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NOORDWES**

***EXTRAORDINARY • BUITENGEWOON***

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## PROCLAMATION • PROKLAMASIE

### PROCLAMATION 50 OF 2019

#### CONDITIONS OF ESTABLISHMENT - TLHABANE UNIT 3

Under regulation 4 (1) of Chapter 1 of the regulations published under Proclamation No.R.293 of 1962, read with section 229 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), as applicable in certain areas of the North -West Province, I hereby define and set apart in the Bafokeng District the area of the land described as in Schedule 1 hereto as TLHABANE UNIT 3, subject to the Conditions of Establishment contained in Schedule 1 hereto.

#### SCHEDULE 1

#### CONDITIONS OF ESTABLISHMENT



**1. NAME**

The name of the township shall be **TLHABANE UNIT 3**

**2. PROPERTY DESCRIPTION**

The township is situated on Portion 217 of the Farm Rustenburg Town and Townlands 272 JQ in the District of Bafokeng.

**3. DESIGN**

The township comprises of 563 erven numbered 2890 - 3452, seven parks numbered 3453 -3459 thoroughfares as shown on General Plan SG No. Y130/1981 and 3536-3547 Amending General Plan S.G No. Y60/1985 and 3557 and 3576 Amending General Plan S.G. No. Y12/1988 and 3601, 3589 and 3590 Amending General Plan S.G No. Y13/1990, approved by the Surveyor General on 8 October 1981, 14 June 1988, 12 November 1990 and 10 September 1985 respectively.

**4. ACCESS**

Access to the sites is as indicated on General Plan SG No. Y130/1981 and Amending General Plan SG No. Y60/1985, Amending General Plan SG No. Y12/1988 and Amending General Plan SG No. Y13/1990.

**5. PERMISSABLE USE**

Unless prior approval has been obtained from the Local Authority or his delegates, the sites in the township shall be used as follows:

**5.1 RESIDENTIAL (2890 -3452)**

The following sites shall only be used to erect single dwelling-houses:

5.1.1 The sites shall only be subject to the following conditions

- (a) Unless prior approval has been obtained, only one building with the usual outbuildings (which shall not constitute a flat) may be

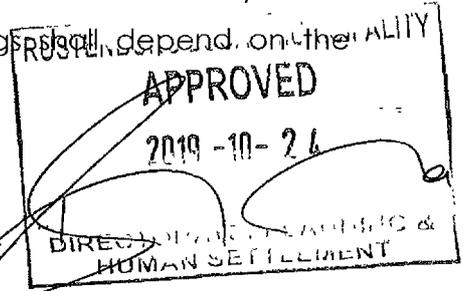
built on a residential site. This approval shall be obtained from the Member of the Executive Council for Local Government, Housing, Planning and Development in consultation with the local authority.

- (b) The occupants of a residential building may practice, inter alia, their social and religious activities and their occupations, professions, or trades, including retail trade, on the property on which such residential building is erected: Provided that
  - (i) The dominant use of the property shall remain residential;
  - (ii) The occupation, trade, or profession or other activity shall not be noxious, and
  - (iii) The occupation, trade or profession shall not interfere with the amenity of the neighbourhood.
- (c) The height of buildings shall not exceed two storeys.
- (d) The total coverage of all buildings shall not exceed 50% (Single Storey) and 40% (Double Storey) of the area of the erf: Provided that on written application the local authority may grant consent for additional coverage.

**5.2 CHURCHES (ERF 3555 and ERF 3557)**

5.2.1 The Churches shall be subject to the following conditions

- (a) The height of the building shall not exceed two storeys
- (b) The total coverage of all buildings shall depend on the zoning of the area of the erf.



**5.3 EDUCATIONAL (ERF 3257)**

The school and/or a creche/early learning centre:

5.3.1 Shall be subjected to the following conditions:

- (a) The height of the building shall not exceed two storeys without the consent of the local authority.
- (b) The total coverage if all buildings shall depend on the zoning of the area of the site.

**5.4 PUBLIC OPEN SPACE**

The following sites shall be used for parks, play grounds, sports and recreational facilities and buildings used in connection therewith: **1248, 1249, 1252 and 1275**

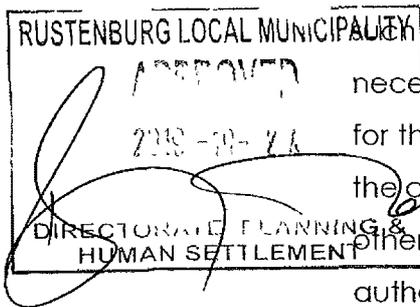
## 6. GENERAL CONDITIONS

Unless otherwise stated all sites are subject to the following:

- (a) The mineral rights and rights incidental thereto are reserved in the name of the state.
- (b) No animal, other than domestic pets, shall be kept on the erf.
- (c) Servitudes in favour of the local authority –
  - (i) A 3m servitude along the street boundary;
  - (ii) A 2m rear boundary servitude, and
  - (iii) Servitude along the lateral boundaries with a joint width 3m and a minimum width 1m on any one boundary in favour of the local authority for sewer and other municipal purposes; Provided that on written application the servitudes may be relaxed by the local authority.

(d) No building or any other structure shall be erected within the aforesaid servitude areas. No large rooted trees shall be planted within the area of such servitude or within 1m therefrom.

(e) The local authority shall be entitled to deposit temporally on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of construction, maintenance or removal of sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the erf for the aforesaid purposes. Any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works on the adjoining land shall be made good by the local authority.



(f) No sites shall be subdivided, or may any two or more adjoining sites have consolidated, without prior consent of the local authority

(g) Except with written consent of the local authority, and subject to certain conditions as it may impose neither the owner nor any other person shall-

- (i) have the right, except to prepare the site for building purposes, to excavate any material therefrom;
- (ii) have the right to sink any wells or boreholes thereon or abstract any subterranean water therefrom.

(h) Where in the opinion of the local authority it is impracticable for stormwater to be drained from higher -lying properties direct to a public street , the owners of the lower-lying properties shall be obliged to accept and permit the passage over their properties of such stormwater : Provided that the owner of any higher-lying property the storm water from which is discharged over any lower-lying property shall be liable to pay a proportionate share of the cost of any pipeline or drain that the owner of such lower-lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.

(i) The siting of buildings, including outbuildings, on any property and entrances to and exits from a public street, system shall be to the satisfaction of the local authority.



Building plans and specifications of building materials of all building and all alterations or additions thereto, shall be submitted to the local authority whose approval, in writing, shall be obtained prior to the commencement of building operations.

(j) The owner shall be responsible for the maintenance of the entire development of the property.

**7. CONDITIONS OF TITLE**

The following conditions must be included in the title deed of all sites

7.1 The ownership unit granted shall be subject to such regulations as either are already of or shall in future be in force in the township.

7.2 Except with the approval of the Local Authority the property shall not-

- (a) be used for any other purpose than for that specified;
- (b) be subdivided;

- (c) consolidated with any other erf, and
- (d) be held under registered title by more than one person.

7.3 (a) Notwithstanding anything to the contrary contained in these conditions, no person shall use or develop a property in such a way as will detract from the amenity or convenience of the area within which is it is located.

(b) The provisions of this paragraph shall be enforceable by the local authority or any party against any lessee or registered owner of the relevant property as contemplated in paragraph 7.3 (a).

7.4 The registered holder of the ownership unit granted shall pay to the Local Authority or to such other bodies as may be duly constituted, the fees, charges, rates lawfully payable in respect of the said ownership unit and prescribed in respect of the said township.

7.5 The member of the Executive Council for Local Government, Local Authority may at all times for the benefit of the public authorise any person to make roads, railways, tramlines , dams, aqueducts, drains and waters furrows or lay water mains and to conduct telegraphs , telephones or electric power lines over the ownership unit granted and to resume the whole or portion or portions of the said ownership unit if required.

**8. SERVING OF NOTICES**

Any notice required or authorised to be served in terms of these conditions may be served by-

- (a) delivering the notice to any person or his duly authorised agent personally; or
- (b) by registered post

**9. OFFENSES**

Any person who contravenes or fails to comply with any provision of these conditions shall be guilty of an offence.

