

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

**BUITENGEWONE
PROVINSIALE KOERANT**

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 440

LOCAL MUNICIPALITY OF MADIBENG

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 Of 1986), the Local Municipality of Madibeng hereby declares **Westlake Extension 2** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY HANROB CC (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER 3 PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 198 OF THE FARM DE RUST 478, NORTH WEST PROVINCE, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be **Westlake Extension 2**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No. 2737/2007.

1.3 CONSTRUCTION OF SERVICES AND/OR BUILDING WORK

Before any construction of services and/or building work is undertaken, complete detail plans and specifications of all services must be submitted to the local authority for approval.

1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject and where applicable, entitled to existing conditions and servitudes, if any, but excluding:

- A) Except with the written approval of the Administrator as Controlling Authority, as defined in Act 21 of 1940:
 - a) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
 - b) No store or place of business or industry whatsoever may be opened or conducted on the land.
- B) The former Portion 172 (a portion of portion 105) of the farm De Rust 478 as indicated by the figures GHJFG on diagram SG No. 1527/2001 is subject to the following condition:
 - 1. Except with the written approval of the administrator as controlling authority, as defined in Act 21 of 1940:
 - i) No building or structure whatsoever may be erected within

distance of 94.46 metres from the centerline of a public road.

- C) The former remaining Extent of the farm DE RUST measuring as such 1754,7026 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 and aqueduct, as will more fully appear from Notarial Deed No. 768/1953-S registered 19th September 1953.
 - b) Subject to certain rights relating to water and water-furrows in favour of Portion 26 of the farm DE RUST, district Brits held under Deed of Transfer No. 2700/1940 dated 26th February 1940 and entitled to certain rights over the said Portion 26 as will more fully appear from Notarial Deed No. 245/1940-S.
 - 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. 28994/1947 and No. 2836/1952 and further subject and entitled to other rights as will more fully appear from Notarial Deed No. 568/1954-S registered on the 8th of July 1954.
- Subject to the condition that the Purchaser shall have no claim to any water rights from the Magaliesriver or from any furrows or servitude in favour of the said farm De Rust No. 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 use of all subterranean water.
- D) The following conditions only affect erf 292:
- a. Subject to a servitude of right of way in favour of the Westlake Country and Safari Home Owners Association as will more fully appear from notarial deed of Servitude K 3549/2004 with diagram SG no. 1310/2004 and SG No 1311/2004 annexed thereto.
 - b. A servitude for a pump station, water tank and municipal services as well as the right to lead water from the boreholes as indicated by the figures A B C D E F G H J K A on Diagram No. S. G. 1312/2004 in favour of the WESTLAKE COUNTRY AND SAFARI HOMEOWNERS ASSOCIATION as well as the Owners;
 - c. A servitude to draw water from the borehole as indicated by the figures A B C D A on Diagram No. S. G. 1308/2004 in favour of the WESTLAKE COUNTRY AND SAFARI HOMEOWNERS ASSOCIATION as well as the Owners;
 - d. A servitude to draw water from a further borehole as indicated by the figures A B C D A on Diagram No. S. G. 1309/2004 in favour of the WESTLAKE COUNTRY AND SAFARI HOMEOWNERS ASSOCIATION as well as the Owners.

1.5 **FORMATION, DUTIES AND RESPONSIBILITIES OF THE HOMEOWNER'S ASSOCIATION**

- (i) The applicant shall properly and legally constitute a Homeowner's Association to the satisfaction of the local authority prior to the transfer of any erf.

- (ii) Erven 291 and 292 shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Westlake Country and Safari Homeowner's Association. The Westlake Country and Safari Homeowner's Association shall take full responsibility for the maintenance of such erf.
- (iii) The applicant shall install and then transfer the private engineering services to Westlake Country and Safari Homeowner's Association who shall be responsible for the maintenance thereof.
- (iv) The local authority shall not 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 in township 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 relevant homeowners 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 relevant homeowners association to become a member thereof and without the prior written confirmation of the relevant homeowners association that all amounts due to the relevant homeowners association by the owner have been paid.

1.6 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The applicant shall, within such period as the local authority may determine, fulfill his obligations in respect of the provision of water, electricity and sanitary services, inclusive of refuse removal and the installation of systems therefor, as previously agreed upon between the applicant and the local authority, and on completion of construction work, "as built" plans certified by a professional engineer must be submitted to the local authority.

1.7 OBLIGATIONS IN REGARD TO BUILDINGS

Should the local authority so request, all buildings will, on completion, be subject to the issuing of an engineering certificate by a professional engineer at the expense of the owner.

2. CONDITIONS OF TITLE

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

2.1 ALL ERVEN

- (i) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 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 building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.
- (iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area any material as may be excavated by them during the course of the construction, maintenance or removal of such works as it in its discretion may deem necessary and shall further be entitled to reasonable access

to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such works being made good by the local authority.

2.2 ERF 291

The erf is subject to a servitude of right of way for access purposes by all the owners of the township and the Homeowner's Association and a servitude for the conveyance of engineering services over its entire extent in favour of the local authority as indicated on the General Plan.

P. M. MAPULANE, MUNICIPAL MANAGER

Municipal Offices, Van Velden Street, Brits, P.O.Box 106, Brits, 0250

(Notice No. 71/2008)

(Reference Number: 15/3/2/1/11/3 HBPT)

LOCAL AUTHORITY NOTICE 441

**LOCAL MUNICIPALITY OF MADIBENG
PERI-URBAN AREAS AMENDMENT SCHEME 2094**

Notice is hereby given in terms of Section 125 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 Of 1986), that the Local Municipality of Madibeng has approved an amendment scheme being an amendment of the Peri-Urban Areas Town Planning Scheme, 1975, comprising the same land as included in the township **Westlake Extension 2**.

Map 3 and the scheme clauses of the amendment scheme are filed at the offices of the Local Municipality of Madibeng and are available for inspection at all reasonable times.

This amendment is known as **Peri-Urban Areas Amendment Scheme 2094** and shall come into operation on the date of publication of this notice.

P. M. MAPULANE, MUNICIPAL MANAGER

Municipal Offices, Van Velden Street, Brits, P.O.Box 106, Brits, 0250

(Notice No. 72/2008)

(Reference Number: 15/2/1/3/101 HBPT)
