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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE		
245 Town-planning and Townships Ordinance (15/1986): Ditsobotla Local Municipality: Declaration as approved township: Lichtenburg Extension 9	3	6669

LOCAL AUTHORITY NOTICE

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THE DITSBOTLA LOCAL MUNICIPALITY DECLARATION AS APPROVED TOWNSHIP

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) the Ditsobotla Local Municipality hereby declares Lichtenburg Extension 9 to be an approved township subject to the conditions set out in the annexure hereto.

ANNEXURE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY ELANDSFONTEIN EIENDOMME BK. NO CK87/10443/23 (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE PORTION 100 (A PORTION OF PORTION 3) AND PORTION 101 (A PORTION OF PORTION 3) OF THE FARM ELANDSFONTEIN 34, REGISTRATION DIVISION IP, NORTH WEST PROVINCE HAS BEEN GRANTED.

A. CONDITIONS OF ESTABLISHMENT

(1) **NAME**

The name of the township shall be Lichtenburg Extension 9.

(2) **OWNERSHIP**

The township shall be a private township, managed by a Master Home Owners Association.

(3) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan, SG no. 2946/2008.

(4) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions of title and servitudes, if any, including the reservation of minerals and real rights, but excluding the following conditions registered against Portion 101 (a portion of Portion 3) of the farm Elandsfontein 34 Registration Division IP, North West Province, which will affect erf 2074 in the Township, namely:

"Kragtens Notariële Akte 474/1966S gedateer 11 Maart 1966 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende serwituut van reg van weg met bykomende regte ten gunste van gedeelte 70 van die Plaas Elandsfontein 34 Registrasie Afdeling I.P., Noordwes Provinsie, welke servituut aangedui word deur die figuur HrstGH op Kaart 6262/2008 geheg aan Sertifikaat van Verenigde Titel nog geregistreer te word, en soos meer ten volle sal blyk uit gemelde Notariële Akte"; "And the following servitude to be registered over Portion 100 (a portion of portion 3) of the farm Elandsfontein 34, Registration Division I.P., which will effect Erf 2070 in the township only. By virtue of Notarial Deed KS to be registered the property is subject to a perpetual servitude for municipal purposes 74 (seventy four) square metres in extent indicated by the figure hJC on diagram 6261/2008 in favour of the Ditsobotla Local Municipality"

(5) **STORMWATER DRAINAGE AND STREET CONSTRUCTION**

- (a) The township owner shall, on request by the Local Authority, submit for its approval a detailed scheme complete with plans, sections and specifications, prepared by a professional Engineer, who shall be a member of the South African Association of Consulting Engineers or SABTACO, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, surfacing, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the Local Authority. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.
- (b) The township owner shall, when required to do so by the Local Authority, carry out the approved scheme at his/her own expense on behalf of and to the satisfaction of the Local Authority under the supervision of the appointed Professional Engineer and shall, for this purpose, provide financial guarantees to the Local Authority as determined by it.

- (c) The township owner shall be responsible for the maintenance of the streets and storm water drainage system to the satisfaction of the Local Authority until the streets and storm water drainage system have been constructed as set out in sub-clause (b) above.
- (d) Should the township owner fail to comply with the provisions of (a), (b) and (c) hereof the Local Authority shall be entitled to do the work at the cost of the township owner.

(6) REMOVAL OR REPLACEMENT OF EXISTING POST OFFICE / TELKOM PLANT

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing post office/telkom plant, the costs thereof shall be borne by the township owners. The township owners shall consult with Telkom/Post Office before any existing plant needs to be replaced or removed.

(7) OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The township owner shall, within such period as the Local Authority may determined, fulfil obligations in respect of the provision of water, electricity and sanitary services and the installation of systems in this regard, as previously agreed upon between the township owner and the Local Authority.

(8) REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the costs thereof shall be borne by the township owners. The township owners shall consult the Local Authority before any existing municipal service(s) need to be replaced or removed.

(9) REMOVAL OR REPLACEMENT OF ESKOM SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing ESKOM power lines, the costs thereof shall be borne by the township owners. The township owners shall consult with ESKOM before any existing ESKOM plant needs to be replaced or removed.

(10) ACCEPTANCE AND DISPOSAL OF STORM WATER

The township owner shall arrange for the drainage of the township to fit in with that of provincial road P28-4 and for all storm water running off or being diverted from the roads to be received and disposed of.

(11) ACCESS

Ingress to and egress from the township shall be to the satisfaction of the Department of Transport, Public Works & Roads, and restricted to the access points as shown on the General Plan, SG no. 2946/2008.

(12) SOIL CONDITIONS

Proposals to overcome detrimental soil conditions to the satisfaction of the Local Authority shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Local Authority.

(13) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own expense cause all existing buildings and structures situated within the building line reserves, side spaces or other common boundaries to be demolished to the satisfaction of the Local Authority when required by the Local Authority to do so.

(14) PRECAUTIONARY MEASURES

The township owner shall at his own expense, make arrangements with the Local Authority in order to ensure that the recommendations as laid down in the geotechnical report are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

(15) AMENDMENT OF THE TOWN-PLANNING SCHEME

The township owner shall immediately after the approval of the Ditsobotla Town-planning Scheme; take the necessary steps to have the town-planning scheme amended by including the township therein.

(16) ADVERTISEMENTS

No advertisement that may be visible from the provincial road P 28-4 shall be displayed without the written approval of the North West Provincial Department of Transport, Roads and Community Safety.

(17) ENVIRONMENTAL MANAGEMENT

The township applicant must ensure that all conditions imposed by the Department of Agriculture, Conservation, Environment and Tourism in terms of the ROD, issued by the said Department on 20 July 2007 be adhered to.

(18) TRANSFER OF ERVEN

Erven 2044 – 2056, 2074-2077 and 2158 shall be transferred at the expense of the township owner to the Master Home Owners Association established in terms Section 21 of the Companies Act.

B. CONDITIONS IN TITLE

(1) THE ERVEN BELOW SHALL BE SUBJECT TO CONDITIONS AS INDICATED, IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

(a) ALL ERVEN

- (i) The owner of each erf in the township shall become a member of the home owners association upon transfer of the erf.
- (ii) Subject to the approved site development plan, building controls within the private township, not affecting any public or neighbouring properties, can be relaxed by the discretion of the Master Home Owners Association.
- (iii) The erf lies in an area where soil conditions can affect the buildings and structures and result in damage to them. Building plans submitted to the local authority must show measures to be taken, in accordance with recommendations contained in the geotechnical report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more affective means.
- (iv) Except with the written consent of the Local Authority, and subject to such conditions as it may impose, neither the owner nor any other person shall:-
 - (aa) save and except to prepare the erf for building purposes, excavate any material there from;
 - (bb) sink any wells or boreholes thereon or abstract any subterranean water there from; or
 - (cc) make or permit to be made, upon the erf for any purposes whatsoever, any bricks, tiles or earthenware pipes or other articles or a like nature.
- (v) Where, in the opinion of the Local Authority, it is impractical for storm water to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept and/or permit the passage over the erf of such storm water.

Provided that the owners of any higher-lying erven, the storm water from which is discharged over any lower-lying erf, shall be liable to pay a proportionate

share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

- (vi) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the Local Authority.
- (vii) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (viii) No materials or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: provided that if it is necessary for a screen wall to be erected on such boundary this condition may be relaxed by the Local Authority subject to such conditions as may be determined by it.
- (ix) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Authority as and when required by it.
- (x) If the erf is fenced such fence and the maintenance thereof shall be to the satisfaction of the Local Authority.

(b) Erven 2044, 2045, 2048, 2049, 2051, 2053, 2055, 2056, 2061 TO 2063, 2066 TO 2073, 2075, 2078, 2088 TO 2090, 2097, 2117 TO 2125.

The erven are subject to a 2m wide servitude for municipal purposes as indicated on General Plan S.G. 2946/2008 in favour of the Ditsobotla Local Municipality.

- (i) 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.
- (ii) The local authority 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 construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

(c) Erven 2055, 2074, 2075, 2125 TO 2133, 2136, 2138.

The erven are subject to a 5m wide servitude for municipal purposes as indicated on General Plan S.G. 2946/2008 in favour of Ditsobotla Local Municipality.

- (i) 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.
 - (ii) The local authority 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 construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
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