

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 216

MADIBENG LOCAL MUNICIPALITY

DECLARATION AS AN APPROVED TOWNSHIP BEAU RIVAGE

IN TERMS OF THE PROVISIONS OF SECTION 103 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), THE MADIBENG LOCAL MUNICIPALITY HEREBY DECLARES BEAU RIVAGE 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 ATTERBURY PROPERTY DEVELOPMENTS (PTY) LTD (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER 3 THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 87 (A PORTION OF PORTION 4) OF THE FARM WELGEGUND 491 REGISTRATION DIVISION J.Q., NORTH WEST PROVINCE HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)

1.1 Name

The name of the township shall be **Beau Rivage**.

1.2 Design

The township shall consist of erven and streets as indicated on approved Layout Plan 500/815/09 dated January 2007 and General Plan of the township Beau Rivage, to be confirmed by the Surveyor-General.

1.3 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:

- (i) The following servitude which only affects Erven 1 up to and including 5, 165, 167, 169, 170, 172 and 180 in the township:

"D(c) "The Condition that the land hereby transferred is subject to a servitude of water storage in favour of the STATE under the Hartbeespoort Irrigation Scheme, as defined by Section 104(1) of the Irrigation and Conservation of Water Act 8 of 1912 as amended by section 12 of Act 46 of 1934"

As amended in terms of an Order of the High Court of South Africa (Transvaal Provincial Division), dated 29 June 2000, Case Number 9031/2000, this condition burdens the property of the owner in the following respect and only to this extent:

1.1 by submersion for storage purposes with water of the Hartbeespoort dam up to the full supply level of the dam;

1.2 by occasional flooding up to the 1:100 year flood level;

1.3 by the right of passage over the owner's property to the areas set out in 1.1 and 1.2 above, for any purpose necessary for the effective enjoyment of the servitude. Such right of passage is to be exercised along routes and at points least burdensome to the owner."

- (ii) Conditions C1 and C2 in Deed of Transfer T102873/2006 which do not affect the erven in the township, due to geographical situation.

- (iii) The following servitude which does not affect the erven in the township due to geographical situation: The Notarial Deed of Servitude 1121/1961S of way-leave for conveyance of electricity in favour of the City Council of Pretoria.
- (iv) The following servitude which only affects Erven 16, 17, 167, 171, 173, 174, 181, 182 and 183 in the township:
The praedial servitude of right of way in favour of Portion 86 Welgegund 491 JQ vide Notarial Deed of Servitude K3229/92 S, as depicted on SG Diagram A8621/1991.
- (v) The following servitude which only affects Erf 179 in the township:
The praedial servitude of right of way in favour of Portion 86 Welgegund 491 JQ vide Notarial Deed of Servitude K3230/92 S, as depicted on SG Diagram A8622/1991.
- (vi) The following servitude which only affects Erven 176, 180 and 181 in the township:
The praedial servitude of right of way in favour of Portions 86, 85, 84 and the Remaining Extent of Portion 4 Welgegund 491 JQ, vide Notarial Deed of Servitude K3231/92 S, as depicted on SG Diagram A8623/1991.
- (vii) The following servitude which only affects Erf 175 in the township:
The praedial servitude to extract water from an existing borehole and right to pump, convey, transmit and use water by means of a pipeline in favour of Portion 85 Welgegund 491 JQ, vide Notarial Deed of Servitude K636/2001 S as depicted on SG Diagram 7042/2000.
- (viii) The following servitude which only affects Erven 166, 176, 180 and 181 in the township:
The 2 metre wide servitude in favour of the City of Tshwane Metropolitan Municipality over Portion 87 (Portion of Portion 4) of the farm Welgegund 491 JQ, in the process of being registered.
- (ix) The following servitude which only affects Erven 75, 76, 77, 79 and 175 in the township:
The 2 metre wide water pipeline servitude in favour of the Estate D'Afrique Master Owners Association over Portion 87 (Portion of Portion 4) of the farm Welgegund 491 JQ in the process of being registered.

1.4 Formation, duties and responsibilities of the Homeowners Association

- (i) The applicant shall properly and legally constitute the Beau Rivage Home Owners Association to the satisfaction of the local authority prior to the transfer of any erf.
- (ii) Erven 166, 167, 168 up to and including 175, 182 up to and including 186, shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Beau Rivage Home Owners Association. The Beau Rivage Home Owners Association shall take full responsibility for the maintenance of Erven 166, 167, 168 up to and including 175, 182 up to and including 186 in the township.
- (iii) Erven 165, 176, 177, 178, 179, 180 and 181 shall prior to or simultaneously with the registration of the first erven in the township be transferred to the Estate D'Afrique Master Owners Association. The Estate D'Afrique Master Owner Association shall take full responsibility for the maintenance of Erven 165, 176, 177, 178, 179, 180 and 181.
- (iv) The applicant shall install and then transfer the private engineering services to the Beau Rivage Home Owners Association who shall be responsible for the maintenance thereof.
- (v) 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.

- (vi) Owners of Erven 1 up to and including 164 or of any sectional title unit thereon or of any interest therein, shall automatically become and shall remain members of the Beau Rivage 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 Beau Rivage Home Owners Association to become a member thereof and without the prior written confirmation of the Beau Rivage Home Owners Association that all amounts due to the Beau Rivage Home Owners Association by the owner have been paid.

2. CONDITIONS OF TITLE

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

(a) All erven excluding Erven 106 up to and including 165

- (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, namely whoever attended to such construction, maintenance or removal.

(b) Erven 176, 177, 178, 180 up to and including 186

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

(c) Erven 1 up to and including 4, 22, 23, 26, 29, 30, 47, 48, 52, 55 up to and including 57, 70 up to and including 73, 83, 86, 87, 90, 91, 99 up to and including 104 and 179

The erf is subject to a private sewer servitude 2 metres wide, in favour of all the erven in the township, as indicated on the General Plan.

(d) Erf 28

The erf is subject to a private stormwater servitude 3 metres wide in favour of all the erven in the township, as indicated on the General Plan.

(e) Erf 174

The erf is subject to a right of way servitude for access in favour of all the erven in the township as indicated on the General Plan.

- (f) **All erven excluding Erven 176, 177, 178, 180 up to and including 186:**
- (i) The erf is entitled to a servitude of right of way over the entire extent of Erven 176, 177, 178, 180 up to and including 186 as indicated on the General Plan.
 - (ii) The erf is entitled to a private servitude for the purpose of conveying private engineering services over the entire area of Erven 176, 177, 178, 180 up to and including 186 as indicated on the General Plan.
- (g) **All erven excluding Erven 1 up to and including 4, 22, 23, 26, 29, 30, 47, 48, 52, 55 up to and including 57, 70 up to and including 73, 83, 86, 87, 90, 91, 99 up to and including 104 and 179**
- The erf is entitled to a private sewer servitude 2 metres wide, over Erven 1 up to and including 4, 22, 23, 26, 29, 30, 47, 48, 52, 55 up to and including 57, 70 up to and including 73, 83, 86, 87, 90, 91, 99 up to and including 104 and 179, as indicated on the General Plan.
- (h) **All erven excluding Erf 28**
- The erf is entitled to a private stormwater servitude 3 metres wide over Erf 28 as indicated on the General Plan.
- (i) **All erven excluding Erf 174**
- The erf is entitled to a right of way servitude for access over Erf 174 as indicated on the General Plan.

P.M .MAPULANE

MUNICIPAL MANAGER: MADIBENG LOCAL MUNICIPALITY

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

(Notice No: 70/2009)

(Reference No 15/3/2/1/25/1 HBPT)

600155/proclamation notice gazette3006/PJ'09

LOCAL AUTHORITY NOTICE 217
LOCAL MUNICIPALITY OF MADIBENG
PERI URBAN AREAS TOWN PLANNING SCHEME, 1975
AMENDMENT SCHEME 2083

The Local Municipality of Madibeng hereby, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), declares that it has approved an amendment scheme, being an amendment of the Peri Urban Areas Town Planning Scheme, 1/1975, comprising the same land as included in the Township Beau Rivage.

Map 3 and the scheme clauses of the amendment scheme are filed at the offices of the Local Municipality of Madibeng, and are open for inspection during normal office hours.

The amendment is known as the Peri- Urban Areas Amendment Scheme 2083 and shall come into operation on the date of publication of this notice.

P.M MAPULANE
MUNICIPAL MANAGER: MADIBENG LOCAL MUNICIPALITY
Municipal Offices, Van Velden Street, Brits
P.O Box 106
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(Notice number: 71/2009)
(Reference number 15/3/2/1/25/1 HBPT)

600155/amendment scheme3006/PJ'09