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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICES</b>			
12	Town-planning and Townships Ordinance (15/1986): Umjindi Municipal Council: Declaration as an approved township: Emjindini Extension 12 .....	3	1610
13	do.: do.: Emjindini Extension 11.....	12	1610

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 12

#### DECLARATION AS AN APPROVED TOWNSHIP

The Umjindi Municipal Council hereby declares in terms of section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ord. 15 of 1986), **Emjindini Extension 12** to be an approved township subject to the conditions set out in the Schedule hereto.

#### SCHEDULE

**CONDITIONS OF ESTABLISHMENT AS APPLIED FOR BY THE UMJINDI MUNICIPALITY (HEREAFTER CALLED THE APPLICANT / TOWNSHIP OWNER) IN ACCORDANCE WITH THE STIPULATIONS OF CHAPTER 4 OF THE ORDONANCE ON TOWN PLANNING AND TOWNSHIPS, 1986 (ORDINANCE 15 OF 1986) WHICH PERMITTED THE APPLICANT TO CREATE A TOWNSHIP ON A PORTION OF THE REMAINING PORTION 14 OF THE FARM BARBERTON TOWNLANDS 369 REGISTRATION DIVISION J.U. MPUMALANGA**

**1) REQUIREMENTS TO BE COMPLIED WITH BEFORE DECLARATION OF TOWN TO AN APPROVED TOWN**

The Applicant shall comply to the following requirements at his own cost:

a) The following servitude as mentioned in Kroongrondbrief 69/1914

“A portion of the within property – measuring 224 morgen 543,5sq. Roods is subject to a servitude in favour of the Government of the right to layout and maintain a shooting or rifle range as well more fully appear from Notarial Deed No. 45/1914S.”

**2) GENERAL**

a) The Umjindi Municipality will ensure that the township schema is in order and simultaneous to the declaration of the town to an approved town, ensure that it can be published.

b) The applicant must comply with the requirements of Section 109(3)(6) and 110 of the Ordinance on Townplanning and Townships, 1986

## 2. ESTABLISHMENT CONDITIONS

### (1) NAME

The town is called **Emjindini Extension 12**

### (2) DESIGN

The town consist out of erven and streets as indicated on approved layout plan **EMJ12**

### (3) COMPLIANCE WITH CURRENT TITLE CONDITIONS

All erven must be made subject to the current conditions and servitudes, as they are, with inclusion of the Rights on Minerals, but excluded.

a) The following rights and conditions which must not be transferred to erven in the township:

i) "Now therefore these presents witness that there is hereby granted, ceded and transferred by the Governor-General of the Union of South African unto the said Town Council of the Municipality of Barberton a portion of the farm known as Barberton Townlands, No. 163 situate in the District of Barberton, Ward Barberton, Transvaal Province, measuring three thousand one hundred and thirty nine (3139) morgen, forty eight (48) square roods, four (4) square feet and represented and described upon the diagram (marked S.G. No. A3889/12) framed in the Surveyor General's Office, Pretoria, from surveys made by Surveyors Servaas de Kock, A.A. Prins, G.A. Watermeyer and R. Pizzighelli, and approved by the Acting Surveyor General, Transvaal Province, on the 30<sup>th</sup> day of January 1913 and hereunto annexed, with power authority henceforth to posses the same perpetuity."

ii) "The Grant is made on the following conditions:-

The said land is granted in full ownership together with all rights to minerals and precious stones contained therein, with the exception of the minerals contained in or under certain areas known as Bewaarplaatsen, Machinery sites and Stands Outside Townships situate upon the land and indicated upon the said diagram, the rights to mine on or under the said area is vested in the Crown subject to the

provisions of section 52(a)(a) of the Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal).”

- iii) “The land hereby granted, together with other land, having been proclaimed a Public Digging prior to the date hereof under the provisions of the Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal) or a prior law the said Town Council shall from and after the date of the registration of this Grant in the Deeds Office be entitled to receive one-half of the licence moneys paid to the Government for all claims (other than the Base Metals claims mentioned in the clause four hereof with respect to which the Town Council shall be entitled to receive one-half of the licence moneys paid to the Government for all claims (other than the Base Metals claims mentioned in the clause four hereof with respect to which the Town Council shall be entitled to receive all the licence money paid to the Government) and Stand which are at the date hereof situate, or which may hereafter be situate upon the portion of the said Public Digging which is included in this Grant.”
- iv) “Nothing in this Grant contained shall be deemed to debar or restrict the Town Council from exercising in respect of the land hereby granted, any or all the powers conferred upon it in respect of the immovable property of the Council by Section 71, sub-section (14) of the Local Government Ordinance No. 9 of 1912 (Transvaal Province) subject to the provisions that all money derived from the alienation of the land hereby granted, or any portion of it, and all moneys, revenues and profits received by or which may hereafter accrue to the said Council by reason of any of the provisions of the said Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal) or any amendment thereof or by reason of any of the provisions of the Previous Stoned Ordinance 1908 (Transvaal) or any amendment shall only be applied to purpose sanctioned by the Executive Committee of the Transvaal province.”
- v) “The holders of the Base Metal Claims NO 32715 to 31040 to 31045 inclusive situate upon the land hereby granted shall continue to enjoy all the rights and privileges conferred by and be liable to all which the claims are now held and the provisions of the said Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal) or any amendment therefore shall continue to apply to these claims as if these grant has not been made.”
- vi) “In case any erven or stands shall be laid out, whether by the said Council or by any person deriving title from the Council upon any portion of the land hereby granted, a number of the erven or stands not exceeding one-tenth of the number so laid out shall be reserved by the

Council or person as aforesaid for public purposes in such position as may be indicated by the Government.”

- vii) “The Grant is made subject to all rights and servitudes which now affect, or may hereafter be bound to affect the title to the land hereby granted or to be binding on the Government in respect of the said land as at the date hereof.”
  - viii) “This Grant is made on the further conditions that all roads already made by lawful authority over the land hereby granted shall remain free and unobstructed; that the land hereby granted shall be subject to an outspan and to grazing of the cattle of travellers; that the land hereby granted shall be subject to such stipulations as have been established by Legislature, and, finally that the owners of the land hereby granted shall be liable to the prompt payment of such taxes as are payable according to law.”
- b) The following deeds of rent and servitudes does not concern the township:
- i) “Portion 27 leased to the Government for an indefinite period by Notarial Deed registered this 9<sup>th</sup> day of June 1926 under NO. 376/26S.”
  - ii) “Portion 30 measuring 184 morgen 223sq. Roods leased to the Government of the Union of South Africa for an indefinite period by Notarial Deed registered this 15<sup>th</sup> day of December 1928 under No. 759/28S.”
  - iii) “Portion 35 measuring 10 000sq.ft. Diagram No S.G. A2006/35 leased to African Explosives and Industries Limited for 42 years from 1 January 1935 by Notarial Deed registered this 7<sup>th</sup> day of December 1935 under No. 924/35S.”
  - iv) “Portion 36 measuring 14,2352 morgen leased to the Government of the union of South Africa for an indefinite period by Notarial Deed registered on this 16<sup>th</sup> day of November 1937 under No. 1150/37S.”
  - v) “By Notarial Deed NO. 354/48S dated 9 April the within-mentioned property is subject to a servitude for the erection of a diversion wier in a certain water course over the within property and the laying of a pipeline from such wier in favour of the farm Kearney No. 59 Barberton as will more fully appear for reference to the said Notarial Deed, a copy whereof is hereunto annexed.”
  - vi) “By virtue of Notarial Deed NO. 940/53S dated 12 August 1933 the Remaining Extent of the within property measuring as such

3092.1422 morgen is subject to a servitude of overhead electric power transmission line in favour of the Eastern Transvaal Consolidated Mines Limited, together with certain ancillary rights, as will more fully appear from the said Notarial Deed and Diagram S.G. No A3882/582."

- vii) "By Notarial Deed NO. 621/56S the rights has been granted to Eastern Transvaal Consolidated Mines Limited to convey together with ancillary rights as will more fully appear from the said Notarial Deed and Diagram, gross whereof is hereunto annexed.
  - viii) "A portion of the property – measuring 224 morgen 543,5sq. Roods is subject to a servitude in fvour of the Government of the right layout and maintain a shooting or rifle range as will more fully appear from Notarial Deed no. 45/1914S."
  - ix) "The remaining Extent held hereunder and measuring as such 3115 morgen 124 sq. Roods is subject to a servitude of Right-of-Way in favour of the farms Oosterbeek 27 en De Bilt 24, Barerton as will more fully appear from Notarial Deed 514/28S."
- c) The following right must not be transferred to the erven in the township:

"The Municipality as owners of the within Remaining Extent measuring 3111 morgen 464sq. Roods and as cessionary under lease 9/1910S whereby a portion 284 morgen 256sq. roods of the fam Brommerspan 28 Barberton was leased, is entitled during the period of lease 9/1910S to control on the SE portion of the leased property a funnel for the passage and storage of water and to control water across leased property by means of a hydraulic pipeline to the within-mentioned property, as will more fully appear from the said Notarial Deed 289/1928S."

#### **(4) TITLE CONDITIONS**

The erven mentioned hereunder is subject to the following conditions, as imposed by the Umjindi Municipality in compliance with the conditions of the Ordinansie op Dorpsbeplanning en Dorpe, 1986.

- a) "Die erf is onderworpe aan 'n serwituut 2 meter breed vir riolerings en ander munisipale doeleindes ten gunste van die Plaaslike Bestuur, langs enige twee grense, uitgesonderd 'n straatgrens, indien en wanneer verlang deur die Plaaslike Bestuur wie van enige sodanige serwituut mag afsien".
- b) "Geen geboue of ander strukture mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie".

- c) "Die Plaaslike Bestuursraad is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy volgens goeë dunnke noodsaaklik ag tydelik te plaas op die grond wat aan die voorgenoemde serwituut grens en voorts is die Stadsraad geregtig tot redelike toegang tot genoemde grond vir die voormelde doel, onderworpe daaraan dat die Plaaslike Bestuur enige skade vergoed wat gedurende aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word".



**4. CONDITIONS WHICH MUST BE INCORPORATED INTO THE TOWN PLANNING SCHEME, IN ACCORDANCE WITH THE CURRENT CONDITIONS OF THE TOWN PLANING SCHEME, AS DETERMINED BY SECTION 125 OF ORDINANCE 15 OF 1986**

**(1) GENERAL CONDITIONS (applicable to all erven)**

- a) Behalwe met die toestemming van die Plaaslike Bestuur en onderworpe aan sodanige vereistes as wat hy mag oplê, mag die eienaar nog iemand anders-:
- i) behalwe om die erf vir boudoeleindes in gereedheid te bring, enige material daarop uitgawe
  - ii) putte of boorgate daarop sink of enige ondergrondse water daarop put; or
  - iii) "vir enige doel hoegenaamd, teëls of erde pype of ander artikels van 'n soortgelyke aard op die erf vervaardig of laat vervaardig".
- b) Waar dit volgens die mening van die Plaaslike Bestuur ondoenlik is om stormwater van erwe met 'n hoër ligging regstreeks na 'n openbare straat af te voer, is die eienaar van die laerliggende erf verplig om te aanvaar dat sodanige stormwater op sy erf vloei en toe te laat dat dit daaroor vloei. Met dien verstande dat die eienaar van die erwe met 'n hoër ligging vanwaar die stormwater oor 'n erf met laer ligging vloei, aanspreeklik is om 'n eweredige aandeel van die koste te betaal van enige pyplyn of afleivoor wat die eienaar van sodanige erf met laer ligging nodig mag vind om aan te lê of die bou om die water wat aldus oor die erf vloei, af te voer.
- c) Geen gebou van enige aard mag op daardie gedeelte van die eiendom wat gemiddeld elke 50 jaar waarskynlik deur vloedwaters van 'n openbare stroom oorstrom kan word, soos op die Kaart van die skema aangetoon, opgerig word nie. Met dien verstande dat die Plaaslike Bestuur mag toestem dat geboue op sodanige gedeelte opgerig word indien hy oortuig is dat genoemde gedeelte nie meer aan oorstromings onderhewig is nie.
- d) Die plaas van geboue, insluitend buitegeboue op die erf en ingang tot en uitgang vanaf die erf tot 'n openbare straatstelsel, moet tot bevrediging van Plaaslike Bestuur wees.

- e) Die hoofgebou, wat 'n voltooide gebou moet wees, en nie een wat gedeeltelik opgerig is en eers later voltooi sal word nie, moet gelyktydig met, of voor die buitegebou opgerig word.
- f) Onderhewig aan klousule 30, mag laai en aflaai van goedere slegs binne grense van die erf geskied tot bevrediging van die Plaaslike Bestuur tensy die Plaaslike bestuur voorsiening vir laaigeriewe in die straatreserwe gemaak het. (Hierdie bepaling is nie van toepassing op erwe om gebruiksone Residensieel 1 en Residensieel 2) (Indien onderverdeling in afsonderlike wooneenhede geskied het nie).
- g) Geen materiaal of goedere van watter aard ookal moet in die boubeperringsgebied langs enige straat, gestort of ander doel behalwe die uitlê van grasperke, parkering, tuine of toegangspaaie gebruik word nie. Met dien verstande dat as dit nodig is om 'n skermmuur op so 'n grens op te rig, hierdie voorwaarde deur Plaaslike Bestuur verslap kan word onderworpe aan sodanige voorwaardes soos deur hom bepaal kan word.
- h) 'n Skermmuur of mure moet soos en wanneer deur die Plaaslike Bestuur vereis, tot sy bevrediging gebou en instand gehou word.
- i) Indien die eiendom omhein word, moet sodanige heining en die instandhouding daarvan tot die bevrediging van die Plaaslike Bestuur wees.
- j) Die geregistreerde eienaar is verantwoordelik vir die instandhouding van die hele ontwikkeling op die eiendom. Indien die Plaaslike Bestuur van oordeel is dat die eiendom of enige gedeelte van die ontwikkeling nie bevredigend in stand gehou word nie, is die Plaaslike Bestuur geregtig om sodanige instandhouding op koste van die geregistreerde eiendom te onderneem.
- k) Die Plaaslike Bestuur is geregtig om in die geval van gebou-oorskrydings oor kadastrale grense, die vereiste te stel dat die eienaar tot bevrediging van die Plaaslike Bestuur aan Artikel 92 van die Ordonnansie moet voldoen alvorens enige verdure bouplan(ne) oorweeg word vir 'n bepaalde erf of omliggende erwe wat aan dieselfde eienaar behoort en geredelik aanvaar te word as deel van dieselfde kompleks waaroor die bouplan(ne) handel.
- l) Indien die Plaaslike owerheid dit nodig ag, mag hy vereis dat 'n terreinontwikkelingsplan vir goedkeuring aan die Plaaslike Bestuur voorgelê word voor die indiening van enige bouplanne.
- m) Die Plaaslike Bestuur moet nie enige bouplanne goedkeur wat nie voldoen aan die voorstelle in die goedgekeurde terrein-

ontwikkelingsplanne nie, met besondere verwysing na die aansig- en argitektoniese behandeling van die voorgestelde gebou of struktuur.

- n) Geboue mag strydig met enige bepaling van die Plaaslike Bestuur se bou verordeninge geplaas word, indien sodanige plasing volgens die goedgekeurde terreinontwikkelingsplan is.

## (2) RESIDENTIAL 1

Erven are subject to the following conditions:

- a) Die erf en die geboue wat daarop opgerig is of wat daarop opgerig gaan word, moet slegs gebruik word vir '**u woonhuis**' en met die spesiale toestemming van die Plaaslike Bestuur, vir plekke vir openbare godsdiensoefening, onderrigplekke, geselligheidsale, inrigtings en spesiale gebruike.
- b) Slegs een woonhuis mag per erf opgerig word: Met dien verstande dat waar 'n woonhuis op 'n bepaalde erf in die Residensieel 1 gebruiksone opgerig is, die Plaaslike Bestuur spesiale toestemming mag verleen tot die oprigting van 'n bykomende wooneenheid waarvan die vloeroppervlakte nie 100m<sup>2</sup> oorskry nie, ooreenkomstig die voorwaardes wat deur die Plaaslike Bestuur as beleid aanvaar is.
- c) Die dekking van die geboue mag nie 50% van die oppervlakte van die erf oorskry nie.
- d) Die hoogte van die gebou mag nie 3 verdiepings oorskry nie.
- e) Geboue insluitende buitegeboue, hierna op die erf opgerig, moet nie minder as 2 meter van enige sy grens geleë wees nie: Met dien verstande dat die Plaaslike Bestuur hierdie beperking of enige ander boulynbeperking mag verslap indien sodanige verslapping na sy mening 'n verbetering in die ontwikkeling van die erf tot gevolg sal hê.

## (3) USE OF GROUND AND ZONING

The zoning of all erven in the township will be in accordance with the conditions of the governing Town Planning Scheme and any approved amendments thereof.

**LOCAL AUTHORITY NOTICE 13****DECLARATION AS AN APPROVED TOWNSHIP**

The Umjindi Municipal Council declares hereby in terms of section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ord. 15 of 1986), **Emjindini Extension 11** to be an approved township subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

**STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE UMJINDI LOCAL MUNICIPALITY (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNERS) IN TERMS OF THE PROVISION OF CHAPTER IV OF THE TOWN PLANNING AND TOWNSHIPS (ORDINANCE 15, OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 144 (A PORTION OF PORTION 14) OF THE FARM BARBERTON TOWNLANDS 369 REGISTRATION DIVISION J.U. MPUMALANGA HAS BEEN GRANTED.**

- 1. CONDITIONS TO BE COMPILED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP.**
  - 1.1. GENERAL**
    - (a) The Umjindi Local Municipality must see to it that the relevant amendment scheme (in terms of Section 125 of Ordinance 15 of 1986) is in order and may be published simultaneously with the declaration of the township as an approved township;
    - (b) The applicant shall comply with the provisions of sections 109(3)(b) and 110 of Ordinance 15 of 1986.
- 2. CONDITIONS OF ESTABLISHMENT**
  - 2.1. NAME**

The name of the township shall be EMJINDINI EXTENSION 11.
  - 2.2. DESIGN**

The township shall consist of erven and streets as indicated on Approved General Plan S.G. 326/2002.
  - 2.3. RECEIPT AND DISPOSAL OF STORMWATER**

The township owner shall arrange the stormwater drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the stormwater running off or being diverted from such roads.
  - 2.4. RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES**

The township owner shall provide all essential services in terms of the provisions of sections 116 to 121 of Ordinance 15 of 1986 prior to the registration of any stands in the township.
  - 2.5. PROTECTION OF STAND PEGS**

The township owner shall comply to the requirement with regard to the protection of boundary pegs as determined by the Umjindi Local Municipality in this regard, when required to do so by the said Local Municipality.

## 2.6. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject to existing conditions and servitudes which were not cancelled or otherwise dealt with, if any, including the reservation of mineral rights, but excluding:

2.6.1. the following rights which do not affect the township as a result of location thereof:

- (i) "Now therefore these present witness that there is hereby granted, ceded and transferred by the Governor-General of the Union of South Africa unto the said Town Council of the Municipality of Barberton a portion of the farm known as Barberton Townlands, no.162 situated in the District of Barberton, Ward Barberton, Transvaal Province, measuring three thousand one hundred and thirty nine (3139) morgen, forty eight (48) square roods, (4) square feet and represented and described upon the diagram (marked S.G No. A3889/12) framed in the Surveyor General's Office, Pretoria, from surveys made by Suveyors Sevaars de Kock, AA Prins, G A Watermeyer and R Pizzighelli, and approved by the Acting Surveyor General, Transvaal Province, on the 30<sup>th</sup> day of January 1913, and hereunto annexed, with full power and authority henceforth to possess the same perpetuity."
- (ii) "The grant is made on the following conditions:-  
  
The said land is granted in full ownership together with all rights to minerals and precious toned contained therein, with the exception of the minerals contained in or under certain areas known as Bewaarplaatsen, Machinery sites and Stands Outside Townships situated upon the land and indicated upon the said diagrams, the right to mine on or under the said area is vested in the Crown subject to the provisions of section 52 (1)(a) of the Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal)."
- (iii) The land hereby granted, together with other land, having been proclaimed a Public Digging prior to the date hereof under the provisions of the Precious and Base Metals Act ( Act 35 of 1908, Transvaal) or a prior of this Grant in the Deeds Office be entitled to receive one-half of the licence monies paid to the Government for all claims (other than the Base Metals claims mentioned in clause four hereof with respect to which the Town Council shall be entitled to receive all the licence money paid to the Government) and Stands which are at the date hereof situate, or which may hereafter be situated upon the portion of the said Public Digging which is included in this Grant."
- (iv) "Nothing in this Grant contained shall be deemed to debar or restrict the Town Council from exercising in respect of the land hereby granted, any or all the powers conferred upon it in respect of the immovable property of the Council by Section 71, sub-section (14) of the Local Government Ordinance no. 9 of 1912 (Transvaal Province) subject to the provisions that all monies, revenues and profits received by or which may hereafter accrue to the said Council by reason of any of the provisions of the said Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal) or any amendment thereof or by reason of any of the provisions of the Precious Stoned Ordinance 1908 (Transvaal) or any amendment shall only be applied to purposes sanctioned by the Executive Committee of the Transvaal Province."

- (v) "The holders of the Base Metal Claims No. 32715 and 32738 and 31040 to 31045 all inclusive situated upon the land hereby granted shall continue to enjoy all the rights and privileges conferred by and the provisions of the said Precious and Base Metals Act 1908 (Act 35 of 1908, Transvaal) or any amendment thereof shall continue to apply to these claims as if this grant has not been made."
- (vi) "In case any erven or stands shall be laid out, whether by the said Council or by any person deriving title from the Council upon any portion of the land hereby granted, a number of the erven or stands not exceeding one-tenth of the number so laid out shall be reserved by the Council or person as foresaid for public purposes in such position or positions as may be indicated by the Government."
- (vii) "The Grant is made subject to all rights and servitudes which now affect, or may hereafter be found to affect the title to the land hereby granted or to be binding on the Government in respect of the said land as at the date hereof."
- (viii) "This Grant is made on the further conditions that all roads already made by lawful authority over the land hereby granted shall remain free and unobstructed; that the land hereby granted shall be subject to an outspan and to grazing for the cattle of travellers; such stipulations as have been established by the Legislature; and, finally, that the owners of the land hereby granted shall be liable to prompt payment of such taxes as are payable according to law."

2.6.2. The following lease agreements and servitudes that does not affect the township as a result of the location thereof:

- (i) "Portion 27 leased to the Government for an indefinite period by Notarial Deed registered this 9<sup>th</sup> day of June 1926 under No.376/26S."
- (ii) "Portion 30 measuring 184 morgen 223 sq. Roods leased to the Government of the Union of South Africa for an indefinite period by Notarial Deed registered this 15<sup>th</sup> day of December 1928 under No. 759/58S."
- (iii) "Portion 35 measuring 10 000 sq. ft. Diagram No. S.G A2006/35 leased to African Explosives and industries Limited for 42 years from 1 January 1935 by Notarial Deed registered this 27<sup>th</sup> day of December 1935 under No. 924/35S."
- (iv) "Portion 36 measuring 14,2352 morgen leased to the Government of the Union of South Africa for an indefinite period by Notarial Deed registered 16<sup>th</sup> day of November 1937 under No. 1150/37S."
- (v) "By Notarial Deed No 354/48S dated 9 April 1948 the within-mentioned property is subject to a servitude for the erection of a diversion weir in a certain water course over the within property and the laying of a pipeline from such weir in favour of the farm Kearsney No. 59 Barberton as will more fully appear from reference to the said Notarial Deed, a copy whereof is hereunto annexed."
- (vi) "By virtue of Notarial Deed No. 940/53S dated 12 August 1933 the Remaining Extent of within property measuring as such 3092.1422 morgen is subject to a servitude of overhead electric power transmission line in favour of the Eastern Transvaal Consolidated Mines Limited,

together with certain ancillary rights, as will more fully appear from the said Notarial Deed with diagram S.G No. A3882/52.”

- (vii) “By Notarial Deed No. 621/56S the rights have been granted to Eastern Transvaal Consolidated Mines Limited to convey together with ancillary rights as will more fully appear from the said Notarial Deed and Diagram, gross whereof is hereunto annexed.”
- (viii) “A portion of the within property – measuring 224 morgen 543,5sq. Roods is subject to a servitude in favour of the Government of the right to layout and maintain a shooting or rifle range as will more fully appear from Notarial Deed No. 45/1914S.”
- (ix) “The remaining Extent held hereunder and measuring as such 3115 Morgen 124 sq. Roods is subject to servitude of Right-of-Way in favour of the farms Oosterbeek 27 and De Bilt 24, Barberton as will more fully appear from Notarial Deed 514/28S.

2.6.3. The following right that must not be transferred to the erven in the township:

“The municipality as owners of the within Remaining Extent measuring 3111 Morgen 464 sq. Roods as accessionary under lease 9/1910S whereby a portion 284 Morgen 256 sq. Roods of the farm Brommerspan 28 Barberton was leased, is entitled during the period of lease 9/1910S to control on the SE portion of the leased property a funnel for the passage and storage of water and to control water across leased property by means of a hydraulic pipeline to be within-mentioned, as will more fully appear from the said Notarial Deed 289/1928S.”

### 3. CONDITIONS OF TITLE

#### 3.1. THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE UMJINDI LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, (ORDINANCE 15 OF 1986)

##### ALL ERVEN

- 3.1.1. The erf is subject to a servitude 2m wide in favour of the Umjindi Local Municipality, for sewerage and other than a street boundary and in the case of a panhandle erf, as additional servitude for municipal purpose 2m 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
- 3.1.2. No building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area of such servitude of with 2m thereof.
- 3.1.3. The Umjindi 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 good by the Council.
- 3.1.4. The erven is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damaged. Building plans which are submitted to the Umjindi Local Municipality for approval must contain

remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the Umjindi Local Municipality that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

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

**4.1. CONDITIONS APPLICABLE TO ALL ERVEN**

- 4.1.1. Except with the written consent of the Umjindi Local Municipality, and subject to such conditions as it may impose, neither the owner nor any other person shall –
- 4.1.1.1. have the right, save and except to prepare the erf for building purposes, to excavate any material therefrom;
  - 4.1.1.2. sink any wells or boreholes thereon or abstract any sub-terranean water therefrom; or
  - 4.1.1.3. make or permit to be made, on the property for any purpose whatsoever, any tiles of earthenware pipes other articles of a like nature.
- 4.1.2. Where, in the opinion of the Umjindi Local Municipality, 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 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 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 to discharged over the erf.
- 4.1.3. No building whatsoever may be erected on a property which will probably be flooded by a public stream on average every fifty years, as indicated on the Map of the Scheme: Provided that the Umjindi Local Municipality may permit the erection of buildings on such portion if it is convinced that the said portion will no longer be subjected to flooding.
- 4.1.4. The siting of buildings, including outbuildings, on the erf and entrances to and exists from the erf to a public street system shall be to the satisfaction of the Umjindi Local Municipality.
- 4.1.5. The main building, which shall be completed building and not one that has been partly erected, and is to be completed at a later date, shall be erected simultaneously with, or before outbuildings.
- 4.1.6. No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the Umjindi Local Municipality and subject to such conditions as may be determined by it.
- 4.1.7. A screen wall or walls shall be erected and maintained to the satisfaction of the Umjindi Local Municipality as and when required by it.



4.1.8. If the property is fenced, such fence, and the maintenance thereof shall be to the satisfaction of the Umjindi Local Municipality.

4.1.9. The registered owner is responsible for the maintenance of the whole development of the property. If the Umjindi Local Municipality is of the opinion that the property, of any portion of the development, is not being satisfactory maintained, the Umjindi Local Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.

**4.2. ERVEN 4565 TO 4879, 4908 TO 4944 TO 5214, 5216 TO 5275 TO 5416, 5418 TO 5425 AND 5427 TO 5878:**

The use zone of the erven shall be "RESIDENTIAL 1:'

The erf and the buildings erected thereon, or which are to be erected thereon shall be used for dwelling houses and with the special consent of the local authority for places of public worship, places of instruction, social halls, institutions and special uses.

4.2.1. The height of buildings on the stand shall not exceed 2 storeys.

4.2.2. The coverage of buildings on the stand shall not exceed 50%;

4.2.3. The density of buildings shall not exceed 1 dwelling unit per erf.

4.2.4. Buildings, including outbuildings, hereafter erected on the erf shall not be located less than 5,00m from any street boundary and not less than 2,00m from any side boundary: Provided that the local authority may relax any building line if in its opinion it would lead to an overall improvement of the development of the erf.

**4.3. ERF 5426 AND 5417**

The use zone of the erven shall be "INSTITUTIONAL "

The erf and the buildings erected thereon, which are to be erected thereon shall be used for institutions places of public worship and places of instruction, and with the special consent of the local authority for social halls, special uses, dwelling units, residential buildings related to the main use.

4.3.1. The height of buildings on the stand shall not exceed 3 storeys.

4.3.2. The coverage of buildings on the stand shall not exceed 70%

4.3.3. Buildings, including outbuildings, hereafter erected on the erf shall not be located less than 5,00m from any street boundary and not less than 2,00m from any side boundary: Provided that the local authority may relax any building line if in its opinion it would lead to an overall improvement of the development of the erf.

**4.4. ERF 5215**

The use zone of the erf shall be "BUSINESS 1."

The erf and the buildings erected thereon, or which are to be erected thereon shall be used for places of refreshments, shops, hotels, dwelling units, residential buildings, places of public worship, places of instruction social halls, dry cleaners and offices and with the special consent of the local authority for buildings not in columns (3) and (5).

- 4.4.1. The height of buildings on the stand shall not exceed 2 storeys.
- 4.4.2. The coverage of buildings on the stand shall not exceed 80% on the ground and 60% on the floor above.
- 4.4.3. The density of buildings shall not exceed a floor area ratio 2, 0.
- 4.4.4. Buildings, including outbuildings; hereafter erected on erf shall not be located less than 2,00m from any one boundary: Provided that the local authority may relax any building line if in its opinion it would lead to an overall improvement of the development of the erf.

**4.5. ERVEN 4880 TO 4907, 4945 TO 4947, 5261 TO 5274, 5879 TO 5883:**

The use zone of the erven shall be "PUBLIC OPEN SPACE":

The erf and the buildings erected thereon or which are to be erected thereon shall only be used for parks, public sport and recreation grounds, public open space, gardens play parks and squares.

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