



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette
Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 17

NELSPRUIT, 15 JANUARY 2010
JANUARIE

No. 1760

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

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IMPORTANT NOTICE

The
Mpumalanga Province Provincial Gazette Function
will be transferred to the
Government Printer in Pretoria
as from 1 April 2005

NEW PARTICULARS ARE AS FOLLOWS:

Physical address:

Government Printing Works
149 Bosman Street
Pretoria

Postal address:

Private Bag X85
Pretoria
0001

New contact persons: Louise Fourie Tel.: (012) 334-4686
Mrs H. Wolmarans Tel.: (012) 334-4591

Fax number: (012) 323-8805

E-mail address: hester.wolmarans@gpw.gov.za
louise.fourie@gpw.gov.za

Contact person for subscribers:

Mrs J. Wehmeyer Tel.: (012) 334-4753
Fax.: (012) 323-9574

This phase-in period is to commence from **18 March 2005** (suggest date of advert) and notice comes into operation as from **1 April 2005**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, two weeks before the 1st April 2005.

*In future, adverts have to be paid in advance
before being published in the Gazette.*

AWIE VAN ZYL
Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.

$\frac{1}{4}$ page **R 187.37**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

**A PRICE
INCREASE OF
8,5% WILL BE
EFFECTIVE ON
ALL TARIFFS
FROM
1 MAY 2008**

$\frac{1}{4}$ page **R 374.75**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{1}{4}$ page **R 562.13**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{1}{4}$ page **R 749.50**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt



REPUBLIC
OF
SOUTH AFRICA

LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES IN THE MPUMALANGA PROVINCE PROVINCIAL GAZETTE

COMMENCEMENT: 1 APRIL 2005

CONDITIONS FOR PUBLICATION OF NOTICES

CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *Mpumalanga Province Provincial Gazette* is published every week on Friday, and the closing time for the acceptance of notices which have to appear in the *Mpumalanga Province Provincial Gazette* on any particular Friday, is **15:00 two weeks prior to the publication date**. Should any Friday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for ten working days prior to the publication date.
- (2) The date for the publication of a **separate Mpumalanga Province Provincial Gazette** is negotiable.
2. (1) Copy of notices received **after closing time** will be held over for publication in the next *Mpumalanga Province Provincial Gazette*.
- (2) Amendment or changes in copy of notices cannot be undertaken unless instructions are received **before 10:00 on Thursdays**.
- (3) Copy of notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2 (2).

APPROVAL OF NOTICES

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *Mpumalanga Province Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
 - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

COPY

6. Copy of notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

PAYMENT OF COST

9. **With effect from 1 April 2005 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.

(2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

14. **Copies of the *Mpumalanga Province Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *Mpumalanga Province Provincial Gazette(s)* or for any delay in despatching it/them.

GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632005
Reference No.:	00000047
Fax No.:	(012) 323 8805

Enquiries:

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 1 OF 2010

NOTICE OF APPLICATION FOR THE AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE 15 OF 1986)

eMALAHLANI AMENDMENT SCHEME 1204

I, Heleen Keyter t/a DrawMasters, being the authorized agent of the owner of Erf 169, Township of Jackaroo Park, hereby give notice in terms of section 56 (1) (b) (i) of the Town Planning and Townships Ordinance that I have applied to the eMalahleni Local Municipality for the amendment of the town-planning scheme known as eMalahleni Town-planning Scheme, 1991, by the rezoning of the properties described above situated at c/o Thea & Lena Street, from "Residential 1" to "Special" (guest house).

Particulars of the application will lie for inspection during normal office hours at the office of the Town Secretary, Municipal Building, Mandela Road, eMalahleni, for a period of 28 days from 8 January 2010.

Objections to or representations in respect of the application must be lodged with or made in writing to the Secretary at the above address or at P.O. Box 3, eMalahleni, 1035, within a period of 28 days from 8 January 2010.

Address of agent: Heleen Keyter, t/a DrawMasters, P.O. Box 2972, Middelburg, 1050.

KENNISGEWING 1 VAN 2010

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

eMALAHLANI-WYSIGINGSKEMA 1204

Ek, Heleen Keyter h/a DrawMasters, synde die gemagtigde agent van die eienaar van Erf 169, Jackaroo Park, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpekennis dat ek by die eMalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as eMalahleni-dorpsbeplanningskema, 1991, deur die hersonering van die eiendom hierbo beskryf geleë te h/v Thea & Lenastraat, van "Residensieel 1" na "Spesiaal" (gastehuis).

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadssekretaris, 3de Vloer, Burgersentrum eMalahleni, Mandelarylaan eMalahleni, vir 'n tydperk van 28 dae vanaf 8 Januarie 2010.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 8 Januarie 2010 skriftelik by of tot die Sekretaris by bovermelde adres of by Posbus 3, eMalahleni, 1035, ingedien of gerig word.

Adres van agent: Heleen Keyter, h/a DrawMasters, Posbus 2972, Middelburg, 1050.

8-15

NOTICE 2 OF 2010

SCHEDULE 8

[Regulation 11 (2)]

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

ERMELO AMENDMENT SCHEME 560

I, Thomas Philippus le Roux, being the authorised agent of the owner of a portion of the Remainder of Portion 1 of the farm Klipstapel 243-IS, Breyten, Mpumalanga, hereby give notice in terms of section 56 (1) (b) (i) of the Town-planning and Townships Ordinance, 1986, that I have applied to the Msukaligwa Municipality, for the amendment of the town-planning scheme, known as Ermelo Town-planning Scheme, 1982, by the rezoning of a portion of the property described above, situated at Breyten, from "Agricultural" to "Cemetery".

Particulars of the applications will lay for inspection during normal office hours at the office of the Municipal Manager, 1st Floor, Msukaligwa Civic Centre, Ermelo, for the period of 28 days from 15 January 2010.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at PO Box 48, Ermelo, 2350, within a period of 28 days from 15 January 2010.

KENNISGEWING 2 VAN 2010

BYLAE 8

[Regulasie 11 (2)]

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

ERMELO-WYSIGINGSKEMA 560

Ek, Thomas Phillippus le Roux, synde die gemagtigde agent van die eienaar van 'n gedeelte van Restant van Gedeelte 1 van die plaas Klipstapel 243-IS, Breyten, Mpumalanga, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by Msukaligwa Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as Ermelo-dorpsbeplanningskema, 1982, deur die hersonering van 'n gedeelte van die eiendom hierbo beskryf, geleë te Breyten, van "Landbou" na "Begraafplaas".

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Eerste Vloer, Ermelo Burgersentrum, Ermelo, 28 dae vanaf 15 Januarie 2010 (die datum van eerste publikasie van hierdie kennisgewing).

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Januarie 2010 skriftelik by of tot die Munisipale Bestuurder by die bovermelde adres of by Msukaligwa Munisipaliteit, Posbus 48, Ermelo, 2350, ingedien of gerig word.

15-22

LOCAL AUTHORITY NOTICES
PLAASLIKE BESTUURSKENNISGEWINGS

LOCAL AUTHORITY NOTICE 3**THABA CHWEU MUNICIPALITY****LYDENBURG AMENDMENT SCHEME 177/95**

NOTICE OF APPROVAL

It is hereby notified in terms of section 57 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Thaba Chweu Municipality, approved the amendment of the Lydenburg Amendment Town-planning Scheme, 1995, by rezoning of Erf 1681, Lydenburg Township, from "Residential 1" to "Residential 2", with a density of 30 units per hectare.

Map 3 and the scheme clauses are filed with the Regional Director, Department of Agriculture and Land Administration of the Province of Mpumalanga, Nelspruit, and the Snr Manager, Technical and Engineering, Thaba Chweu Municipality, corner Viljoen & Sentraal Streets, Lydenburg, and are open for inspection at normal office hours.

This amendment scheme is known as the Lydenburg Amendment Scheme 177/95 and shall come into operation on date of publication hereof.

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

TERENCE MOKALE, Administrator

Thaba Chweu Municipality, P.O. Box 61, Lydenburg, 1120

Notice No. 1/2010

LOCAL AUTHORITY NOTICE 4**LOCAL AUTHORITY NOTICE 48/2009****THABA CHWEU MUNICIPALITY****SABIE AMENDMENT SCHEME 57**

Notice is hereby given in terms of section 56 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Thaba Chweu Municipality, approved the amendment of the Sabie Town-planning Scheme, 1984, by rezoning Erf 1492, formerly known as Patula Avenue, from "Public Road" to "Industrial 2".

Copies of the amendment are filed with the Director: Department of Agriculture and Land Administration, Nelspruit, and the office of the Municipal Manager: Corner Viljoen & Sentraal Streets, Lydenburg, and are open for inspection at all reasonable times.

This amendment scheme is known as Sabie Amendment Scheme 57 and shall come into operation on date of publication hereof.

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

ISAAC MOSHOADIBA, Municipal Manager

Thaba Chweu Municipality, P.O. Box 61, Lydenburg, 1120

LOCAL AUTHORITY NOTICE 5

STEVE TSHWETE AMENDMENT SCHEME 141

NOTICE OF APPROVAL

Notice is hereby given in terms of section 57 (1) (a) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986, as amended), that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town-planning Scheme, 2004, by the rezoning of Erf 487, Portion 3, Middelburg, from "Residential 3" to "Residential 3".

Map 3 and the scheme clause of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director General, Mpumalanga Provincial Administration, Department of Local Government and Housing, Witbank, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme 141 and shall come into operation on the date of publication of this notice.

WD FOUCHÉ, Municipal Manager

Municipal Offices, Wanderers Avenue, PO Box 14, Middelburg, 1050

Date: 15 January 2010

Ref: 15/4/138

LOCAL AUTHORITY NOTICE 6

STEVE TSHWETE AMENDMENT SCHEME 340

NOTICE OF APPROVAL

Notice is hereby given in terms of section 57 (1) (a) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986, as amended), that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town-planning Scheme, 2004, by the rezoning of Erf 765, Pulleshope, from "Residential 1" to "Business 3".

Map 3 and the scheme clause of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director General, Mpumalanga Provincial Administration, Department of Local Government and Housing, Witbank, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme 340 and shall come into operation on the date of publication of this notice.

WD FOUCHÉ, Municipal Manager

Municipal Offices, Wanderers Avenue, PO Box 14, Middelburg, 1050

Date: 15 January 2010

Ref: 15/4/340

LOCAL AUTHORITY NOTICE 7

STEVE TSHWETE AMENDMENT SCHEME 146

NOTICE OF APPROVAL

Notice is hereby given in terms of section 57 (1) (a) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986, as amended), that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town-planning Scheme, 2004, by the rezoning of Erf 178, Middelburg, from "Residential 1" to "Residential 3".

Map 3 and the scheme clause of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Local Government and Housing, Witbank, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme 146 and shall come into operation on the date of publication of this notice.

WD FOUCHÉ, Municipal Manager

Municipal Offices, Wanderers Avenue (PO Box 14), Middelburg, 1050

Date: 15/01/2010

Ref: 15/4/4/146

LOCAL AUTHORITY NOTICE 8

STEVE TSHWETE AMENDMENT SCHEME 324

NOTICE OF APPROVAL

Notice is hereby given in terms of section 57 (1) (a) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986, as amended), that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town-planning Scheme, 2004, by the rezoning of Erf 248, Hendrina, from "Residential 1" to "Business 1".

Map 3 and the scheme clause of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Local Government and Housing, Witbank, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme 324 and shall come into operation on the date of publication of this notice.

WD FOUCHÉ, Municipal Manager

Municipal Offices, Wanderers Avenue (PO Box 14), Middelburg, 1050

Date: 15/01/2010

Ref: 15/4/4/324\

LOCAL AUTHORITY NOTICE 9**NELSPRUIT AMENDMENT SCHEME 1636**

The Mbombela Local Municipality hereby in terms of the provisions of section 125 of the Town-Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Nelspruit Town-Planning Scheme 1989, comprising of the same land as included in the Township of **Mataffin Township**.

Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Department of Housing and Land Administration, Nelspruit and the office of the Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times.

This amendment is known as the **Nelspruit Amendment Scheme 1636** and shall come into operation on date of publication hereof.

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

LOCAL AUTHORITY NOTICE 10**DECLARATION AS AN APPROVED TOWNSHIP**

The Mbombela Local Municipality declares hereby in terms of Section 103 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), Mataffin Township to be an approved township subject to the conditions set out in the schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY H.L HALL AND SONS LIMITED REG NO: 1921/006878/06, MATSAFENI TRUST REG NO: IT8036/2003, VINCENT MARTINEZ ID NO: 610803 5733 18 2 & SARA REBECCA MARTINEZ ID NO: 660315 0134 08 3 MARRIED IN COMMUNITY OF PROPERTY (JOINTLY HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTIONS 24, 25, 27, 30, REMAINING EXTENT PORTION 13 AND PORTION 20 OF THE FARM RIVERSIDE 308-J.T., PROVINCE OF MPUMALANGA

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **MATAFFIN TOWNSHIP**

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG1812/2008

1.3 ACCESS

Access to the township shall be to the satisfaction of Mbombela Local Municipality and the Department of Public Works, Roads and Transport.

1.4 RECEIPT AND DISPOSAL OF STORMWATER

1.4.1 The township owner shall arrange the storm-water drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the storm-water running off or being diverted from the road.

1.4.1.1 The township owner shall submit for the Mbombela Local Municipality's approval a detailed scheme complete with plans, sections and specifications prepared by a civil engineer who is a member of SAACE for the collection and disposal of storm-water throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing channelling of the streets therein together with the provisions of retaining walls as may be considered necessary by the Mbombela Local Municipality.

1.4.1.2 Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

1.4.1.3 The township owner shall carry out the approved scheme at its own expense on behalf and to the satisfaction of the Mbombela Local Municipality under the supervision of a civil engineer who is a member of SAACE.

1.4.1.4 The township owner shall be responsible for the maintenance of the streets to the satisfaction of the Mbombela Local Municipality until the streets have been constructed as set out in subclause 1.4.1.1.

1.4.1.5 If the township owner fails to comply with the provisions of paragraphs 1.4.1.1, 1.4.1.2 and 1.4.1.3 hereof, the Mbombela Local Municipality shall be entitled to execute the work at the cost of the township owner.

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 Mbombela Local Municipality, 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 this responsibility is taken over by the Mbombela 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 Mbombela Local 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 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.

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 Mbombela Local Municipality in this regard, when required to do so by the Mbombela 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 Mbombela Local Municipality.

1.13 SIGNAGE

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

1.14 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of mineral rights, but excluding the following conditions that must not be transferred to the erven in the township:

1.15 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of mineral rights, to the extent as reflected hereunder;

1.15.1 Portions 24, 25 and 27 of the Farm Riverside 308 Registration Division J.T., Province of Mpumalanga as registered in the name of HL Hall & Sons Limited – consisting of the following Erven in the township:

Portion 24: Erven 1 and 2

Portion 25: Erven 46 and 47

Portion 27: Erven 5, 6, 7, 8, 9, 10, 30, 31, 32, 33, 34, 35, 36 and 37:

1.15.1.1 The following conditions are to be carried over to the erven in the township:

(a) The Land hereby transferred is subject to the provisions of Section 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference to the reservation of all mineral rights in favour of the Crown as are fully set out in the Schedule attached to the aforesaid Crown Grant – all erven

1.15.1.2 The following conditions which do not affect the erven and are not to be carried over to the erven in the township:

(a) The land hereby transferred is and shall be subject to a perpetual servitude of abutment in favour of the Government of the Union of South Africa for the construction and maintenance of a weir and pipe line in the GLADDESPRUIT for the purpose of leading water from the GLADDESPRUIT to NELSPRUIT for the South African Railways provided however, that only one line of pipe shall be laid from such weir and that the said pipes shall not exceed six (6) inches in diameter, and further that the Administration shall have the right of access to the pipe line in question for the purpose of carrying out any repairs necessary from time to time.

Reason: Does not affect the property due to its location.

(b) The said land shall further be subject to all such obligations and regulations as have been already and shall hereafter be made in regard to Land transferred upon similar conditions, and lastly that the owner shall be liable for the prompt payment of such taxes as are payable on

quitrent farms (leeningsplaatsen) under Law NO. 4 of 1899 (Transvaal) or any amendment thereof.

Reason: Subsequent to township establishment, rates and taxes will be payable in terms of current legislation applicable to townships.

- (c) The property held hereunder is subject to the terms of an order of water court dated 30/3/1931 and registered in the Deeds Office of Pretoria under No. 221/1931S as will more fully appear from copy hereunto annexed.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (d) The property held hereunder is subject to the terms of an order of water court dated 12/2/1930 and registered in the Deeds Office of Pretoria under No. 449/31S as will more fully appear from copy hereunto annexed.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (e) The within mentioned property is entitled to a servitude of abutment of aqueduct on, over and across Woodhouse 191 and a servitude of abutment on Remainder of Granite Hill 192, as will more fully appear from Not deed 759/27S and diagram S G No. A465/27 hereunto annexed

Reason: The servitude has lapsed by merger as endorsed on the Title Deed.

- (f) 'n Gedeelte/s groot ongeveer 5000 van binnegemelde eiendom is onteien deur die Suid-Afrikaanse Spoorweë en Hawens Administrasie. Sien Kennisgewing en Kaart hierby.

Reason: The Portion as expropriated has already been dealt with and does not form part of the township.

- (g) By Notarial Deed NO. 668/1964S, the right has been granted to Electricity Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram, grosse where is hereto annexed.

Reason: Does not affect the property does to its location – only affects Erf 42 – to be dealt with in accordance with the stipulations of paragraph 1.15.3.1(b) hereunder.

- (h) The following endorsement appears on the Deeds Office copy of this title: - "Endorsement i.t.o. Set 11(1)(6) Act No. 37/55" A portion(s) measuring approximately 22,500 square feet. Of the abovementioned property has expropriated by the South African Railways and Harbours Administration vide notification and diagram filed herewith.

Reason: The portion expropriated does not form part of the township.

- (i) The within mentioned property is subject to a servitude of right of way 20 cape feet wide as shown on diagram S. G. No. A464/27 in favour of owner Woodhouse 191 Barberton as will more fully appear from Notarial Deed NO. 758/27A approved whereof is hereunder annexed – affects Erf 36.

Reason: Servitude has lapsed by merger.

1.15.2 Portion 20 (a Portion of Portion 13) the Farm Riverside 308 Registration Division J.T., Province of Mpumalanga as registered in the name of V & SR Martinez – consisting of Erf 48 in the township:

1.15.2.1 The following conditions are to be carried over to the erven in the township:

- (a) The land hereby transferred is SUBJECT to the provisions of Sections 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference "inter alia" to the reservation of all mineral rights in favour of the Crown as are fully set out in the Schedule attached to the aforesaid Crown Grant – all erven

1.15.2.2 The following conditions which do not affect the erven and are not to be carried over to the erven in the township:

- (a) The land hereby transferred is and shall be SUBJECT to the perpetual servitude of abutment in favour of the Government of the Union of South Africa for the construction and maintenance of a weir and pipe line in the GLADDESPRUIT for the purpose of leading water from the GLADDESPRUIT to NELSPRUIT for the South African Railways provided however, that only one line of pipes shall be laid from such weir and that the said pipes shall not exceed fifteen (15) centimeters in diameter, and further that the Administration shall have the right of access to the pipe line in question for the purpose of carrying out any repairs necessary from time to time.

Reason: Does not affect the property due to its location.

- (b) The said Land shall further be SUBJECT to all such obligations and regulations as have been already and shall hereafter be made in regard to Land transferred upon similar conditions, and lastly that the owner shall be liable for the prompt payment of such taxes as are payable on quitrent farms (leeningsplaatsen) under Law No. 4 of 1899 (Transvaal) or any amendment thereof.

Reason: Subsequent to township establishment, rates and taxes will be payable in terms of current legislation applicable to townships.

- (c) The property held hereunder is SUBJECT to the terms of an Order of Water Court dated 30 March 1931 and registered in PRETORIA Deeds Office under No. 221/1931S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (d) The property held hereunder is SUBJECT to the terms of an Order of Water Court dated 12 February 1930 and registered in PRETORIA Deeds Office under No. 449/1931S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (e) The within mentioned property is ENTITLED to a servitude of abutment on Remaining Extent of GRANITE HILL 192, as will more fully appear from Notarial Deed 759/27S and diagram SG No. 465/27 annexed to Deed of Transfer T12882/21.

Reason: The servitude is in favour of the property and now waived by the applicant.

- (f) By Notarial Deed K666/64S the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and SUBJECT to conditions, as will fully appear from the said Notarial Deed.

Reason: Does not affect the property due to its location see paragraph 1.15.3.1(b) hereunder.

- (g) The property hereby transferred shall be entitled to a servitude of right of way 5 metres wide, along a route to be agreed upon over the remainder of the farm Riverside 308 JT, measuring 793,5096 hectares so as to allow the property hereby transferred access to the nearest public road.

Reason: Servitude in favour of the property now waived – access now part of road layout in township.

1.15.3 Portion 30 (a Portion of Portion 22) the Farm Riverside 308 Registration Division J.T., Province of Mpumalanga as held by Matsafeni Trust – consisting of Erven 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 38, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53 and 54

1.15.3.1 The following conditions are to be carried over to the erven in the township:

- (a) The Land hereby transferred is subject to the provisions of Section 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference "inter alia" to the reservation of all mineral rights in favour of the State as are fully set out in the Schedule attached to the aforesaid Deed of Grant – affects all erven.

- (b) By Notarial Deed K668/1964S, the right has been granted to Electricity Supply Commission to convey electricity over the property hereby conveyed together ancillary rights, and subject to conditions the centre lines of which electric power lines with underground cables servitudes are

represented by the lines S2, S3, S4, S5, S6 and S7, S8, S9, S10, S11 on annexed Diagram SG No. 7641/2003, as will more fully appear or reference to the said Notarial Deed and affects Erf 42.

- (c) Subject to the following condition in favour of HL Hall and Sons Limited, Registration No. 1921/006878/06 ("Halls"):

"Save with prior written consent of Halls which shall not be unreasonably withheld the property may be used for no purposes other than for residential, and for primary agricultural production and commercial activities directly associated with the processing and beneficiation of primary agricultural products" – affects all erven.

- (d) The within mentioned property is subject to a powerline servitude in favour of ESKOM HOLDINGS LIMITED with ancillary rights as will more fully appear from Notarial Deed of Servitude K276/2009 dated 3 July 2009. Which condition affects erven 24, 25, 26, 29, 30, 38, 42 and 51.

1.15.3.2 The following conditions which do not affect the erven and are not to be carried over to the erven in the township:

- (a) The said Land shall further be subject to all such obligations and regulations as have been already and shall hereafter be made in regard to Land transferred upon similar conditions, and lastly that the owner shall be liable for prompt payment of such taxes as are payable on quitrent farms (leeningsplaatsen) under Law No. 4 of 1899 (Transvaal) or any amendment thereof.

Reason: Subsequent to township establishment, rates and taxes will be payable in terms of current legislation applicable to townships.

- (b) The property held hereunder is subject to the terms of an Order of Water Court dated 30 March 1931 and registered in Deeds Office Pretoria under No. 221/1931S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (c) The property held hereunder is subject to the terms of an Order of Water Court dated 12 February 1930 and registered under No. 449/1931S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

- (d) The within mentioned property is subject to a servitude of right of way 6.30 metres wide as shown on diagrams S.G. No. A464/27 in favour of owner farm Woodhouse 191 Barberton, as will more fully appear from Notarial Deed No. 752/27S, as will more fully appear from reference to the said Notarial Deed.

Reason: Does not affect the property due to its location.

- (e) The within mentioned property is entitled to (i) a servitude of abutment and aqueduct on, over and across Woodhouse 191 and (ii) a servitude of abutment on Remaining Extent of Granite HU 192 as will more fully appear from Notarial Deed 759/27S and Diagram S.G. No. A465/27 annexed to Deed of Transfer T12882/31.

Reason: Servitude in favour of the property as now waived by the applicant.

1.15.3.3 The following condition in favour of HL Hall & Sons Limited, Reg No: 1921/006878/06 ("Halls") to be removed by means of a Notarial Deed of Cancellation in respect of all erven reflected in paragraph 2.15.3 above:

- (a) Save with the prior written consent of Halls, the use of the property for residential purposes including housing, educational, recreations and retail facilities shall be restricted to that part of the property set aside for the purpose by Halls and which has the approval of all relevant authorities responsible in ensuring that all parliament regulations including any environmental protection regulations are complied with.

- (b) Save with the prior written consent of Halls, the number of dwellings units situated on that part of the property identified above, shall not exceed a total of 800.

Reason: To be cancelled by means of a Notarial Deed of Cancellation prior to the opening of the township register

1.15.4 Remaining Extent Portion 13 of the Farm Riverside 308, Registration Division J.T., Province of Mpumalanga as registered in the name of HL Hall & Sons Limited – consisting of Erf 49:

1.15.4.1 The following conditions are to be carried over to the erf in the township:

(a) Subject to the provisions of Section 21 and 22 of the Settlers Ordinance 45 of 1902 (Transvaal) and to Section 29 Act of 37 of 1907 (Transvaal) which said sections have reference inter alia to the reservation of all mineral rights in favour of the State as are fully set out in the Schedule attached to Crown Grant G 353/1920.

(b) The owner of the within mentioned property undertook not to use the premises or any building thereon for the purpose of storing, handling, selling, or distributing petroleum fuels or liquefied gas other than those supplied by Shell (except Sasol petrol) without the express permission by Shell, as will more fully appear from the said Notarial Deed and which servitude shall endure for a period of 30 (thirty) years from 26th November, 1991.

1.15.4.2 The following conditions which do not affect the erf and are not to be carried over to the erven in the township:

(a) Subject to a perpetual servitude of abutment in favour of the State for the construction and maintenance of a weir and pipe line in the Gladdespruit for the purpose of leading water from the Gladdespruit to Nelspruit for the South African Railways, provided, however, that only one line of pipes shall be laid from such weir and that the said pipes shall not exceed 15 centimeters in diameter, and further that the Administration shall have the right of access to the pipe line in question for the purpose of carrying out any repairs necessary from time to time.

Reason: Does not affect the property due to its location.

(b) Subject to the terms of an Order of Water Court dated 30 March 1931 and registered in the Deeds Office Pretoria under 221/1931S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

(c) Subject to the terms of and Order of Water Court dated 12 August 1930 and registered under 449/31S.

Reason: The court order relates to the division of water amongst farm properties with township establishment such rights are surrendered to the Municipality. There are no third parties other than the applicants entitled to any rights pertaining to water within the boundaries of the township.

(d) The Remaining extent of the aforementioned Portion named MATAFFIN in extent 1901,4034 hectares (a portion whereof is held hereunder) is subject to the right granted to ESKOM to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear on reference to Notarial Deed K 668/1964S.

Reason: Does not affect the property does to its location – only affects Erf 42 – to be dealt with in accordance with the stipulations of paragraph 2.15.3.1(b) hereunder.

(e) Portions of the Remaining extent of the aforementioned portion named MATAFFIN in extent 1900,0260 hectares (a portion whereof is held hereunder) measuring as follows:

Portion 1, measuring 12,63 hectares; and
Portion 2, measuring 3,84 hectares

have been expropriated by the Department of Transfer in terms of Notice of Expropriation EX 457/82

Reason: Portions concerned does not form part of the township.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AS LAID DOWN BY THE MBOMBELA 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 2m wide in favour of the Mbombela 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 2m wide across the access portion of the erf, if and when required by the Mbombela Local Municipality. Provided that the Mbombela 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 2m thereof.
- 2.1.3 The Mbombela 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 Mbombela Local Municipality.
- 2.1.4 The erf is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the Mbombela 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 Mbombela Local Municipality that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

2.2 THE FOLLOWING CONDITIONS OF TITLE AS CONTAINED IN THE EXISTING TITLE DEEDS ARE TO BE CARRIED FORWARD IN THE TITLE CONDITIONS IN RESPECT OF THE FOLLOWING ERVEN:

2.2.1 In respect of Erven 1, 2, 5, 6, 7, 8, 9, 10, 30, 31, 32, 33, 35, 36, 37, 46 and 47 the following condition:

The land hereby transferred is subject to the provisions of Section 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference to the reservation of all mineral rights in favour of the Crown as are fully set out in the Schedule attached to the aforesaid Crown Grant.

2.2.2 In respect of Erf 48 the following condition:

The land hereby transferred is SUBJECT to the provisions of Section 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference "inter alia" to the reservation of all mineral rights in favour of the Crown as are fully set out in the Schedule attached to the aforesaid Crown Grant.

2.2.3 In respect of Erven 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 38, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53 and 54 the following condition:

- (a) The land hereby transferred is subject to the provisions of Section 21 and 22 of the Settlers Ordinance No. 45 of 1902 (Transvaal) and to Section 29 of Act No. 37 of 1907 (Transvaal) which said sections have reference "inter alia" to the reservation of all mineral rights in favour of the State as are fully set out in the Schedule attached to the aforesaid Deed of Grant.
- (b) The within mentioned property may not, save with the prior written consent of HL Hall & Sons Limited Registration No. 1921/006878/06, be consolidated, rezoned or subdivided.

2.2.4 In respect of Erf 49 the following conditions:

- (a) Subject to the provisions of Section 21 and 22 of the Settlers Ordinance 45 of 1902 (Transvaal) and to Section 29 Act of 37 of 1907 (Transvaal) which said sections have reference inter alia to the reservation of all mineral rights in favour of the State as are fully set out in the Schedule attached to Crown Grant G353/1920.
- (b) By virtue of a Notarial Deed of Servitude and in Restraint of the Alienation K 833/93 dated 14th January 1993, viz:

The owner of the withinmentioned property undertook not to use the premises or any building thereon for the purpose of storing, handling, selling, or distributing petroleum fuels or liquefied gas other than those supplied by Shell (except Sasol petrol) without the express permission by Shell, as will more fully appear from the said Notarial Deed and which servitude shall endure for a period of 30 (thirty) years from 26th November, 1991.

2.2.5 In respect of Erf 42 the following condition:

By Notarial Deed K668/1964S, the right has been granted to Electricity Supply Commission to convey electricity over the property hereby conveyed together ancillary rights, and subject to conditions the centre lines of which electric power lines with underground cables servitudes are represented by the lines ab and cd on Diagram SG No. 1812/2008, as will more fully appear with reference to the said Notarial Deed.

2.2.6 In respect of Erven 24, 25, 26, 29, 30, 38, 42 ad 51 the following condition:

The within mentioned property is subject to a powerline servitude in favour of ESKOM HOLDINGS LIMITED with ancillary rights as will more fully appear from Notarial Deed of Servitude K276/2009 dated 3 July 2009.

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

3.1 CONDITIONS APPLICABLE TO ALL ERVEN

3.1.1 The erf is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the Mbombela 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 Mbombela Local Municipality that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.
