

## DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 415

12 MAY 2017

**NOTICE OF IN TERMS OF SECTION 15 (1) OF THE UPGRADING OF LAND TENURE RIGHTS ACT; 1991 (ACT No: 112 of 1991)**

By virtue of the powers delegated to me by the Minister of Rural Development and Land Reform in terms of Section 24A of the Upgrading of Land Tenure Rights Act; 1991 (Act 112 of 1991);

I, MAKOMA GRACE MAKHURUPETJE; in my capacity as the MEC of the Department of the Department of Co-Operative Governance; Human Settlement and Traditional Affairs

hereby declare in terms of Section 15 (1) of Act No.112 of 1991; the Township of **NAMAKGALE-D** on the under-mentioned property to be a formalized township for the purpose of Section 2 of Chapter 1 of the said Act No. 112 of 1991:

**PORTION 6 OF THE FARM MAKUSHANE LOCATION NO. 28**

**REGISTRATION DIVISION LU LIMPOPO PROVINCE**

**EXTENT 193; 5668 (ONE NINE THREE COMMA FIVE SIX SIX EIGHT) HECTARES**

**HELD BY DEED OF TRANSFER: T009822/06**

As will more fully appear from **Diagram S.G No. 1809/1999** which have been approved in terms of the provisions of Less Formal Township Establishment Act; 1991 (Act No. 113 of 1991) and which shall be registered in accordance with the provisions of Section 46 of the Deeds Registries Act; 1937 (Act 47 of 1937) with regard to the provisions of Act 113 of 1991 and in respect of which land tenure rights mentioned in Schedule 1 of Act No. 112 of 1991 have been granted.

**MAKOMA GRACE MAKHURUPETJE**

**MEC: Co-Operative Governance; Human Settlement and Traditional  
Affairs (CoGHSTA)**

---

**CONDITIONS IMPOSED/ ADDRESSED/ CANCELLED ON THE SETTLEMENT OF  
NAMAKGALE-D SITUATED ON PORTION 6 OF THE FARM MAKUSHANE NO.28;  
LIMPOPO PROVINCE**

---

**1. GENERAL**

**1) NAME**

The Name of the settlement is Namakgale-D

**2) LAYOUT/ DESIGN**

The settlement shall consist of erven and streets as indicated on General Plan S.G No. 1809/1999

**3) MINERAL RIGHTS**

The rights to minerals that have not yet been severed from ownership of the land and that have not yet been reserved in a separate Certificate of Mineral Rights must be severed from the ownership of the land and be reserved in a separate Certificate of Mineral Rights prior to the registration of the settlement

**4) LAND FOR PUBLIC/ MUNICIPAL/ NATIONAL PURPOSES**

The following erven shall be transferred to the Local Authority:

Public open space: Erven 526; 896 and 1210

**5) DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes; if any; including the reservation of rights to minerals and real rights but excluding-

a) The following rights which will not be transferred to the erven in the settlement:

“1. The property shall be used for Township Establishment and the supply of services related to the development.

2. Should the property not be used for township development, the property will revert back to the applicable Government, to wit National or Provincial, as contemplated in Chapter 3 Section 40 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) free of charge”

**3. CONDITIONS TO BE IMPOSED AND INCLUDED IN TITLE DEEDS OF ERVEN IN THE SETTLEMENT****1) ERVEN PARTIALLY AFFECTED BY FLOODLINE****PLEASE INDICATED THE AFFECTED ERVEN????**

a) 1-in-100 year floodline as indicated on the approved Layout Plan;  
and

b) 1-in-50 year floodline which coincides with the 1-in-100 year floodline;

The following are applicable:

**i) Restrictions**

(aa) No building; structure or improvement of any nature shall be thereon

(bb) No terracing or other changes within the floodplain shall be carried out unless with the approval of the local authority/ municipality on proposals prepared and certified by professional engineer.

**ii) Exclusion:**

The above restrictions must not be constructed as a de facto approval of/ for any existing building; structure or improvement erected or affected on the erf

**iii) Exemption:**

Irrespective of any of the above or any approvals provided, the State and the local authority are exempt from any claim or loss or damage caused by the flooding of the erf or any building, structure or improvement erected or affected thereon

**2) MUNICIPAL SERVITUDES**

The following servitudes shall be imposed:

**ALL ERVEN; WITH THE EXCETPION OF ERVEN 526; 896 and 1210**

**a)** The erf is subject to-

- a servitude 3 metres wide along the street boundary;
- a servitude 2 metres wide along the rear (mid block) boundary;
- a servitude along the side of the boundaries with the aggregate width of 3 metres and a minimum of 1 metre

all in favour of the local authority for sewerage and other municipal purposes and in the case of a panhandle erf, an additional servitude for municipal purposes, 1 metre wide across the access portion of the erf; if and when required by the Local Authority: Provided that the Local Authority may relax or grant exemption from the required servitudes.

- b)** 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 servitude or within 1 metre thereof.
- c)** The local authority shall be entitled to deposit temporally on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access of 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 Local Authority.

**3. CONDITIONS IMPOSED IN TERMS OF SECTION 12 (1) OF UPGRADING OF LAND TENURE RIGHTS ACT; 1991 (ACT NO 112 OF 1991) FOR THE SETTLEMENT ON PORTION 6 OF THE FARM MAKUSHANE NO 28-LU PROVINCE OF LIMPOPO; BY THE MEMBER OF THE EXECUTIVE COMMITTEE FOR LOCAL GOVERNMENT AND HOUSING**

The erven mentioned hereunder shall be subject to the conditions as indicated

**1) ALL ERVEN**

- a) The use of the erf is as defined and subject to such conditions as are contained in the Land Use Conditions Town-Planning Scheme; 1981.
- b) If required; a soil report; drawn up a qualified person acceptable to the local authority indicating soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the local authority simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.

**2) ERVEL 2- 129; 131-368; 370-429; 431-480; 482-525; 528; 530-609; 614-757; 759-894; 896-1010; 1012-1230; 1233-1272; 1274-1456; 1458-1532;**

The use zone of the erf shall be "Residential 1"; with a density of "One dwelling per erf"

**3) ERF 1/895 AND Re/ 895**

The use zone of the erf shall be "Residential 2"; subject to standard conditions

**4) ERVEN 430;527;610;613;1/612-7/612; 613; 1232**

The use zone of the erf shall be "Business 1"; subject to standard conditions

**5) ERVEN 1; 1/1533-99/1533; 1/1534-145/1534; 1/759-42/759; 760;393;1531; 528**

The use zone of the erf shall be "Educational"; subject to standard conditions

**6) ERVEN 526; 896 AND 1210**

The use zone of the erf shall be "Public Open Space"; subject to standard conditions

**7) ERVEN 611**

The use zone of the erf shall be "Municipal"; subject to standard conditions

**8) ERVEN 130; 369;481;529;758; 1011; 1273; 1457**

The use zone of the erf shall be "Institutional"; subject to standard conditions

**SIGNED AND DATED AT PHALABORWA ON THE 25<sup>TH</sup> OCTOBER 2016**

**BA-PHALABORWA LOCAL MUNICIPALITY  
PRIVATE BAG X01020  
PHALABORWA  
LIMPOPO PROVINCE  
TEL: 015 284 5000  
FAX: 015 293 1520**