

Extract from the minutes of the 9th Council Meeting of Midvaal Local Municipality of 2025 held on Thursday, 30 October 2025 at 14:00 in the Council Chambers.

PRESENT

COUNCILLORS:	Ald. A.R. McLoughlin	: Speaker
	Ald. P.J. Teixeira	: Executive Mayor
	Ald. P.D. Hutcheson	: Member of the Mayoral Committee
	R.J. Hubbard	: Member of the Mayoral Committee
	T.M. Maduna	: Member of the Mayoral Committee
	M-A. Myburgh	: Member of the Mayoral Committee
	C.L. Gomes	: Member of the Mayoral Committee
	Ald. P.C. Pretorius	: Chief Whip of Council

COUNCILLORS	O. Brits	A.H. Dickinson	P.J.G. Swart
	J.G. Viljoen	T.S. Sithole	M.C. Mboweni
	M.A. Maimane	I.P. Ramushu	N.L. Bushula
	L.T.H. Visser	P.M. Lehloka	S.M.A. Janse Van Rensburg
	G.M. Nkoe	M.M. Ndebele	B.J. Jordaan
	C.G. Pypers	M.L. Molakeng	M.C. Kruger

ALSO IN ATTENDANCE

P. Magodi	: Municipal Manager
Z. Mhlongo	: Executive Director: Financial Services
E. Lensley	: Executive Director: Public Safety & Roads
P. Mnguni	: Acting Executive Director: Development and Planning
S. Mnguni	: Acting Executive Director: Corporate Services
D. Mukwevho	: Acting Executive Director: Engineering Services
J. Venter	: Acting Executive Director: Community Services
B. Tshabalala	: Deputy Director: Office of the Speaker
A.S. Welman	: Assistant Director: Admin
C.M. Van Nieuwenhuizen	: Admin Officer: Committees

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C 3644/10/2025
MC A/6702/10/2025

9.A.10 [DP]: THE DRAFT DOLOMITE RISK MANAGEMENT BY-LAW

15/1/R

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

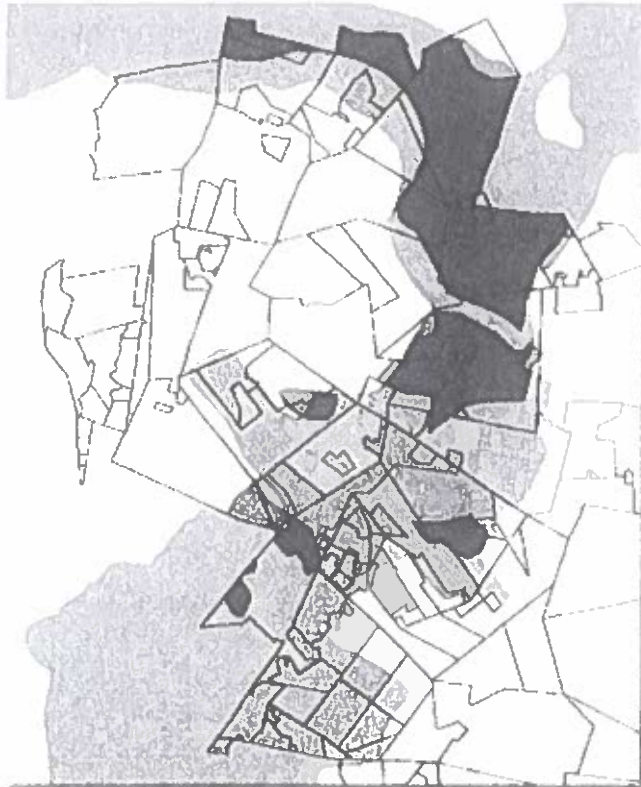
1. That the report on the draft Dolomite Risk Management By-Law, be noted.
2. That the draft Dolomite Risk Management By-Law, attached to the report as Annexure "A", be approved.
3. That the initiation of a public consultation process in accordance with sections 7 and 8 of the Rationalisation of the Local Government Affairs Act, 1996 (Act No. 10 of 1998) (Rationalisation of the Local Government Affairs Act) read with section 12 and 13 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000) (Municipal Systems Act), read with section 160(2) of the Constitution, be approved.
4. That upon the conclusion of the public participation process, a further report be submitted by the Development and Planning Department to the Council for the final approval and adoption of the Dolomite Risk Management By-Law.



MR. P. MAGODI
MUNICIPAL MANAGER

Date: 31/10/2025

Annexure "A"



Draft Dolomite Risk Management By-Law 2025

LOCAL AUTHORITY NOTICE
MIDVAAL LOCAL MUNICIPALITY
DRAFT DOLOMITE RISK MANAGEMENT BY-LAWS

The Municipal Manager hereby, in terms of the provisions of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) publishes the by-laws passed by the Midvaal Local Municipality in accordance with Sections 1 and 2 of the aforementioned Act to provide for:

- An integrated, standardised approach to spatial planning and land use management by the Midvaal Local Municipality on dolomite land;
- an integrated Dolomite Risk Management System to reduce the likelihood of sinkholes and subsidences occurring;
- establishing a tolerable hazard rating on dolomite land in the Municipality and
- empowering officials in the Midvaal Local Municipality to effectively assert law enforcement to ensure safe, sustainable development on dolomite land.
- incremental implementation of Dolomite Risk Management in the Midvaal Local Municipality within budgeting constraints and the availability of financing and resources.

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1. DEFINITIONS

“Development services certificate on dolomite land” is a certificate confirming that the design and layout of services on a site on dolomite land complies with the minimum standards selected by the Midvaal Local Municipality from time to time and the requirements of any relevant Act, Regulation or Regulatory Authority.

Cessation Notice” means written notification by the Midvaal Local Municipality instructing the halting of construction or other activities on Dolomite land due to non-compliance with the minimum standards and procedures set down in terms of the Dolomite Risk Management Function.

“Competent Person (dolomite)” refers to a practitioner of engineering geology or geotechnical engineering who is registered in the appropriate category of registration provided for in the relevant national legislation.

“Competent Person (civils)” refers to a practitioner of civil engineering who is registered in the appropriate category of registration provided for in the relevant national legislation.

“Developer” shall mean any public entity, including organs of state at the national, provincial or local level of government, individual, company, body corporate, partnership, closed corporation or any other association of persons.

“Development” shall mean any proposed or existing, permanent or temporary, formal or informal structure or structures for residential occupation, storage, business, manufacturing, agriculture, recreation, burials, worshipping, medical care, entertainment, education, or for whatever purpose, including infrastructure, roads, bridges, subsurface or surface pipelines, subsurface or surface telecommunications infrastructure, stormwater systems, electrical generation and reticulation networks, railway infrastructure and networks, water care works, water retaining structures, water attenuation structures and related infrastructure, additions to structures, land use rezoning and land sub-division as defined by the Midvaal Local Municipality in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013.

“Dolomite Clearance Certificate” refers to a Midvaal Local Municipality letter confirming that:

- (a) the Site Development Plan (where required) or the Building Plan for development has been certified on the plan by the Competent Person (Dolomite) and the Competent Person (Civils) and
- (b) the development is supported based on the above certifications.

“Dolomite land” refers to land underlain by dolomite bedrock or residuum typically at depths of no more than:

- (a) 60m in areas where no dewatering has taken place and the local authority that has jurisdiction, is monitoring and has control over the groundwater levels in the areas under consideration; or
- (b) 100m in areas where dewatering has taken place or where the local authority has no jurisdiction or control over groundwater levels

“Dolomite risk management notice” is a written dolomite risk management-related instruction issued to any land owner, developer or servitude holder in terms of the provisions of this by-law.

“Dolomite Stability Report” is a technical report detailing the findings of an investigation aimed at understanding and characterising the inherent hazard on dolomitic terrain.

“Dolomite hazard certification” is a statement contained on the Township Layout Plan, Site Development Plan (where applicable in terms of a town planning scheme) and Building Plan confirming that the dolomite hazard zonation and development layout as reflected on the plan conforms to the contents of the dolomite stability report.

“Dolomite Risk Management By-law” refers to a statement of the overall intentions of the responsible entity with respect to Dolomite risk management.

“Dolomite Risk Management Plan (DRMP)” refers to the scheme within the Dolomite Risk Management Strategy specifying the approach, procedures, practices, assignment of responsibilities, sequence and timing of activities and resources.

“Dolomite Risk Management Strategy (DRMS)” refers to the set of components that provide the foundations (includes objectives, mandate, and commitment to manage risk) for designing implementing, monitoring, reviewing and continually improving risk management giving effect to the By-Law.

“Function” refers to the Development and Planning Department or person to whom any function or duties in terms of this by-law may be assigned and to the extent possible in terms of available resources.

“Geotechnical report” is a technical report detailing the findings of a near-surface (shallow soils) investigation for foundation purposes on any geological terrain.

“Land Use scheme” means a Land Use scheme in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 and Section 19 of the Midvaal

Spatial Planning and Land Use Management By-Law, zoning scheme or similar instrument statutorily regulating land use.

“Sinkhole” refers to a feature that occurs suddenly and manifests as a hole in the ground.

“Spatial development framework” means the spatial development framework referred to in Section 26(e) of the Local Government: Municipal Systems Act 2000 and the Spatial Planning Land Use Management Act, Act 16 of 2013.

“Subsidence” refers to a shallow, enclosed depression in the ground.

“Tolerable hazard rating” is where the number of sinkhole and subsidence events experienced is less than and including 0.1 events per hectare per 20 years (preferably tending to 0 per hectare), that is, exceeding a Return Period of 200 years and intolerable where the number of events experienced exceeds 0.1 events per hectare per 20 years (Return Period less than 200 years).

2. PREAMBLE

Parts of the Midvaal Local Municipality area of jurisdiction are located on dolomite land including areas of intense residential, commercial and industrial development. Dolomite land is susceptible to sinkholes and subsidence formation, primarily through groundwater level drawdown and ingress of water. Dolomite land is defined as land underlain by dolomite at depths of no more than:

- a) 60m in areas where no dewatering has taken place and the local authority has jurisdiction, is monitoring and has control over the groundwater levels in the areas under consideration; or
- b) 100m in areas where de-watering has taken place or where the local authority has no jurisdiction or control over groundwater levels.

Cognisant of the fact that proactive dolomite risk management can reduce the incidence of sinkhole and subsidence formation, the Midvaal Local Municipality commits itself to the implementation and ongoing maintenance of a comprehensive Dolomite Risk Management Strategy to ensure sustainable development and the safety of its inhabitants.

A Dolomite Risk Management Strategy refers to the process of using scientific, planning, engineering and social processes, procedures, policies, By-Laws, Dolomite Risk Management Plan, groundwater monitoring, and measures to manage an environmental hazard and to reduce the likelihood of sinkholes and subsidences occurring on dolomite land.

The Dolomite Risk Management By-Law incorporates the establishment of a Dolomite Risk Management Plan and Function.

It is resolved that the structure and content of the Dolomite Risk Management By-Law should serve to meet the legal obligations of the Midvaal Local Municipality with respect to the safe development of Dolomite land and the management of the associated risks.

This By-Law document outlines the Midvaal Local Municipality's approach to Dolomite Risk Management and gives effect to the associated procedural requirements as outlined in the South African National Standard, SANS 1936, titled: "Development of dolomite land, Parts 1 to 4, published on the 12 October 2012.

The aforesaid applies to new areas of development, existing developments and informal settlement areas located on dolomite land.

3. APPLICATIONS

This by-law applies to those areas within the Midvaal Local Municipality jurisdiction that are currently known to be underlain by dolomite land as reflected in the Municipality's Spatial Development Framework referred to in Section 25 of the Local Government Municipal Systems Act, Act 32 of 2000 and prevails over any other by-law which regulates or otherwise deals with spatial development, township establishment and dolomite risk management. The boundaries of the demarcated dolomite land areas within the Midvaal Local Municipality will be updated from time to time, as additional investigative data becomes available.

- 3.1. The Municipal Manager of the Midvaal Local Municipality or his/her delegated nominee shall be responsible and accountable for the enforcement of this by-law in the Midvaal Local Municipality area of jurisdiction.

4. DIRECTIVE PRINCIPLES

- 4.1. Spatial planning, land use management and land development must be sustainable and safe in those areas of the Midvaal Local Municipality defined as dolomite land.
- 4.2. That dolomite risk management is applied to dolomite land in the Midvaal Local Municipality to achieve a tolerable hazard rating.

5. SPATIAL PLANNING FRAMEWORK

- 5.1. The spatial development framework that must be included in all municipal integrated development plans on dolomite land in the Midvaal Local Municipality in terms of Section 26(e) of the Local Government, Municipal Systems Act 2000 (Act 32 of 2000) and the Spatial Planning Land Use Management Act 16 of 2013 must be consistent with and must give effect to the principles contained in the Dolomite Risk Management Strategy of the Midvaal Local Municipality.
- 5.2. All land development applications submitted in terms of any of the land control legislation, shall be consistent with and give effect to the principles contained in the Dolomite Risk Management Strategy of the Midvaal Local Municipality.

6. DOLOMITE RISK MANAGEMENT FUNCTION

- 6.1. The Midvaal Local Municipality shall, subject to budget and resource constraints, establish and maintain a Dolomite Risk Management Function within the Municipality to mitigate the risks associated with development on Dolomite land.
- 6.2. The Midvaal Local Municipality shall appoint a dolomite risk official, as and when possible, in terms of availability of resources, to oversee the dolomite risk management function.
- 6.3. The Dolomite Risk Management Function shall develop and administer the Dolomite Risk Management Strategy on dolomite land in the Midvaal Local Municipality.

7. DOLOMITE RISK MANAGEMENT STANDARDS AND SPECIFICATIONS

- 7.1. The Dolomite Risk Management Function shall from time to time recommend to Council amendments to the Dolomite Risk Management By-Law on review/determination of standards and specifications that are deemed appropriate with regard to:
 - 7.1.1. the placing of restrictions on land use and development densities;
 - 7.1.2. the establishing of the requirements for the management of surface drainage;
 - 7.1.3. the establishing of requirements for the management and monitoring of groundwater levels;
 - 7.1.4. the establishment of requirements for improving the effectiveness of the design and construction of buildings, structures and above and below-ground services to mitigate risk;

- 7.1.5. the establishing of requirements for the maintenance of water-bearing structures and services and measures to mitigate risk;
- 7.1.6. the identification of all the dolomite-related hazards that are to be managed for the lifetime of development and
- 7.1.7. establishing suitable risk management controls, processes, procedures and measures to manage the identified hazards and risks.

In addition, the requirements of any relevant Act, Regulation or Regulatory Authority shall apply.

8. ELEMENTS OF THE DOLOMITE RISK MANAGEMENT SYSTEM

- 8.1. The Dolomite Risk Management Function shall establish and maintain a dolomite risk management database, containing such information that is relevant to the day-to-day management of the dolomite risk, including the following:
 - 8.1.1. Topocadastral information;
 - 8.1.2. Geological data showing the distribution of dolomite within the Midvaal Local Municipality;
 - 8.1.3. Relevant geophysical survey data;
 - 8.1.4. Geohydrological data including groundwater compartments and original groundwater levels, groundwater monitoring boreholes and measured levels;
 - 8.1.5. Sinkhole and subsidence data;
 - 8.1.6. Inherent hazard zonation of the dolomite land on a regional, strategic level;
 - 8.1.7. Monitoring areas.
 - 8.1.8. Upgrading of engineering infrastructure according to standards selected by the Midvaal Local Municipality from time to time and the requirements of any relevant Act, Regulation or Regulatory Authority.
- 8.2. The Dolomite Risk Management Function should also prepare the Dolomite Risk Management Plan that will outline the municipal plans on how it intends to implement its Dolomite risk management intervention.
- 8.3. The appointed Risk Management official shall among his or her responsibilities prepare a Groundwater Borehole Policy for the municipality.
- 8.4. The municipality should conduct public workshops, and awareness campaigns with the community to inform them about dolomite.

9. REQUIREMENTS FOR REGISTERED LANDOWNERS, RECOGNIZED MANDATE LAND MANAGEMENT BODIES OR THEIR NOMINEES

- 9.1. Registered landowners recognized by mandated land management bodies or their nominees shall, notwithstanding measures outlined in this bylaw, be responsible for implementing and undertaking dolomite risk management in their area of ownership or responsibility.

10. EMERGENCY REACTION TO SINKHOLE AND SUBSIDENCE FORMATION

- 10.1. The Midvaal Local Municipality shall identify, notify and train persons to respond to emergency situations as a result of dolomite hazards. These persons are to provide technical support to the Disaster Management Services.
- 10.2. Registered land owners, recognized mandated land management bodies/entities or their nominees, as is relevant, shall, in the event of severe cracking, sinkhole or subsidence formation within the boundaries of their properties, report such an occurrence and remedial measures to be taken to the Dolomite Risk Management Function of the Midvaal Local Municipality within 24 hours of the event occurring. These individual land owners, recognized mandated land management bodies/entities or their nominees, as is relevant, remain responsible for risk management on their properties.
- 10.3. A Competent Person (dolomite) shall be appointed to investigate the occurrence of any sinkhole or subsidence.
- 10.4. The detailed investigation and rehabilitation shall take place within 90 days, (subject to budget availability) of the event occurring unless the Competent Person (dolomite) permits an extension of time.
- 10.5. The Competent Person (dolomite) shall recommend the method, by which the sinkhole or subsidence shall be rehabilitated, ensure that the rehabilitation intent is satisfied and monitor the rehabilitated sinkhole or subsidence for a period of time.
- 10.6. The Competent Person (dolomite) shall submit a Completion Report to the Midvaal Local Municipality within 21 days of completion of the rehabilitation of a sinkhole or subsidence. This report shall document the nature of the event, its cause and remedial measures and rehabilitation undertaken.

- 10.7. The rehabilitation of sinkholes and subsidences shall be in accordance with standards selected by the Dolomite Risk Management Function of the Midvaal Local Municipality from time to time.
- 10.8. If an event occurs on private property, caused by a leaking, private service and is deemed to potentially compromise the safety of third parties, the Dolomite Risk Management Function may recommend that the Municipality take appropriate action in terms of the Disaster Management Act (Act 57 of 2002) to preclude a disaster occurring.
- 10.9. The Dolomite Risk Management Function of the Midvaal Local Municipality shall have the authority to serve notice on registered land owners, recognized mandated land management bodies/entities, servitude holders or utilities, or their nominees, as is relevant, that a potentially hazardous situation shall be remedied at their own expense within a reasonable period of time determined by safety considerations.

11. DOLOMITE RISK MANAGEMENT PLAN FOR DEVELOPMENTS

- 11.1. A Competent Person (dolomite) shall compile and submit a provisional Dolomite Risk Management Plan for a new development, or a development already approved, but where a building plan has not yet been ratified, to the Dolomite Risk Management Function of the Midvaal Local Municipality. Such a Plan shall address at least the following as is relevant:
- 11.1.1. Hazard zonation and permissible land uses in accordance with current practice;
 - 11.1.2. Any restrictions to be placed on developments for reasons of dolomite risk management;
 - 11.1.3. The provision of infrastructure in relation to the hazard zonation, and design provision thereof;
 - 11.1.4. All precautionary measures required to support development for designated and potential future land uses;
 - 11.1.5. Stormwater management requirements taking account of;
 - 11.1.5.1. Topography;
 - 11.1.5.2. Location of stormwater pipes and canals;
 - 11.1.5.3. Points of discharge onto adjoining properties;
 - 11.1.5.4. Areas of anticipated poor drainage;
 - 11.1.5.5. Points of discharge into local stormwater systems;
 - 11.1.5.6. Design specifications;
 - 11.1.5.7. Priority maintenance areas;
 - 11.1.6. The delineation of areas of restricted movement;

- 11.1.7. Identification of monitoring designations in relation to the hazard zonation;
- 11.1.8. Groundwater level monitoring requirements;
- 11.1.9. Delineation of existing areas according to hazard zonation;

11.2. Restrictions for existing land uses not in line with the hazard zonation

12. HAZARD ASSESSMENT OF SITES FOR ALL NEW DEVELOPMENTS OR DEVELOPMENTS WHERE THE BUILDING PLANS HAVE NOT YET BEEN APPROVED

- 12.1. All new sites proposed for development on dolomite land in the Midvaal Local Municipality shall be hazard-zoned according to current practice and in accordance with standards, guidelines and specifications acceptable to the Dolomite Risk Management Function of the Midvaal Local Municipality.
- 12.2. Planning of all sites located on dolomite land in the Midvaal Local Municipality shall be appropriate in relation to the hazard zonation and in accordance with the standards and specifications in terms of this approved Dolomite Risk Management By-Law and the requirements of any relevant Act, Regulation or Regulatory Authority.
- 12.3. Dolomite stability reports for developments in the Midvaal Local Municipality shall be submitted to the Dolomite Risk Management Function for record purposes and internal use as deemed necessary, from time to time.

13. HAZARD ASSESSMENT OF NEW AND EXISTING DEVELOPMENTS

- 13.1. All sites proposed for development on dolomite land in the Midvaal Local Municipality shall be hazard-zoned according to current practice and in accordance with standards, guidelines and specifications acceptable to the Dolomite Risk Management Function of the Midvaal Local Municipality.
- 13.2. Planning of all sites located on dolomite land in the Midvaal Local Municipality shall be appropriate in relation to the hazard zonation and in accordance with the standards and specifications in terms of this approved Dolomite Risk Management By-law and the requirements of any relevant Act, Regulation or Regulatory Authority.

- 13.3. Dolomite stability reports for developments in the Midvaal Local Municipality shall be submitted to the Dolomite Risk Management Function for record purposes and internal use as deemed necessary, from time to time.

14. CERTIFICATION

- 14.1. The following certification is required for developments situated on dolomite land where construction has not commenced and for new developments situated on dolomite land within the Midvaal Local Municipality:

14.1.1. The Competent Person (dolomite) appointed by the developer of a site located on dolomite land shall confirm in writing, on the Site Development Plan (where applicable) and the Building Plan, that the hazard zonation and the layout of the development are in accordance with the findings contained in the dolomite stability report and requirements as outlined under Part 5 of the NHBRC home builders manual (2015) "*Development of dolomite land*".

14.1.2. The Competent Person (civils) appointed by the developer shall provide and sign the Development Services Certificate for a particular development confirming compliance with the standards selected by the local authority from time to time. Where deviations from these standards are necessary, these are to be motivated to the satisfaction and approval of the Midvaal Local Municipality.

- 14.2. The head or a delegated official of the Dolomite Risk Management Function shall be responsible for verifying that the following signed certification has been received prior to granting permission for development on dolomite land:

14.2.1. Dolomite hazard certification on the Site Development Plan (where applicable) and the Building Plan by the Competent Person (dolomite).

14.2.2. The Development Services Certificate for the particular development signed by the Competent Person (civils).

15. GROUNDWATER LEVEL MONITORING

- 15.1. The Dolomite Risk Management Function of the Midvaal Local Municipality shall establish and maintain a groundwater level monitoring and control system in the Dolomite aquifers within its area of jurisdiction. As and when necessary, the Dolomite Risk Management Function shall liaise with relevant national authorities or departments responsible for groundwater management.

- 15.2. A network of groundwater level monitoring boreholes shall, subject to budget availability, be established to ensure adequate coverage of the dolomite aquifers in the Midvaal Local Municipality.
- 15.3. The Competent Person (dolomite) undertaking the hazard assessment of a site on behalf of a developer shall indicate the need for groundwater level monitoring on a site.
- 15.4. Where necessary, and if required for pre-proclamation approval, the developer of a site shall be required to drill and install a groundwater level monitoring borehole, or boreholes, in accordance with the specifications of the Dolomite Risk Management Function, within a servitude in favour of the Midvaal Local Municipality.
- 15.5. the Dolomite Risk Management Function shall at regular, appropriate scientifically determined intervals measure the groundwater levels.
- 15.6. Groundwater monitoring boreholes shall be maintained in an operational condition. Where a monitoring borehole (borehole well) is located on private property, other than that owned or controlled by the Midvaal Local Municipality, it may instruct the owner of the property to repair the well to an operational condition, if the owner or a contracting party was responsible for the damage. Failing to do so may result in the issuing of a penalty as provided for in Section 20 of this bylaw.
- 15.7. The groundwater compartments and original groundwater levels shall be determined for each groundwater compartment in the Midvaal Local Municipality. Groundwater levels are to be monitored and controlled to ensure that these identified levels are maintained.
- 15.8. If groundwater level drawdown is identified within the Municipal Boundary the source of abstraction shall be determined. The party or parties abstracting groundwater shall be informed and instructed to reduce abstraction or terminate abstraction as appropriate.
- 15.9. No boreholes for the abstraction of groundwater are permitted on dolomite land in the Midvaal Local Municipality without the written consent of the Dolomite Risk Management Function and approval from the Department of Water and Sanitation.
- 15.10. Existing boreholes for the abstraction of groundwater on dolomite land in the Midvaal Local Municipality shall be registered with the Dolomite Risk Management Function within 12 (twelve) months of the promulgation of these

by laws. And where required such abstraction license or permission can be revoked in the interest of safety concern.

15.11. Where the Competent Person (Dolomite) designates that groundwater monitoring and control is required in development, a letter of commitment consisting of two parts is to be issued by the Midvaal Local Municipality, namely:

15.11.1. Part A in which the Competent Person (Dolomite) is to confirm the hazard classification of the site, the current groundwater level on the site and the need for groundwater level monitoring and control.

15.11.2. Part B is to confirm that the Midvaal Local Municipality will undertake groundwater level monitoring and control in the area of the development.

16. INFRASTRUCTURE DESIGN, MAINTENANCE AND REPAIR

16.1. The design, maintenance and repair of private and municipal infrastructure and services on dolomite land shall be in accordance with the requirements and standards as set out in the approved Dolomite Risk Management Plan.

17. EVACUATION OF UNSAFE HAZARDOUS AREAS

17.1. The Midvaal Local Municipality shall, as required, evacuate areas deemed to be unsafe in the event of the pending occurrence or occurrence of a sinkhole or subsidence.

17.2. Designated officials of the Midvaal Local Municipality are authorized to enter private property to investigate potentially hazardous conditions that are considered to be life-threatening beyond the boundaries of the property.

17.3. Designated officials of the Midvaal Local Municipality are authorized to terminate water-bearing services on private property for a necessary period of time to preclude the occurrence of a pending sinkhole or subsidence which may endanger the public.

17.4. Where an event occurs on private land and is deemed as a serious threat to the safety of third parties, the Dolomite Risk Management Function shall notify the Disaster Management Department of the Midvaal Local Municipality to have an identified area declared unsafe and institute immediate appropriate remedial actions or measures.

18. REVIEW OF DOLOMITE RISK MANAGEMENT STRATEGY

- 18.1. The Midvaal Local Municipality shall ensure that a review of the Dolomite Risk Management Strategy is carried out every 5 (five) years by an independent Competent Person (dolomite).

The Midvaal Local Municipality shall retain records of the reviews undertaken.

19. ALIENATION AND LEASING OF PROPERTY AND GRANTING OF SERVITUDES ON MIDVAAL LOCAL MUNICIPALITY LAND

- 19.1. The Midvaal Local Municipality shall establish and maintain dolomite risk management policies with respect to the alienation or leasing of its properties situated on dolomite land and the granting of servitudes on such land.

- 19.2. Where the Midvaal Local Municipality alienates or leases its property or grants a servitude to or allows the use of its properties in any other manner by a third party, the relevant agreement in respect of such alienation, leasing or granting shall contain the following clause:

19.2.1. It is hereby recorded that the property is situated on dolomite land and that sinkholes and, or subsidences may occur on the property or affect the property. The purchaser, lessee, grantee/ servitude holder/user accept such risk and shall have no claim whatsoever against the seller/lessor, grantor/ owner arising from damage or destruction of the property as a result of the occurrence of sinkholes and/or subsidences.

- 19.3. In the event that the Midvaal Local Municipality alienates, leases property situated on dolomite land or grants a servitude over such land the following further clause shall be included in the relevant agreement:

19.3.1. The seller/lessor/grantor does not guarantee and makes no warranty as to the condition or suitability of the soil for building or other purposes and accepts no responsibility or liability for any sinkhole, subsidence, cracks or movement of the soil or damage to any building or structure erected on land hereby sold howsoever caused and the purchaser, lessee, grantee hereby waives any claims to cancellation of the relevant agreement by reason of any deficiency in area, unsuitability of the soil or any latent defects in/on the property.

19.3.1.1. (4) Dolomite Risk Management of Servitudes

- 19.3.2. Risk management standards are required on servitudes granted by the Council to third parties. It is essential that the level of risk management within servitude areas matches that outside the servitude area. If

servitudes over dolomite land is granted the following clauses shall be included in the deed of servitude:

19.3.2.1. The servitude holder shall, at least, execute Dolomite risk management in accordance with relevant standards and specifications as determined by the grantor's Dolomite Risk Management Function.

19.3.2.2. The servitude holder shall further make sure that all infrastructure and structures in the servitude area are designed, constructed and maintained in full compliance with the standards and specifications as determined by the grantor's Dolomite Risk Management Function.

20. CONDITIONS OF ESTABLISHMENT

20.1. The following conditions of title shall be included in the Conditions of Establishment of new townships located on dolomite land in the Midvaal Local Municipality:

20.1.1. It is recorded that the erf is located on dolomite land and is therefore susceptible to sinkholes and subsidence formation. The owner of the erf accepts the risk of such a hazard occurring and shall have no claim whatsoever arising from damage or destruction of the erf as a result of the occurrence of sinkholes or subsidences caused by the ingress of water from leaking, privately owned services or poor stormwater drainage on the erf. This clause is to be included in any deed of sale of an erf.

20.1.2. Development on the erf shall be in accordance with the requirements of the Dolomite risk management by-laws.

21. INSURANCE COVER

21.1. Midvaal Local Municipality shall provide insurance cover, commercial or self-insurance, within means available, for claims arising from damage resulting from the occurrence of a sinkhole and or subsidence, where acts or omissions by the Midvaal Local Municipality may have directly contributed to the formation of such an event.

22. NON-COMPLIANCE

22.1. No Building Plan on Dolomite land shall be approved without a Dolomite Clearance Certificate.

- 22.2. No developer may attempt to submit or obtain approval of a Site Development Plan (where applicable) or Building Plan on dolomite land without a Dolomite Clearance Certificate.
- 22.3. No municipal policy or by-law relating to the development of dolomite land in the Midvaal Local Municipality may supersede or purport to supersede the requirements of this by-law.

23. TERMINATION OF DEVELOPMENT

- 23.1. The Head of the Dolomite Risk Management Function may at any point in time issue to and serve on, any developer not complying with the requirements of this by-law, a cessation notice requiring immediate cessation of the development process or construction, until full compliance is achieved with the requirements of this by-law.
- 23.2. The Head of the Dolomite Risk Management Function, depending on the hazard class or classes of the land on which non-compliant development has commenced or taken place, may proceed with legal steps through the Midvaal Local Municipality's legal representative to obtain a court order for the demolition of all improvements on such land at the cost of the developer.

24. PENALTIES

- 24.1. Any land owner, developer, servitude holder or their nominee failing to comply with the requirements of a dolomite risk management notice issued by the Dolomite Risk Management Function of the Midvaal Local Municipality shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to:
- 24.1.1. A fine not exceeding R 10 000,00 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment or as promulgated from time to time;
- 24.1.2. In case of successive or continuous breaches of this By-law it is provided that any expense incurred by the Municipality in consequence of such stipulation in this By-law or in the execution of any work directed by this By-law to be executed and not executed shall be paid by the person committing such breach or failing to execute such work. The municipality may institute a claim in the appropriate court for the amount of such cost and/or damages.

24.2. Any developer/landowner/servitude holder or their nominee not complying with the terms and conditions of this By-law shall be guilty of an offence and legal action shall be taken against such landowner/developer/servitude holder or their nominee for the appropriate legal remedy.