



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

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

**Vol. 17**

**NELSPRUIT, 9 APRIL 2010**

**No. 1796**

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## GENERAL NOTICE

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### NOTICE 93 OF 2010

**NOTICE IN TERMS OF THE PROVISIONS OF SECTION 33(4) OF THE DEVELOPMENT FACILITATION ACT, ACT No 67 OF 1995**

**STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY PETER ROBIN BRISTOW (HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995), FOR PERMISSION TO DEVELOP PORTION 219 (A PORTION OF PORTION 73) OF THE FARM THE REST 454 JT – NELSPRUIT EXTENSION 42**

**1. CONDITIONS TO BE COMPLIED WITH AFTER THE APPROVAL IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995) ARE AS FOLLOWS:**

**1. GENERAL**

1.1 The Applicant shall satisfy the Mpumalanga Development Tribunal:

- 1.1.1 the relevant amendment scheme (in terms of Section 125 of Ordinance of 1986) is in order and may be published simultaneously with the declaration of the development area;
- 1.1.2 satisfactory access is available to the development area;
- 1.1.3 a favourable geo-technical report has been submitted;
- 1.1.4 the consent has been obtained from the mineral rights holder; and
- 1.1.5 a favourable environmental assessment report has been submitted;

1.2 The Applicant shall comply with all requirements of the Development Facilitation Act, 1995 (Act 67 of 1995).

**2. CONDITIONS OF ESTABLISHMENT - CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED DEVELOPMENT AREA IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995)**

**2.1 NAME OF TOWN**

The name of the town shall be Nelspruit Extension 42.

**2.2 ACCESS**

The ingress and egress from Road D69 shall be to the satisfaction of the Director, Mpumalanga Department of Public Works Roads and Transport, subject to such conditions as may be imposed by him, and shall be executed as and when required by him.

**2.3 RECEIPT AND DISPOSAL OF STORMWATER**

The Developer shall arrange the stormwater drainage of the development area in such a way as to fit in with the natural drainage of the area.

## **2.4 REMOVAL OF LITTER**

The Developer shall at his own expense have all litter within the development area removed to the satisfaction of the Municipality, or by arrangement via a Services Agreement with the Municipality.

## **2.5 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 development area, the cost thereof shall be borne by the Developer.

## **2.6 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 development area, the cost thereof shall be borne by the Developer.

## **2.7 RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES**

The Developer shall provide all essential services in terms of the provisions of the Development Facilitation Act, 1995 (Act 67 of 1995).

## **2.8 REMOVAL OF RESTRICTIONS**

The following restrictions in the title deed relevant to this town is hereby suspended and removed in terms of section 34 (b) of the Development Facilitation Act: restrictions D. a, b & c.

## **2.9 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to the reservation of mineral rights, but excluding the following conditions which must not be carried over to the erven in the township:-

- "C. DIE eiendom hiermee getransporeer is geregtig tot 'n serwituut van opdamming met bykomstige regte oor gedeelte 72 van die plaas THE REST 454, voormeld, groot 13,0193 hektaar soos meer ten volle sal blyk uit notariële akte van serwituut van opdamming K329/1963S geregistreer op 9 April 1963, met kaart daaraan geheg.
- "D. AND FURTHER SUBJECT to the following conditions imposed by the DEPARTMENT OF HOUSING AND LAND ADMINISTRATION:-
- a. THE portion herein transferred is subject and entitled to a reciprocal right of access over portions 217 and 218 (portions of portion 73) of the farm THE REST 454
  - b. NO fences may be erected between the portion herein transferred and portion 217 and 218 (portions of portion 73) of the farm THE REST 454
  - c. NOT more than one dwelling unit shall be erected on the erf; provided that a second dwelling may be erected with the written consent of the M E C for HOUSING AND LAND ADMINISTRATION.

And the following rights which affect erven 4187, 4188 and 4189 only:-

- "B. ONDERHEWIG aan notariële akte K446/1955S gedateerd 22 MAART 1955, waarby 'n serwituut van reg van weg 15,74 meter wyd ten gunste van die algemene publiek oor die gemelde gedeelte 73 ('n

gedeelte waarvan hieronder gehou word) verleen is, soos meer volledig sal blyk uit gemelde notariële akte en soos aangetoon deur die figuur D a b c d B C D op kaart SG No 1620/2002 aangeheg by voormelde sertifikaat van geregistreerde title.

**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, 1984, IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986**

**3.1 ALL ERVEN**

The erf is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the 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 development area so as to eliminate possible damage to buildings and structures as a result of the unfavorable soil conditions, unless proof can be submitted to the Municipality that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

**4. ZONING**

**ERF 4187 to 4189**

**Use zone 10: "Special"**

- (a) The erf and the buildings erected thereon, or which are to be erected thereon shall only be used for purposes of Rural Residential
- (b) The height of buildings on the stand shall not exceed 3 storeys.
- (c) The coverage of buildings on the stand shall not exceed 30%
- (d) The Floor Area Ratio shall not exceed 0,3
- (e) Effective paved parking spaces together with the necessary maneuvering area, shall be provided on the erf to the satisfaction of the Municipality.