or portions of land for educational and/or community facilities but is prepared to donate the proposed subdivision referred to in the Memorandum to the local community for these purposes.

**(10) Subdivision (if applicable)**

The land in the proposed land development area is to be subdivided as indicated in the application. Sec 54 of the Act does not apply in that it refers to the establishment of small-scale farming.

**(11) Ownership and administration (if applicable)**

The land in the land development area is to be held by the following persons or other legal body subject to the following conditions: (if appropriate a copy of the trust deed or other founding documents may be attached): *Teal & Trout Country Estate*

**(12) Environmental conservation**

All development and management principles will be based on sound ecological principles and all decisions in respect of development and use will be based on the principle of ecological integrity.

The principles established in the Environmental Impact Assessment submitted herewith will be adopted and implemented.

**(13) Consolidation of component portions**

The properties within the Land Development area will be consolidated where required.

**(14) Submission of site development plan**

The land development applicant shall submit:

- (a) A site development plan, drawn to a scale of 1:500 or such scale as may be approved by the responsible authority shall be submitted to the responsible authority for approval prior to the submission of any building plans. No building shall be erected on the land development area before such site development plan has been approved by the responsible authority and the whole development on the land development area shall be in accordance with the approved site development plan: Provided further that amendments or additions to buildings which in the opinion of the responsible authority will have no influence on the total development of the land development area, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

- (i) the siting, height, coverage and all other relevant information relating to buildings and structures;
  - (ii) open spaces, use zones, screen walls, and landscaping where applicable;
  - (iii) vehicular entrances and exits to and from the land development area, to any existing roads;
  - (iv) the proposed subdivision lines, if the land development area is to be subdivided;
  - (v) entrances to buildings and parking areas where applicable;
  - (vi) building restriction areas, along any public or provincial road in accordance with the requirements of the responsible authority where applicable;
  - (vii) parking areas where applicable;
  - (ix) the elevational treatment of all buildings and structures;
  - (x) mitigation or other relevant measures relating to the visual impacts of the land development; and
  - (xi) the 1:50 and 1:100 year floodline, supported by the relevant engineering certificate.
- (b) The responsible authority shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed buildings or structures; and
- (c) Buildings may be sited contrary to any provision of the responsible authority's building by-laws, if such siting is in accordance with an approved site development plan.
- (d) As a result of the nature and extent of the land development area, the responsible authority may, on application, waive the requirement to submit a site development plan(s), subject to such conditions that the responsible authority may impose.
- (15) Geotechnical assessment**  
A geotechnical assessment and report, indicating proposals and measures to overcome possible detrimental soil conditions, shall be submitted prior to the submission and approval of building plans, in respect of each development site when to be developed, and if required by the responsible authority, prior to the submission and approval of services plans.  
The responsible authority may on application waive the requirement to submit a geotechnical assessment or report, and require that any building plans contain proposals to overcome detrimental soil conditions to the satisfaction of the responsible authority, for approval by the responsible authority, and all buildings shall be erected in accordance with the precautionary measures accepted by the responsible authority.
- (16) Floodline certificate**  
A flood-line certificate in respect of a 1:50 and 1: 1 00 year flood-line, as required in terms of Section 144 of the National Water Act, 1998, shall be submitted with the required site development plan: Provided that this condition can be relaxed to provide for a 1:50 year flood on receipt of a written report by a registered civil engineer, or disposed off if no development is to take place in close proximity of any river or perennial stream.
- (17) Amendment of approval**  
The land applicant may, with the written approval of the responsible authority (Mpumalanga Development Tribunal) make such amendments that do not deviate from the general nature and extent of the land development.
- (18) General**  
The land development will also be subject to such conditions and development controls that may be imposed as they become apparent during the processing and finalisation of the application, and the comments and recommendations from all the departments and institutions have been received.
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