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NOORDWES**

**EXTRAORDINARY
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LEKWA-TEEMANE LOCAL MUNICIPALITY

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 Of 1986), the Lekwa-Teemane Local Municipality hereby declares **Fish Eagle River Estate** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE STIPULATIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) ON PORTION 91 (PORTION OF PORTION 25) OF THE FARM CHRISTIANA TOWN AND TOWNLANDS NO 325, REGISTRATION DIVISION HO, BY NKOLO SPA (PROPRIETARY) LIMITED 2001/029206/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP ESTABLISHER) AND BEING THE REGISTERED OWNER OF THE LAND, HAS BEEN APPROVED.

CONDITIONS OF ESTABLISHMENT

1. **Name**

The name of the township shall be **FISH EAGLE RIVER ESTATE**.

2. **Lay-out / Design**

The township shall consist of erven and streets as indicated on General Plan LG No. 839/2008.

3. **Access**

Entrance to the township will be from the N12 via servitude LG No. 836/2008.

3.1 **Registration of servitudes**

- a. The township establisher shall register a Right of Way servitude over Portion 25 of the Farm Christiana Town and Townlands for access and service provision to the satisfaction of the Lekwa-Teemane Local Municipality and in favour of erven 1 to 208 – LG No. 836/2008.
- b. The township establisher shall register respectively a Right of Way servitude over Portion 1 of the Farm Christiana Town and Townlands for access and service provision to the satisfaction of the Lekwa-Teemane Local Municipality and in favour erven 1 to 208 – LG No. 837/2008.

4. **CONDITIONS TO BE COMPLIED WITH PRIOR TO THE REGISTRATION OF THE ERVEN IN THE TOWNSHIP**

4.1 **Provision and installation of internal services**

- 4.1.1 The township establisher must make the necessary arrangements with the Lekwa-Teemane Local Municipality in relation to the provision and installation of water, electricity and sanitation services as well as the building of streets and storm water drainage in the town.
- 4.1.2 The township establisher shall install and provide internal engineering services in the township, as provided for in the services agreement.
- 4.1.3 The township establisher shall install and provide external engineering services to the township, as provided for in the services agreement.

4.2 Obligations regarding services and guarantees

The township establisher must within such time period as that the Lekwa-Teemane Local Municipality may determine, fulfil his obligations with regard to the provision of water, electricity and sanitation services as well as the construction of roads and storm water and the installation of systems therefore, as beforehand agreed between the township establisher and the Lekwa-Teemane Local Municipality. No erven may be alienated or transferred in the name of the buyer before the Lekwa-Teemane Local Municipality confirmed that sufficient guarantees/cash contributions is delivered by the township establisher to the Lekwa-Teemane Local Municipality for the provision of services.

4.3 Engineering services

4.3.1 Storm water drainage and street construction

4.3.1.1 On request of Lekwa-Teemane Local Municipality the township establisher shall submit a detailed scheme, complete with plans, sections and specifications, compiled by a registered professional civil engineer approved by Lekwa-Teemane Local Municipality, for the storage and drainage of storm water through the town by proper disposal works and for the installation, tarmacking, curbing and canalisation of streets there-in, together with the provision of such retaining walls as the Lekwa-Teemane Local Municipality may deem necessary, for approval.

4.3.1.2 When required by the Lekwa-Teemane Local Municipality, the township establisher shall, at his own account, carry out the approved scheme to the satisfaction of the Lekwa-Teemane Local Municipality under supervision of a registered professional civil engineer, approved by Lekwa-Teemane Local Municipality.

4.3.1.3 The township establisher is responsible for all costs in respect of the construction of the internal streets in the township as well as the junction of the internal streets with the N12.

4.3.1.4 The home owners association or similar institution is responsible for the maintenance of the internal streets and the internal storm water conduits in the township to the satisfaction of the Lekwa-Teemane Local Municipality.

4.3.1.5 The township establisher is responsible for all costs in respect of the construction of the internal and external storm water conduits of the township.

4.3.1.6 The township establisher shall be responsible for the registration of servitudes as well as consent from private land owners for external storm water conduits of the township as provided for in the services agreement.

4.3.1.7 The Lekwa-Teemane Local Municipality is responsible for the maintenance of the external storm-water conduits as soon as such services have been completed by the township establisher and taken over by the Lekwa-Teemane Local Municipality.

4.3.1.8 Designs and specifications shall be done in accordance with the conditions of the Lekwa-Teemane Local Municipality with the consideration of:

4.3.1.8.1 "Guidelines for the provision of engineering services and facilities in residential township development (National Housing Council revised May, 1995)", as amended from time to time,

4.3.1.8.2 SANS 1200, Standardized specifications for Civil Engineering Construction,

4.3.1.8.3 Ordinance on Town Planning and Townships, 1986 (Ordinance 15 of 1986),

4.3.1.8.4 according to the SANS 10400-1990: Regulations R1(3)(a), KK 15.1 and KK 15.2(f), and

4.3.1.9 The Lekwa-Teemane Local Municipality is entitled to do the work at the expense of the township establisher, if the township establisher neglects to comply with the stipulations of the above paragraphs 4.3.1.1 to 4.3.1.8.

4.3.2 Water and sewerage

4.3.2.1 The township establisher, through an approved professional engineer, is responsible for the design and construction of the water provision and sewerage systems in accordance with the requirements and specifications of the Lekwa-Teemane Local Municipality, with the consideration of:

4.3.2.1.1 The Ordinance on Town Planning and Townships, (Ordinance 15 of 1986),

4.3.2.1.2 "Guidelines for the provision of engineering services and facilities in residential township development (National Housing Board, revised May 1995)", as amended from time to time,

4.3.2.1.3 SANS 1200, standardised specifications for Civil Engineering Construction.

4.3.2.2 The township establisher is responsible for all costs in respect of the construction of the internal and external water and sanitation services of the township.

4.3.2.3 The home owners association or similar institution is responsible for the maintenance of the external and internal water and sanitation services as soon as such services have been completed by the township developer and taken over by the Lekwa-Teemane Local Municipality.

4.3.2.4 The township establisher shall be responsible for the registration of servitudes as well as consent from private land owners for external water and sanitation services of the township as provided for in the services agreement.

4.3.2.5 The Lekwa-Teemane Local Municipality is entitled to do the work at the expense of the township establisher if the township establisher neglects to comply with the stipulations of the above paragraphs 4.3.2.1 to 4.3.2.4.

4.3.3 Electricity

4.3.3.1 If a private contractor perform the installation of electricity of the town, the township establisher shall appoint a professional electro-technical engineer that will be responsible for the design and construction of the electricity distribution network and where medium tension installation forms part of the reticulation system. The network installation shall be done in accordance with the following:

4.3.3.1.1 The Ordinance on Town Planning and Townships, (Ordinance 15 of 1986),

4.3.3.1.2 "Guidelines for the provision of engineering services and facilities in residential township development (National Housing Board, revised May 1995)", as amended from time to time,

4.3.3.1.3 SANS Code 0142, as amended from time to time.

4.3.3.2 The township establisher is responsible for all costs in respect of the construction of the internal and external electrical services of the township.

4.3.3.3 The township establisher shall be responsible for the registration of servitudes as well as consent from private landowners for external electrical services of the township as provided for in the services agreement.

4.3.3.4 The home owners association or similar institution is responsible for the maintenance of the internal electrical services as soon as such services have been completed by the township developer.

4.3.3.5 The Lekwa-Teemane Local Municipality is entitled to do the work at the expense of the township owner if the township owner neglects to comply with the stipulations of the above paragraphs 4.3.3.1 to 4.3.3.4.

4.3.4 Refuse removal

4.3.4.1 The home owners association or similar institution undertakes to establish a refuse removal service from date of occupation of the erven in accordance with its regulations.

4.3.4.2 The township establisher shall at his own cost provide a central refuse removal point adjacent to the boundary of the township area, in accordance with the services agreement to the satisfaction of the Lekwa-Teemane Local Municipality.

4.3.4.3 The homeowners association or similar institution is responsible for the maintenance of the central refuse removal point in the township to the satisfaction of the Lekwa-Teemane Local Municipality.

4.4 Home Owners Association

4.4.1 A home owners association or similar institution must be established in terms of the conditions of Section 21 of the Companies Act 1973 (Act 61 of 1973).

4.4.2 The home owners association or similar institution shall bear full responsibility for the functioning and proper maintenance of the internal streets (Erf 201), internal services according to the services agreement and the private open spaces (Erven 202 - 208) and the erven must be transferred to the association. The Lekwa-Teemane Local Municipality accepts no responsibility or liability in this regard.

4.4.3 Every owner of an erf or subdivision or consolidation thereof shall become and shall remain a member of the home owners association or similar institution and be subject to its memorandum and articles of association until he ceases to be an owner as aforesaid. The erf shall not be transferred to any person that has not become a member of the association.

4.4.4 The owner of the erf shall not be entitled to transfer the erf without a clearance certificate from the association that all amounts payable by such owner to the association have been paid.

4.5 Demolishing of buildings and structures

The township establisher must, at his expense, demolish all existing buildings and structures that are located within building line reserves, side spaces or over mutual boundaries of proposed erven to the satisfaction of the Lekwa-Teemane Local Municipality, when required by the Lekwa-Teemane Local Municipality.

4.6 Conditions of the North West Province: Department of Transport and Roads

4.6.1 The township establisher shall comply with all conditions as laid down by the Department of Transport and Roads.

4.7 Conditions of the Department of Water Affairs and Forestry

4.7.1 The township establisher shall comply with all conditions as laid down by the Department of Water Affairs and Forestry.

4.7.2 The canal shall not be used for storm water drainage and the development shall be planned in such a way that no damage shall occur to the canal as a result of storm water drainage.

- 4.7.3 The township establisher shall be responsible to put up a safety fence around the servitude area of the canal to the satisfaction of the department.
- 4.7.4 The home owners association or similar institution is responsible for the maintenance of the safety fence around the servitude area so that no potential hazardous situation can exist for people and animals living in the new township.

5. CONDITIONS OF TITLE

5.1 Disposal of existing conditions

All erven shall be subject to existing conditions of title and servitudes, if any, including the reservation of rights to minerals (if applicable) in accordance with and as proven by a surveyor's certificate, but excluding:

- 5.1.1 The Right of Way servitude over Erf 190 for access favour of the Portion 25 of the Farm Christiana Town and Townlands 325-HO, refer to servitude note 2 of General Plan LG No. 839/2008.
- 5.1.2 The township establisher shall register a Right of Way servitude over Erf 201 for access in favour of erven 1 to 200 and the Remainder Portion 25 of the Farm Christiana Town and Townlands 325 – HO, refer to servitude note 1 of General Plan LG No. 839/2008.

5.2 Conditions imposed by the Lekwa-Teemane Local Municipality in terms of the conditions of the Town Planning and Townships Ordinance (Ordinance 15 of 1986)

5.2.1 All erven

All erven with the exemption of Erf 201 are subject to the following conditions:

- 5.2.1.1 The erf is subject to a servitude, 2 metres wide, in favour of the Lekwa-Teemane Local Municipality, for sewerage and other municipal purposes, along any one of the boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude of 2 metres wide across the access portion of the erf, if and when required by the Lekwa-Teemane Local Municipality, provided that the Lekwa-Teemane Local Municipality may relax or grant exemption from the required servitudes.
- 5.2.1.2 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 2 meters thereof.
- 5.2.1.3 The Lekwa-Teemane Local Municipality shall be entitled to deposit temporarily 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 to 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 Lekwa-Teemane Local Municipality.
- 5.2.1.4 Proposals to overcome unfavourable soil conditions shall be incorporated into all building plans submitted for approval. All buildings shall be constructed in accordance with such preventative measures. The owner of the erf accepts all liability for any damage and indemnifies the Lekwa-Teemane Local Municipality against any claims which may result from possible weak soil conditions on the erf, for it is the responsibility of the owner to satisfy him or herself that the foundation solution as proposed is sufficient.

5.2.2 Erven subject to special conditions

In addition to the relevant conditions as set out above, the under-mentioned erven shall be subject to the following additional conditions and servitudes:

5.2.2.1 Erven 1-200

Every owner of an erf or subdivision or consolidation thereof shall become and shall remain a member of the home owners association or similar institution and be subject to its memorandums and articles of association until he ceases to be an owner as aforesaid. The erf shall not be transferred to any person that has not become a member of the association, prior to the transfer.

5.3 Condition imposed by the State President in terms of Section 184(2) of the Act on Mining rights, 1967 (Act No. 20 of 1967)

All erven in the township are subject to the following condition:

- 5.3.1 Because this erf forms part of land that was undermined, or may be undermined and may be subject to subsidence, consolidation, shock and cracks because of mining activities in the past the present and the future, the owner thereof excepts all responsibility for any damage to land or buildings thereon because of such, subsidence, consolidation, shock and cracks.

6. CONDITIONS THAT IN ADDITION TO THE EXISTING PROVISIONS OF THE TOWN PLANNING SCHEME, IN RESPECT OF SECTION 125 OF ORDINANCE 15 OF 1986, NEED TO BE INCLUDED IN THE TOWN PLANNING SCHEME

6.1 Zonings

The following zonings must be awarded to the erven:

6.1.1 Erf 1 – 200:

The use zone of the erven is "Residential 1".

6.1.2 Erf 201:

The use zone of the erf is "Special" for Access and Access control.

6.1.3 Erf 202 – 208:

The use zone of the erven is "Private Open Space".

6.2 Building lines

The following street building lines shall be applicable to the erven in the township:

- 6.2.1 Along erf 201 a 6m building line will be applicable.

6.3 Soil Conditions

- 6.3.1 In order to overcome the proven detrimental soil conditions on the erf, the foundation and other structural aspects of the building shall be designed by a competent professional engineer and the details of such design shall be shown on the building plans submitted to the Lekwa-Teemane Local Municipality for approval unless it is proved to the Lekwa-Teemane Local Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

- 6.3.2 The following wording must be included on all building plans submitted to the Lekwa-Teemane Local Municipality for approval:

"a. The approval of this building plan by Lekwa-Teemane Local Municipality does not imply that the design and precautions to prevent, to control or to combat the possible consequences of possible unfavourable soil conditions are necessarily sufficient.

- b. It remains the exclusive responsibility of the owner to ensure that the design and precautions are sufficient.
- c. The Lekwa-Teemane Local Municipality accepts no liability for any claims whatsoever which may result from the unfavourable soil condition of this property."

M. A. MAKAUPANE, MUNICIPAL MANAGER

Lekwa-Teemane Local Municipality, Christiana
(Notice No. 4/2009)

LOCAL AUTHORITY NOTICE 59

LEKWA-TEEMANE LOCAL MUNICIPALITY

CHRISTIANA AMENDMENT SCHEME 41

Notice is hereby given in terms of Section 125 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 Of 1986), that the Lekwa-Teemane Local Municipality has approved an amendment scheme being an amendment of the Christiana Town Planning Scheme, 1981, comprising the same land as included in the township **Fish Eagle River Estate**.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager: Lekwa-Teemane Local Municipality, Municipal Offices, Christiana, and are available for inspection at all reasonable times.

This amendment is known as **Christiana Amendment Scheme 41** and shall come into operation on the date of publication of this notice.

M. A. MAKAUPANE, MUNICIPAL MANAGER

Lekwa-Teemane Local Municipality, Christiana
(Notice No. 5/2009)
