

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

**BUITENGEWONE
PROVINSIALE KOERANT**

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IMPORTANT NOTICE

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 161 LOCAL MUNICIPALITY OF MADIBENG DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Local Municipality of Madibeng hereby declares Brits Extension 157 to be an approved township subject to the conditions set out in the schedule hereto.

ANNEXURE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY NGWENYA RIVER ESTATE (PROPRIETARY) LIMITED AND LUKAS WILLEM BOTHA (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) 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 PORTIONS 10 AND 586 OF THE FARM KROKODILDRIFT 446-JQ, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Brits Extension 157.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan No. 1037/2010.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of mineral or rights to minerals.

1.4 PRECAUTIONARY MEASURES

The township owner shall satisfy the local authority that 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.

1.5 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING MUNICIPAL SERVICES

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing municipal services, the cost thereof shall be borne by the township applicant.

1.6 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING TELKOM AND ESCOM SERVICES

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing Post Office Plan or Eskom services, the cost thereof shall be borne by the township applicant.

1.7 INSTALLATION OF SERVICES

- (a) The township applicant shall install and provide internal engineering services in the township, as provided for in the services agreement or by a decision of a services arbitration board, as the case may be.
- (b) The local authority shall install and provide external engineering services for the township, as provided for in the services agreement or by a decision of a services arbitration board, as the case may be.

**1.8 CONSTITUTION OF NGWENYA RIVER ESTATE HOMEOWNERS ASSOCIATION (NPC),
REGISTRATION NUMBER 2010/022908/08 ("Homeowners Association")**

- (a) The township owner shall provide written proof to the local authority that a Homeowners Association has been properly and legally constituted in terms of a Section 21 of the Companies Act before the transfer of the first erf.
- (b) Erven 5538 and 5539 (private streets) and Erf 5537 (private open spaces) shall be registered in the name of the Homeowners Association. Such Homeowners Association shall have full responsibility for these erven and the essential services serving the township contained therein.
- (c) Each and every owner of Erven 5504 to 5536 shall become members of the Homeowners Association and be subjected to the Memorandum of Articles of Association upon transfer of the erf until such owner ceases to be owner of the erf.
- (d) The Homeowners Association shall have full legal power to levy, from each and every member, the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (e) The local authority shall not be liable for the malfunction of the surfacing of the access way and/or the stormwater drainage system, and/or any essential services in the township.
- (f) Access from all the erven in the township to a public road shall be across Erf 5500 Brits Extension 156.

2. TITLE CONDITIONS**2.1 ALL ERVEN**

- (a) 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.
- (b) 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.
- (c) 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 to 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.

2.2 ERVEN 5504 TO 5536

Each and every owner of the erf in the township shall become a member of a Homeowners Association upon transfer of the said erf.

2.3.1 ERVEN 5538 AND 5539

- (a) The erf is subject to a servitude of right of way over the entire extent in favour of Erven 5504 to 5537 in the township and the local authority, as indicated on the General Plan.
- (b) The erf is subject to a private servitude(s) for the purpose of conveying private engineering services over its entire area in favour of Erven 5504 to 5537 in the township, as indicated on the General Plan.

2.3.2 ERVEN 5504 TO 5537

- (a) The erf is entitled to a servitude of right of way over Erven 5538 to 5539 in the entire extent in the township, as indicated on the General Plan

- (b) The erf is entitled to a private servitude(s) for the purpose of conveyancing private engineering services over the entire extent of Erven 5538 and 5539, as indicated on the General Plan.

2.4 ERVEN 5506, 5524, 5533 AND 5534

The erf is subject to a servitude 2m wide for sewer purposes in favour of the Homeowners Association as indicated on the General Plan.

2.5 ERVEN 5504 TO 5510 AND 5537

The erf is subject to a servitude 2m wide for sewer purposes in favour of the local authority as indicated on the General Plan.

2.6 ERF 5511

The erf is subject to a servitude 2m wide for electrical services in favour of the Homeowners Association as indicated on the General Plan.

2.7 ERF 5537

The erf is subject to a servitude area in favour of the local authority as indicated on the General Plan.

AK MODISE, Acting Municipal Manager

Municipal Offices, 53 van Velden Street, Brits; PO Box 106, Brits, 0250
(Notice No. 12/2011) (Reference Number: 16/2/2/192)

**LOCAL AUTHORITY NOTICE 162
BRITS TOWN PLANNING SCHEME 1958
AMENDMENT SCHEME 1/595**

The Local Municipality of Madibeng hereby declares that it has approved an amendment scheme, being an amendment to the Brits Town Planning Scheme of 1958, comprising the same land as included in the township of Brits Extension 157, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

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

The amendment scheme is known as Brits Amendment Scheme 1/595 with Annexure 1/595 and shall come into operation on the date of publication of this notice.

AK MODISE, Acting Municipal Manager

Municipal Offices, 53 van Velden Street, Brits; PO Box 106, Brits, 0250
(Notice No. 13/2011) (Reference Number: 16/2/2/192)
