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## LOCAL AUTHORITY NOTICE PLAASLIKE BESTUURSKENNISGEWING

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### LOCAL AUTHORITY NOTICE 436 MADIBENG LOCAL MUNICIPALITY

#### DECLARATION OF EVERGLADES AS AN APPROVED TOWNSHIP

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), the Local Municipality of Madibeng hereby declares Everglades Township to be an approved township, subject to the conditions as set out in the Schedule hereto

#### SCHEDULE

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY MIDNIGHT STORM INVESTMENTS 181 (PTY) LTD UNDER THE PROVISIONS OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 174 OF THE FARM DE RUST 478-JQ, HAS BEEN GRANTED**

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1. CONDITIONS OF ESTABLISHMENT

a) NAME

The name of the township shall be Everglades.

b) DESIGN

The township shall consist of even and streets as indicated on General Plan S.G. nO.1919/2006.

c) DISPOSAL OF EXISTING CONDITIONS OF TITLE

All even shall be made subjects to existing conditions and servitudes, if any. including the reservation of rights to minerals except for the following conditions in Deed of Transfer T027694/2005 that:

- (i) do not affect the township area due to the location thereof:

"A. *The former Remaining Extent of the farm THE RUST measuring 1 754, 7026 hectares (of which the property hereby transferred forms a portion) is subject and entitled to the following:*

- (a) *Entitled to certain rights of abutment and equeouct, and subject and entitled to certain reciprocal servitudes of aqueduct, as will more fully appear from Notarial Deed No 768119535 registered 19<sup>th</sup> September 1953*
- (b) *Subject to certain rights relating to water and water-furrows in favour of portion 26 of the farm THE RUST. district Brits held under Deed of Transfer No 270011940 dated 26<sup>th</sup> February. 1940 and entitled to certain rights over the said portion 26 as will more fully appear from Notarial Deed No 245-1940S*
- (c) *Entitled to a servitude of aqueduct over the Remaining Extent of the Northern Portion of the North Western Portion of the farm SCHEERPOORT No 477, Registration Division J.Q. as held by Deeds of Transfer No 38994/1947 and No 2836/ 1952 and further subject and entitled to other rights as will more fully appear from Notarial Deed No 568119545 registered on the 8<sup>th</sup> July, 1954.*

*SUBJECT to the condition that the purchaser shall have no claim to any water rights from the Maga/iesrivier or from any furrows or servitude in favour of the said farm De Rust 478, Registration Division J.Q. district Brits. or any portion thereof.*

*The Transferee will, however, be entitled to sink boreholes and will be entitled to the use of all subterranean water."*

- (ii) do affect Erven 145, 146 and 151 of the township and will be registered against the title deeds of the erven:

"c. *Subject to a servitude of right of way 16 metres wide in favour of the General Public as indicated by the figures HBCJH on diagram SG No 152612001 as will more fully appear from Notarial deed of Servitude K103611971 S"*

d) ACCESS

- (i) Ingress to the township and egress from the township shall be limited to the intersection of a 25 m proposed road with Provisional Road P31-3, as indicated on the General Plan, and shall be to the satisfaction of the Department of Transport, Roads and Public Works of the North-West Province.
- (ii) The township owner shall at their own expense, submit a geometric design layout (scale 1:500) of the ingress and egress points referred to in (a) above, and specifications for the construction of the accesses, to the Deputy Director General, Roads Branch, for approval. The township owner shall after approval of the layout and specifications construct the said ingress and egress points at their own expense to the satisfaction of the Deputy Director-General, Department of Transport, Roads and Public Works of the North West Province.

e) RECEIPT AND DIPOSAL OF STORMWATER.

The township owner shall make the necessary arrangement for the incorporation of the stormwater management system into that of higher situated land, and to fit in with that of Provincial Road P31-3 and for all stormwater running of or being diverted from the road or any higher lying property to be received and disposed of

f) PRECAUTIONARY MEASURES

The township owner shall satisfy the local authority that:

- (i) The necessary arrangements have been made in accordance with an approved geotechnical report before building work may commence and that such arrangements are incorporated into building work.
- (ii) The necessary arrangements have been made in accordance with the requirement of the Department of Tourism, Environment and Conservation.

g) FORMATION, DUTIES AND RESPONSIBILITIES OF THE HOME OWNERS' ASSOCIATION.

- (i) The township owner shall provide written proof to the Local Authority that a Home Owner Association has been properly and legally constituted in terms of Section 21 of the Companies Act before transfer of the first erf.
- (ii) Erven 145 to 153 shall, prior or simultaneously with the registration of the first erven in the township be transferred to the Home Owners' Association. The Home Owners' Association shall take full responsibility for the maintenance of such erven.
- (iii) The applicant shall install and then transfer the private engineering services to the Home Owners' Association who shall be responsible for the maintenance thereof
- (iv) The local authority shall be liable for any damage to the access way and/ or the stormwater drainage system and/or any engineering services in the township.
- (v) Owners of the Erven 1 up to and including 144, or of any subdivision thereof, or of any sectional title unit thereon or of any interest therein, shall automatically become and shall remain members of the Home Owners' Association and be subject to its memorandum and articles until such owners cease to be owners as aforesaid. None of the said erven, nor any unit erected thereon, nor any interest therein, shall be transferred to any person who has not bound himself/ herself/ itself to the satisfaction of the Home Owners' Association to become a member thereof and without the prior written confirmation of the Home Owners' Association that all amounts due to the Home Owners' Association by the owner have been paid

2. TITLE CONDITIONS

CONDITIONS IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

a) ALL ERVEN

- (I) The erf is subject to a servitude 2m wide for sewer and other municipal purposes in favour of the local authority, along any two boundaries other than a street boundary and in the event of a panhandle erf, an additional servitude for municipal services, 2m wide across the access portion of the erf, if and when required by the local authority, provided that the local authority may dispense with any such servitude.
- (ii) No buildings or other structures may be erected within such servitude area; neither may any large rooted tree be planted in such servitude area or within 2m thereof
- (iii) The local authority shall be entitled to store any material that may be excavated during the installation, maintenance or removal of such main sewer lines and other works that he may deem necessary upon such land abutting the said servitude area and the local authority is further entitled to reasonable access to said land for said purpose, provided that any damage caused by the local authority as a result of such installation, maintenance or removal shall be made good by the local authority.

b) ERVEN 1 UP TO AND INCLUDING ERF 144

- (i) Each and every owner of an erf in the township shall become a member of a Home Owners' Association upon transfer of the said erf.

c) ERF 145

- (i) The erf is subject to a servitude of right of way over its entire extent in favour of all erven in the township and the local authority, as indicated on the General Plan.
- (ii) The erf is subject to a private servitude(s) for the purpose of conveying private engineering services over its entire area in favour of all other even in the township, as indicated on the General Plan

d) ERVEN 146 AND 147

- (i) The erf is subject to a servitude of right of way over its entire extent in favour of all erven in the township and the local authority, as indicated on the General Plan.
- (ii) The erf is subject to a private servitude(s) for the purpose of conveying private engineering services over its entire area in favour of all other even in the township, as indicated on the General Plan.

3. CONDITIONS THAT MUST, IN ADDITION TO THE EXISTING PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION, BE INCORPORATED INTO SUCH TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

a) ERVEN 1 UP TO INCLUDING 144: "RESIDENTIAL 1"

The use zone of the erf shall be "Residential 1" (Use zone 1), subject to the following conditions:

- (i) The density of dwelling units erected on the property or to be erected on the property shall not exceed a density of one dwelling per 500m<sup>2</sup>.
- (ii) The coverage of dwelling units erected on the property or to be erected on the property, shall not exceed 60% of the total area of the property.
- (iii) The height of dwelling units erected on the property or to be erected on the property shall not exceed 2 storeys.
- (IV) A street building line of 3.5m is applicable.

b) ERF 145 "SPECIAL"

The erf shall be zoned "Special" and will be used for access control and matters incidental thereto, and shall be subject to the following conditions'

- (i) The total coverage of buildings shall not exceed 30% of the area of the erf
  - (ii) The floor area ratio of buildings shall not exceed 0,4.
  - (iii) The height of buildings erected on the property or to be erected on the property shall not exceed 2 storeys.
  - (iv) A site development plan must be submitted for consideration by the Local Authority before any building plans will be approved and before the right are utilized.
- c) ERVEN 148 UP TO 153: "PRIVATE OPEN SPACE"
- (i) The *eri* shall be used for private open space purposes.
  - (ii) No buildings may be erected on the erf, except for Erf 151 for which an FAR of 0,3, coverage of 30% and height of 2 storeys will apply.
- d) ERVEN 146 AND 147: "SPECIAL" FOR PRIVATE STREETS
- (i) The erf shall be used for purposes of a private street.
  - (ii) No buildings may be erected on the erf.
- e) ERVEN SUBJECT TO SPECIAL CONDITIONS
- (i) In addition to the relevant conditions set out above and notwithstanding any provisions to the contrary, Erven 148 and 151 shall be subjects to the following further conditions.
    - (aa) The registered owner of the erf must erect and maintain a physical barrier consisting of such other material as the local authority may approve, prior to or simultaneous with the development of the erf along the southern boundary thereof abutting Provincial Road P31-3 to the satisfaction of the local authority provided that the local authority has the authority, after consultation with the Deputy Director-General, Department of Transport, Roads and Public Works of the North-West Province, to conditionally allow a 2m high security fence to be erected, in accordance with the latest standard of the Department of Public Works and Roads.
    - (bb) Except for the physical barrier mentioned in Clause 3(d)(i)(aa) above, a swimming pool or necessary stormwater drainage structure, no building, structure or anything connected to the ground, whether it forms part of the ground or not, nor anything under or on the ground, may be erected or built within a distance of 16m from the boundary of the erf abutting Provincial Road P31-3, and no changes to or additions to any existing structure or building situated within such distance from such boundary may be made without the written consent of the Deputy Director-General, Department of Transport, Roads and Public Works of the North-West Province.
    - (cc) No access to or egress from the erf shall be allowed along the boundary thereof abutting Provincial Road P31-3 unless with the written consent from the Department of Transport and Roads, North West Province.

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**LOCAL MUNICIPALITY OF MADIBENG**

**PERI-URBAN AREAS AMENDMENT SCHEME 2078**

It is hereby notified in terms of section 125(1) of the Town Planning and Township Ordinance, 1986 (Ordinance No 15 of 1986), that the Local Municipality of Madibeng has approved an amendment scheme with regard to the land in the township Everglades, being an amendment of the Peri-Urban Areas Town Planning Scheme, 1975.

Map 3 and the Scheme Clauses of this amendment scheme are filed with the Municipal Manager, Madibeng Local Municipality, 53 Van Velden Street, Room 125, Brits, and are open for inspection at all reasonable times.

The amendment scheme is known as Peri-Urban Areas Amendment Scheme 2078, and shall come into operation on date of publication hereof.

Municipal Manager: Madibeng Local Municipality

**PLAASLIKE BESTUURSKENNISGEWING 436**

MADIBENG PLAASLIKE MUNISIPALITEIT

VERKLARING VAN EVERGLADES TOT GOEDGEKEURDE DORP

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Madibeng Plaaslike Munisipaliteit hierby die dorp Everglades tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR MIDNIGHT STORM INVESTMENTS 181 (EDMS) BPK INGEVOLGE DIE SEPALINGS VAN HOOFSTUK III: DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO. 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 174 VAN DIE PLAAS DE RUST 478-JQ, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

(a) NAAM

Die naam van die dorp is Everglades.

(b) ONTWERP

Die dorp bestaan uit erwe en strate 5005 aangedui op Aigemene Plan LG No. 191912006.

(c) BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Aile erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd die volgende voorwaardes in Akte van Transport T027694/2005 wat:

(i) nie die dorp raak nie weens ligging daarvan:

"A. *The former Remaining Extent of the farm THE RUST measuring 1 754, 7026 hectares (of which the property hereby transferred forms a portion) is subject and entitled to the following:*

(a) *Entitled to certain rights of abutment and aqueduct, and subject and entitled to certain reciprocal servitudes of aqueduct, as will more fully appear from Notarial Deed No 768/1953S registered 19<sup>th</sup> September 1953.*

(b) *Subject to certain rights relating to water and water-furrows in favour of portion 26 of the farm THE RUST, district Brits held under Deed of Transfer No 2700/1940 dated 26<sup>th</sup> February, 1940 and entitled to certain rights over the said portion 26 as will more fully appear from Notarial Deed No 245-1940S.*

(c) *Entitled to a servitude of aqueduct over the Remaining Extent of the Northern Portion of the North Western Portion of the farm SCHEERPOORT No 477, Registration Division J.Q, as held by Deeds of Transfer No 38994/1947 and No 2836/1952 and further subject and entitled to other rights as will more fully appear from Notarial Deed No 568/1954S registered on the 8<sup>th</sup> July, 1954.*

*SUBJECT to the condition that the purchaser shall have no claim to any water rights from the Magaliesrivier or from any funows or servitude in favour of the said farm De Rust 478, Registration Division J.Q, district Brits, or any portion thereof*

*The Transferee will, however, be entitled to sink boreholes and will be entitled to the use of all subterranean water."*

- (ii) Erwe 145, 146 en 151 in die dorp raak, en teen die titelaktes van die erwe geregistreer sal word:

"C. Subject to a servitude of right of way 16 metres wide in favour of the General Public as indicated by the figures HBCJH on diagram SG No 1526/2001 as will more fully appear from Notarial deed of Servitude K1036/1971S,"

(d) TOEGANG

- (i) Ingang na die dorp en uitgang van die dorp word beperk tot die kruising van 'n 25m voorgestelde pad met Provinsiale Pad P31-3, soos aangedui op die Aigemene Plannr. S.G. 1919/2006, en sal tot bevrediging wees van die Departement van Vervoer, Paaie en Openbare Werke van die Noord-Wes Provinsie.
- (ii) Die dorpseienaar sal op eie onkoste 'n geometriese ontwerp-uitleg (skaal 1:500) van die toegangspunte soos na verwys in (i) hierbo, en spesifikasies vir die konstruksie van die toegangspunte, indien by die Adjunk Direkteur-Generaal, Tak Paaie, vir goedkeuring, Die dorpseienaar sal na afloop van die goedkeuring van die uitleg en spesifikasies, die konstruksie van die toegangspunte op eie onkoste en tot bevrediging van die Adjunk Direkteur-Generaal, Departement van Vervoer, Paaie en Openbare werke van die Noord-Wes Provinsie, onderneem.

(e) ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwater bestuursstelsel van die dorp so reël dat dit aansluit by hoerliggende grond, en inpas by die van Provinsiale Pad P31-3, en hy moet die stormwater wat van die pad of enige hoerliggende grond afloop of afgelei word, ontvang en daarmee wegdoen.

(f) VOORSORGMAATREELS

Die dorpseienaar moet die plaaslike owerheid tevrede stel dat:

- (i) die nodige reëlings getref is in ooreenstemming met die goedgekeurde geo-tegniese verslag alvorens bouwerk 'n aanvang mag neem, en dat sodanige reëlings ingesluit is by die bouwerk.
- (ii) Die nodige reëlings getref is in ooreenstemming met die vereistes van die Departement van Toerisme, Omgewingsake en Bewaring.

(g) OPRIGTING, VERPLIGTINGE EN VERANTWOORDELIKHEDE VAN DIE HUISEIENAARSVERENIGING

- (i) Die dorpseienaar moet die nodige skriftelike bewys voorsien aan die Plaaslike Owerheid dat 'n Huseienaarsvereniging wettig en korrek geregistreer is in terme van Artikel 21 van die Maatskappyywet, alvorens oordrag van die eerste erf kan plaasvind
- (ii) Erwe 145 tot 153 sal, alvorens of gesamentlik met die registrasie van die eerste erwe in die dorp, oorgedra word na die Huseienaarsvereniging, Die Huseienaarsvereniging sal volle verantwoordelikheid aanvaar vir die instandhouding van sodanige erwe.
- (iii) Die aansoeker sal die privaat ingenieursdienste installeer en oordra na die Huseienaarsvereniging, wie verantwoordelik sal wees vir die instandhouding daarvan.

- (iv) Ole plaaslike owerheid sal nie verantwoordelik wees vir enige skade aan die toegangspad en/of die stormwaterdreineringsstelsel en/of enige ingenieursdienste in die dorp nie.
- (v) Die eienaars van Erwe 1 tot en met 144, of enige onderverdeling daarvan, of van enige deeltitel-eenhede daarop, of enige belang daarin, sal outomaties lede word en bly van die Huseienaarsvereniging en sal onderworpe wees aan die memorandum en artikels daarvan, totdat diesulke eienaars nie meer eienaars van die genoemde erwe is nie. Geen een van die genoemde erwe, of enige eenheid daarop opgerig, of enige belang daarin, sal oorgedra word aan enige persoon wie nie hom/haarself verbind het daartoe tot bevrediging van die Huseienaarsvereniging om 'n lid te word daarvan nie, en sonder vooraf skriftelike bevestiging van die Huseienaarsvereniging dat alle bedrae verskuldig aan die Huseienaarsvereniging opbetaal is.

## 2. TITELVOORWAARDES

VOORWAARDES OPGELE DEUR DIE PLAASLIKE OWERHEID INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

### (a) ALLE ERWE

- (i) Die erf is onderworpe aan 'n serwituu, 2 meter breed, vir riolering en ander munisipale dienste ten gunste van die plaaslike bestuur, langs enige twee grense uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituu vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang, met dien verstande dat die plaaslike bestuur van enige sodanige serwituu mag afsien.
- (ii) Geen geboue of ander strukture mag binne die voornoemde serwituu gebied opgerig word nie en geen grootwortelbome mag binne die serwituu gebied of binne 'n afstand van 2 meter daarvan geplant word nie.
- (iii) Ole plaaslike owerheid is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige hoof rioelingslyne of ander werke wat hy na goeie oordeel noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituu grens, en voorts is die plaaslike owerheid geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike owerheid enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.

### (b) ERWE 1 TOT EN MET 144 INGESLUIT

- (i) By oordrag moet die eienaar van elke erf outomaties 'n lid van die Huseienaarsvereniging word.

### (e) ERF 145

- (i) Die erf is onderworpe aan 'n serwituu van reg van weg en vir die installering van ingenieursdienste, ten gunste van Erwe 2706 tot 2733 in die naam van die Artikel 21 Maatskappy.

**MADIBENG PLAASLIKE MUNISIPALITEIT****BUITESTEDELIKE GEBIEDE WYSIGINGSKEMA 2078**

Hiermee word ingevolge artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), bekend gemaak dat die Plaaslike Munisipaliteit van Madibeng 'n wysigingskema met betrekking tot die grond in die dorp Everglades, synde 'n wysiging van die Buitestedelike Gebiede Dorpsbeplanningskema, 1975, goedgekeur he!

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Munisipale Bestuurder van Madibeng, Van Veldenstraat 53, Kamer 125; Brits, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema 2078, en tree op datum van publikasie van hierdie kennisgewing in werking.

Munisipale Bestuurder: Madibeng Plaaslike Munisipaliteit

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