



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette
Provinsiale Koerant

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

Vol. 26

NELSPRUIT
20 SEPTEMBER 2019
20 SEPTEMBER 2019

No. 3086

CONTENTS

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
70		
Thembisile Hand Land Use Management By-Law, 2015: Stand 50154 (Remainder of the Farm KwaMhlanga 617-JR), Zakheni	3086	12
PROCLAMATION • PROKLAMASIE		
49		
Town-planning and Townships Ordinance (15/1986): Middelburg Extension 40	3086	13
50		
Town-planning and Townships Ordinance, 1986: Notice of approval of Emalahleni Amendment Schemes 1693, 1956 and 2087	3086	17
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
125		
Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016: Portion 12 of Erf 7728, Middelburg	3086	18
125		
Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016: Gedeelte 12 van Erf 7728, Middelburg	3086	18

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 70 OF 2019**THEMBISILE HANI LAND USE MANAGEMENT BYLAW, 2015****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE THEMBISILE HANI LAND USE MANAGEMENT SCHEME, 2010, IN TERMS OF SECTION 66 (1) OF THE THEMBISILE HANI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2015.**

We, Mthiyase Planning Consultants being the authorized agent of the registered owner of Stand 50154 (Remainder of the farm KwaMhlanga 617-JR), Zakheni, hereby give notice in terms of Section 98(1)(b) and (d) of the Thembisile Hani Spatial Planning and Land Use Management Bylaw, 2015, that I have applied to the Thembisile Hani Local Municipality for the subdivision and the amendment of the Land use scheme known as the Thembisile Hani Land use Scheme, 2010, for the subdivision and rezoning of the above-mentioned property situated in Zakheni by rezoning the property from Agriculture to Institutional subject to certain conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box X4041 Mpumalanga 0458 within 30 days from the 20th of September 2019.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Thembisile Hani Local Municipality, Front opposite Kwaggafontein Police Station, Along R573 (Moloto Road), Empumalanga, 0458, Tel: 013 9869100, for a period of 30 days from 20 September 2019.

Address of the Applicant: 39 Murrey Street, Frieso Complex, Office Number 5, Sonpark, Nelspruit, 1206

20-27

THEMBISILE HANI LAND USE MANAGEMENT BYLAW, 2015**ISAZISO SOKUFAKWA KWESICELO SOKUCHIBIYELA KOMTHETHO WOKUSETSHENZISWA KOMHLABA, 2010 NGOKWESIGABA 66(1) SOMKHANDLU WASE THEMBISILE HANI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, KA 2015.**

Thina, beMthiyase Planning Consultants sikhethwe ngokusemthethweni ngabanikazi bomhlaba 50154 (Insalela yepulazi laKwaMhlanga, 617-JR), eZakhezi, sikhapha Isaziso ngoKwesigaba 98(1)(b) kanye no (d) wase Thembisile Hani Spatial Planning and Land Use Management Bylaw, ka 2015, ukuthi sifake Isicelo sokusika no kushicilela Umthetho wokusetshenziswa komhlaba owaziwa ngokuthi yi-Thembisile Hani Land Use Scheme ka 2010, ukuthi kushintshwe lomhlaba ongaphezulu (Erf 50154 (Remainder of the Farm KwaMhlanga 617-JR), Zakheni – ukushintsha kusekela Kwezolimo kuya kwezesikhungo (institutional) ngaphansi kwemithetho eqokiwe.

Ukuphikisana kanye nemibono kanye nezizathu zokuphikisana nalesi sicelo okuhambisana neminingwane yokuxhumana kuyothunyelwa kubhaliwe kuMphathi kaMasipala, P O Box X4041 Mpumalanga 0458, zingakapheli izinsuku ezingamashumi amathathu (30) kusukela Mhlaka 20 September 2019.

Imininingwane egcwele kanye namapulani kuyatholakala ukuthi kucwaningwe ngesikhathi somsebenzi emahhovisi kaMphathi Masipala wase Thembisile Hani Local Municipality, ngase Kwaggafontein Police Station ku R573 (Moloto Road), Empumalanga, 0458, Tel. 013 986 9100, esikhathini esingange zinsuku ezingamashumi amathathu (30 days) kusukela zingu 20 September 2019.

Ikheli lofake Isicelo 39 Murrey Street, Frieso Complex, Office Number 5, Sonpark, Nelspruit, 1206

20-27

PROCLAMATION • PROKLAMASIE

PROCLAMATION 49 OF 2019**STEVE TSHWETE LOCAL MUNICIPALITY
DECLARATION OF MIDDELBURG EXTENSION 40 AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) the Steve Tshwete Local Municipality hereby declares the township of Middelburg Extension 40 to be an approved township, subject to the conditions set out in the Schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY RONDEBOSCH EIENDOMSBELEGGINGS (PTY) LTD, REGISTRATION NUMBER 1995/000747/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIP ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 2 OF THE FARM RONDEBOSCH 405 JS MPUMALANGA PROVINCE HAS BEEN GRANTED

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE OPENING OF THE TOWNSHIP
CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the Township shall be *Middelburg Extention 40*.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G No. 968/2015.

1.3 ACCESS

Ingress from the road to Hendrina (de-proclaimed P49-1) to the Township and egress to the same road from the township shall be restricted as shown by the line of no access on the General Plan S.G No. 968/2015.

1.4 ACCEPTANCE AND DISPOSAL OF STORM WATER

The township applicant shall arrange for the drainage of the township to fit in with that of the road to Hendrina (de-proclaimed road P49-1) and for all storm water running off or being diverted from the road to be received and disposed of.

**1.5 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING ESKOM
POWER LINES**

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing power lines of ESKOM, the cost thereof shall be borne by the township applicant.

1.6 AMENDMENT OF TOWN-PLANNING SCHEME

The township applicant shall immediately take the necessary steps to have the Steve Tshwete Town-Planning scheme, 2004 amended by including the township therein.

1.7 INSTALLATION AND PROVISION OF SERVICES

The township applicant shall install and provide appropriate, affordable and upgradeable internal and external services in or for the township, as provided for in the services agreement or by decision of a services arbitration board, as the case may be.

2. CONDITIONS IMPOSED BY THE CONTROLLING AUTHORITY IN TERMS OF THE ADVERTISING ON ROADS AND RIBBON DEVELOPMENT ACT, 1940 ACT 21 OF 1940)

(i) ERF 11285

(aa) The registered owner of the erf shall erect a physical barrier consisting of a 1.3m high wire fence, as may be approved by the Local Authority, in accordance with the most recent standards of the Department Head: Department of Public Works, Roads and Transport before or during development of the erf along the boundary thereof abutting of Provincial Road P49-1 to the satisfaction of the Local Authority and shall maintain such fence to the satisfactory of the Local Authority.

(bb) Except for the physical barrier referred to in sub-clause (aa) above, a swimming bath or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land shall be erected nor shall anything be construed or laid under or below the surface of the erf within a distance less than 16m in respect of single storied structures and 20m in respect of multistoried structures from the reserve boundary of the de-proclaimed Provincial Road P49-1.

3 **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

A. **Excluding the following which only affects certain erven and a street: :
Erf 11286:**

(a) In terms of notarial deed of servitude K to be registered that area of the property indicated on General Plan SG No.968/2015, is subject to a servitude of Right of Way in favour of the general public.

(b) **A street only:**

In terms of notarial deed of servitude K to be registered that area of the property indicated on General Plan S.G. No 968/2015, is subject to a servitude of Right of Way in favour of the general public.

(c) **Erf 11286 and a street:**

(i) In terms of notarial deed of servitude K4702/94S dated 11 July 1994, the portion of property indicated by the figure efmne on diagram S.G. No 967/2015, in extent 3010m², is subject to a servitude in favour of Total South Africa (Proprietary) Limited for a period of 10 years reckoned from 1 December 1994 or for a period commencing on the commencement date and terminating 10 years after the date on which the owner has purchased a minimum of 100 000 litres of Total petrol, together with ancillary rights.

(ii) In terms of notarial deed of servitude K4702/94S dated 11 July 1994, the portions of property indicated indicated by the figures jhgqj and rstur on diagram S.G. No. 967/2015, represents servitudes of Right of Way, 14 meters wide, in favour of Total South Africa (Proprietary) Limited, together with ancillary rights. As will more fully appear from said notarial deed.

(iii) By notarial deed of Lease K4700/94L dated 31 August 1994, a portion of the property indicated by the figure efmne on diagram S.G No. 967/2015, in extent 3010m², is subject to a servitude in favour of Total South Africa (Pty) Ltd for a period of 10 years reckoned from 1 December 1994 or upon the date of tender of first delivery of total petroleum fuel to the premises and terminating 10 years after the date on which the owner has purchased a minimum of 100 000 litres of Total Petrol, with two consecutive options to extent for additional 10 years each.

B. **Excluding the following which do affect the township but shall not be made applicable to the individual erven in the township:**

- (a) "In the event of the owner of Portion 15 of portion of the said farm RONDEBOSCH, measuring 311,2109 hectares, as held by RESERVE INVESTMENT COMPANY LIMITED under Certificate of Registered Title 6133/1922, constructing at or near the extreme south eastern boundary of portion marked 13 of a portion of the said farm RONDEBOSCH measuring 67,8846 hectares as held by DAVID HERMANUS JACOBSZ by virtue of Deed of Transfer 14478/1920, a dam and furrow leading thereon at or along the Eastern boundary of such portion, the transferee, his heirs, successors or assigns shall be entitled to use the water from such dam and furrow in like proportion with the present or future owners of the said portion 13 and 15 to the extent of land respectively held by owners of the said portions 13 and 15 and the property hereby transferred and to lead such water across and through the said portion 13 and 15 the maintenance, repair and upkeep of such dam or furrow shall be borne by the owners of such portions in equal shares.
- (b) For the purpose of such maintenance, repair and upkeep the present or future owners of portions 13 and 15 aforesaid and the property hereby transferred shall at all reasonable times have access to such dam or furrow or any portion thereof, whether situate on portion 13 and 15 or the property transferred."
- (c) ONDERHEWIG aan Notariële Akte K1735/1977-S geregistreer op 21 Maart 1977, waarkragtens n serwituut van reg van weg, groot 2857 vierkante meter is aan REPUBLIEK VAN SUID-AFRIKA, tesame met bykomende regte soos meer volledig sal blyk uit gemelde Notariële Akte.

C. Excluding the following which will automatically lapse with township establishment:

ONDERWORPE aan die volgende voorwaardes ten gunste van die algemene publiek geskep kragtens Notariële Akte K 1079/1955 S, naamlik:

- (a) Geen aandeel in die grond of gedeelte daarvan mag verkoop, verhuur, of op enige wyse van die hand gesit word nie, tensy die geskrewe goedkeuring van die Dorperaad eers verkry en verleen is.
- (b) Nie meer as een woonhuis tesame met sulke buitegeboue wat gewoonlik in verband daarmee nodig is, mag op die grond opgerig word op enige onderverdeling van die grond wat ingevolge klosule (a) goedgekeur is nie, tensy die geskrewe goedkeuring van die Dorperaad verleen is.
- (c) Die grond mag slegs vir woon of landboudoeleindes gebruik word en hoegenaamd geen winkel of besigheid of nywerheid mag sonder die geskrewe goedkeuring van die Dorperaad op die grond geopen of gedryf word nie.

Met dien verstande dat indien die grond as n nedersetting of dorp uitgele of in n bestaande dorp ingelyf of met n ander gedeelte of gedeeltes wat aan soortgelyke voorwaardes onderworpe is, gekonsoliderd word, die voorwaardes (a) – (c) hierbo verval.

D. Excluding the following which only affects erf 11285 and a street:

- (a) 'n Elektriese kraglyn serwituut 5 meter wyd soos aangetoon deur die figuur FxG op die aangehegte Onderverdelingskaart LG No A4820/1991 ten gunste van EVKOM.

4 CONDITIONS OF TITLE

A. Conditions of Title imposed by the Premier in terms of the provisions of the Town-planning and Township Ordinance, 1986 (Ordinance No. 15 of 1986)

1. ALL EVERN

- (i) The erf is subject to –

- a. The erven shall be subject to a servitude, 2 metres wide, for municipal services (water, sewerage, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in case of a panhandle erf, an additional servitude for municipal purposes, 2 metre wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.
- b. No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metre from it.
- c. The Steve Tshwete Local Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Steve Tshwete Local Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

(i) ERF 11285

- (aa) Buildings, including outbuildings, hereafter erected on the erf shall be located not less than 16m from the boundary thereof abutting on the provincial Road P154-4 to Belfast and not less than 8m from the boundary thereof abutting on the road to Hendrina.
- (bb) Ingress to and egress from the erf shall not be permitted along the north western boundary thereof on the Provincial Road P154-4 to Belfast.
- (cc) No boundary wall shall be erected between Erf 11285 and 11286 on line d,e, RM2 due to the right of way servitude already existing between the two stands.

(ii) ERVEN 11285 & 11286

Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on the 25m road as indicated by the line of no access on the general plan, accept where the existing right of way servitude is registered for access to the existing Total garage.

**MR B KHENISA
MUNICIPAL MANAGER**

Steve Tshwete Local Municipality
Cnr Walter Sisulu & Wanderers Avenue
Middelburg
1050

P O Box 14
Middelburg
1050

**STEVE TSHWETE LOCAL MUNICIPALITY
STEVE TSHWETE AMENDMENT SCHEME 791**

The Steve Tshwete Local Municipality hereby, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) declares that it has approved an amendment scheme, being an amendment of the Steve Tshwete Town Planning Scheme, 2004 comprising the same land as included in the township of **MIDDELBURG EXTENSION 40**.

The amendment scheme documents will lie open for inspection during normal office hours at the offices of the Municipal Manager at the address below.

This amendment is known as Amendment Scheme 791 and shall come into operation from the date of publication of this notice.

**MR B KHENISA
MUNICIPAL MANAGER**

Steve Tshwete Local Municipality
Cnr Walter Sisulu & Wanderers Avenue
Middelburg
1050

P O Box 14
Middelburg
1050

PROCLAMATION 50 OF 2019

EMALAHLENI LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEMES 1693, 1956 AND 2087

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 57(1)(a) of the Town-Planning and Townships Ordinance, 1986, that it has approved the amendment schemes below, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of the under mentioned properties from their present zonings to the new zoning as indicated below.

Amendment Scheme	Description of property	Present Zoning	New zoning
1693	Erf 806, eMalahleni (was Witbank) Extension 5	Residential 1	Residential 3
1956	Portion 297 (a portion of Portion 65) of the farm Naauwpoort 335JS	Agricultural	Industrial 1
2087	Erf 61, Ogies Extension 1	Business 3	Business 1

Map 3 and the scheme clauses of the amendment schemes are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times.

**HS MAYISELA
MUNICIPAL MANAGER**

Civic Centre, Mandela Street, eMalahleni, 1035 / PO Box 72, eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 20 September 2019

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 125 OF 2019

STEVE TSHWETE AMENDMENT SCHEME 788

NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTIONS 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.

I, Jaco Peter le Roux, of Afriplan CC being the authorized agent of the owner of **Portion 12 of Erf 7728, Middelburg** hereby give notice in terms of Section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of Portion 12 of Erf 7728, Middelburg situated in the townhouse complex at 11 Luttig Street, from **“Residential 2”** to **“Residential 2” with amended coverage**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from **20 September 2019** (last day for comments being 21 October 2019). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **20 September 2019**.

Details of agent: Afriplan CC, 14 John Magagula Street, Middelburg 1050. Tel: 013 282 8035 Fax: 013 243 1706. E-mail: jaco@afriplan.com/vicky@afriplan.com

20-27

PROVINSIALE KENNISGEWING 125 VAN 2019

STEVE TSHWETE WYSIGINGSKEMA 788

KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKELS 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURSVERORDENING, 2016

Ek, Jaco Peter le Roux, van Afriplan CC synde die gemagtigde agent van die eienaar van **Gedeelte 12 van Erf 7728, Middelburg** gee hiermee ingevolge Artikel 94(1) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van Gedeelte 12 van Erf 7728, Middelburg, geleë in die meenthuiskomplek te Luttigstraat 11, vanaf **“Residensiëel 2”** na **“Residensiëel 2” met gewysigde dekking**.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir 'n tydperk van 30 dae vanaf **20 September 2019** (laaste datum vir kommentare 21 Oktober 2019). Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur 'n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **20 September 2019**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Besonderhede van die agent: Afriplan CC, John Magagulastraat 14, Middelburg 1050. Tel: 013 282 8035 Faks: 013 243 1706. E-pos: jaco@afriplan.com/vicky@afriplan.com

20-27