

**NORTH WEST  
NOORDWES**

***EXTRAORDINARY • BUITENGEWOON***

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

**PROVINCIAL NOTICE 125 OF 2021**

**CONDITIONS OF ESTABLISHMENT**

**MOTHUTLUNG EXTENSION 2**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE MADIBENG LOCAL MUNICIPALITY (HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF UNDER OF THE PROVISIONS OF PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR THE PERMISSION TO ESTABLISH A TOWNSHIP ON A PART OF PORTION 109 OF THE FARM ELANDSFONTEIN 440-JQ., NORTH WEST, PROVINCE, HAS BEEN GRANTED.**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP**

**1.1 PROVISION AND INSTALLATION OF SERVICES**

The applicant shall make the necessary arrangements with the local authority for the provision and installation of water, electricity and sanitation as well as the construction of roads and stormwater drainage in and for the township.

**1.2 REGISTRATION OF SERVITUDES**

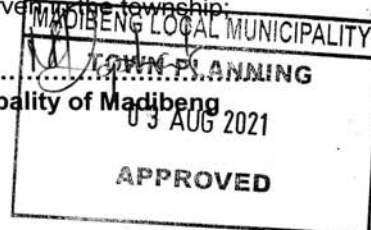
The township applicant shall at its own expense cause the proposed electrical servitude in favour of and to the satisfaction of Eskom to be registered notarially by way of Notarial Deeds of Servitude with the accompanying servitude diagrams and shall cause such servitude's to be shown on the small scale diagram of the farm portion / general plan of the township.

**1.3 GENERAL**

- (a) The applicant shall satisfy the Madibeng Local Municipality that:
  - (i) the relevant amendment scheme (in terms of section 125 of Ordinance 15 of 1986) is in order and may be published simultaneously with the declaration of the township as an approved township;
  - (ii) satisfactory access is available to the township and that a public street system is available to all erven in the township;

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- (b) The applicant shall comply with the provision of sections 72, 75 and 101 of Ordinance 15 of 1986.

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

**2.1 NAME**

The name of the township shall be Mothutlung-A Extension 2.

**2.2 LAYOUT AND DESIGN**

The layout shall consist of erven and streets as indicated on genera Plan No 2614/2007

**2.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, but excluding:

**2.3.1 In respect of Deed of Transfer T118360/2000 Portion 91 of Farm Elandsfontein no 440 J.Q:**

- (a) Excluding the following servitudes which do not affect the township due to location:

- (i) Die eienaars van Gedeeltes 16, 17, 18, 19, en die resterende gedeelte van gedeelte 15 is geregtig om hulle vee en diere na voornoemde "zuiping" te neem met die Zuipingsweg 10,39 meter breed lopende langs en ten suide van die voornoemde spruit oor gedeeltes 17, 18, 19, 20 en die resterende gedeelte van Gedeelte 15 soos aangedoon op die voornoemde "sketskaart" en die voornoemd gedeeltes 17, 18, 19, 20 en die resterende gedeelte van Gedeelte 15 waaroor genoemde "zuipingsweg" loop is respektiewelik en wederkeriglik onderworpe aan die Serwituut van genoemde weg ten gunste van gedeelte 16, 17, 18, 19 en die resterende gedeelte van gedeelte 15.

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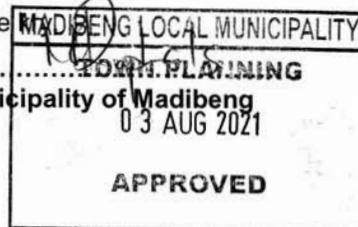


- (ii) Al die voornoemde Gedeeltes is verder respektiewelik onderworpe aan en geregig tot die gebruik van die tans bestaande publieke en private wee wat loop na die Weste na die Brits-Pretoria Hoof Weg, na die Noord Ooste na die Bosveld en na die Suid Ooste na die Wildt Stesie en Pretoria, soos aangewys op voornoemde Sektskaart.
  
- (iii) Die Regering of haar opvolgers as eienaar van Gedeelte A van die voornoemde Plaas, groot 1,7131 hektaar blykens Transort Nr. 5322/1920 sal die voormalige-

RESTERENDE GEDEELTE van GEDEELTE 20 (gedeelte van Gedeelte 15) waarvan die gedeelte aangedui deur figuur AaePA op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg ñ gedeelte vorm  
 GEDEELTE 53 (gedeelte van GEDEELTE 20) waarvan die gedeelte aangedui deur figuur abgfNea op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg ñ gedeelte vorm;  
 GEDEELTE 33 (gedeelte van GEDEELTE 21) waarvan die gedeelte aangedui deur figuur bBCdEjklMhgb op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg ñ gedeelte vorm;  
 REMAINING EXTENT OF PORTION 21 (portion of Portion 15) waarvan die gedeelte aangedui deur figuur jFGHJKLIkj op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg ñ gedeelte vorm  
 , geleë ten noorde van die Elandsfontein Spruit, na en van die naaste of gemaklikste] bereikbare publieke weg en sodanige reg van weg na en van die naaste of gemaklikste bereikbare water op voornoemde gedeeltes, met die reg om daardie water te gebruik en soveel daarvan as nodige en gerieflik mag wees vir die gebruik en genot van genoemde grond en die doeleindes waarvoor bested met die reg om die water deur middle van pype, waterlope of andersins na genoemde drond te lei en daarvoor enige madjinerie vir kragontwikkeling op te rig en te debruik om die water op voormelde Gedeelte A te

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- (iv) Die eienaar van Gedeelte 31 (n gedeelte van GEDEELTE 21) getranspoteer onder Akte van Transport Nr. 491/1930 zal geregtig zyn tot wiping voor zyn vee in de bestaande "Zuiping" in die Elandsspruit lopende door het resterende gedeelte van voorzegde gedeelte 20 groot als zulk 377,2752 hektaar zoals gehoude onder Verdellingstransport Nr. 13086/1925 ; (waarvan die gedeelte aangedui deur die figuur Aaepa en abgfNea op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm zoals thans gebruik deur al de eigenaren van voormeld gedeelte 15 van de plaats Elandsfontein met een recht van weg voor zulk vee over hel gezegd resterend gedeelte van gedeelte 20 naar gezegde zuiping langs de noordelike of zuidelike grens van gezegd resterend gedeelte zoals later deur partyen te worden vasgestel.
- (v) Die voormalige GEDEELTE 91 van die plaas waarvan die gedeeltes aangedui deur die figuur AabBCDEJFGHJKLIMhfNEPA op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm is onderhewig aan die volgende voorwaardes:

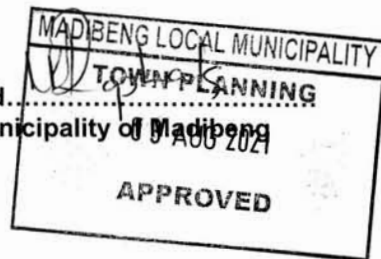
Die reg is aan Eskom verleen om elektrisiteit oor die hierinvermelde eiendom te lei deur middel van verskeie kraglyne met bykomende regte en onderworpe aan voorwaarde soos vollediger sal blyk uit Notariële Akte van Serwituut K5256/2000S welke middellyn van die kraglyn serwituut, 47 vierkante meter breed aangedui word die lyn aBb op diagram No. 9399/2007 geheg aan Notariële akte van roetebepaling K4260/2017S.

- (b) Excluding the following servitude which affects Erf 3486 and a street in the township:

Subject to an overhead Electrical Power line Servitude 18 metres wide on either side of the lines, in favour of Eskom together with ancillary rights, as indicated by

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the line s1 s2 and s2 s3 on diagram S.G No.54/2005 annexed to Notarial Deed of Servitude K .....S

(c) Excluding the following entitlements which shall not be passed on to the ervens in the township:

(i) Die resterende Gedeelte van Gedeelte 20 van gedeelte 15 van die gesegde plaas, groot as sodanig 291,6220 hektaar, aangedui deur die figuur ABCabcdeffA op aangehegte kaart L.G No. 2615/2007 (waarvan die eiendom hiermee geregistreer 'n gedeelte vorm) is geregtig tot 'n Serwituut van Suiping oor Gedeelte 41 (gedeelte van Gedeelte 20) van die gesegde plaas, gehou onder Transportakte Nr. 27983/1947 gedateer 9 September 1947.

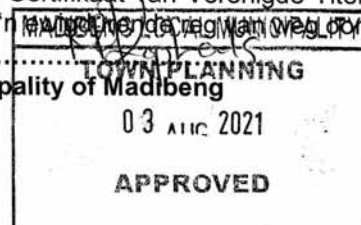
(ii) 'n Gedeelte van die voormalige Gedeelte 41 (Gedeelte van Gedeelte 20) Aangedui deur die figuur v w w1 m1 op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980, verder onderworpe sal wees aan 'n serwituut van suiping ten gunste van die Resterende Gedeelte van Gedeelte 20 (gedeelte van Gedeelte 15) van die plaas ELANDSFONTEIN No. 440 J.Q. voormeld, groot 291,6220 hektaar.

(ii) De eienaar van het gezegde gedeelte 31 waarvan die voormalige Resterende Gedeelte van GEDEELTE 31 (gedeelte van Gedeelte van Gedeelte 31) aangedui deur die figuur ff C dd ee ff op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 'n gedeelte uitmaak, zal gerechtigd zijn tot zuiping in de Elandspruit lopende door liet resterend gedeelte van voorzgd Gedeelte 20 groo Als zulks 377,2752 hektaar, zoals gehouden onder Verdelings Transport Nr.13086/1925, zoals thans gebruikt door al de eigenaren van voormeld Gedeelte 15 van die plaats ELANDSFONTEIN, met een recht van weg voor zulk vee over het gezegd resterende gedeelte van Geddeelte 20 naar gezegde zuiping langs de Noordelike of Zuidelike grens van gezegde Resterende Gedeelte zoals later door Partijente worden vastgesteld. Het gezegde Gedeelte 31 zal echter geen verdure oevereigendoms rechten hebben tot het water in de Elandsspruit en zal ook hoegenaamd geen recht hebben tot in de bestaande dam in de Spruit.

(iv) Gezegde Gedeelte 31 ('n gedeelte van Gedeelte 20) waarvan die Voormalige GEDEELTE 48 (gedeelte van Gedcelte 31) aangedui deur die figuur ff C dd ee ff op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 'n gedeelte uitmaak, is geregtig tot 'n

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die volgende eiendom: Gedeelte van die plaas SCHIETFONTEIN Nr. 437, geleë in die Registrasie Afdeling JQ, distrik Brits, groot 52,9623 hektaar, welke reg van weg 4.72 meter wyd sal wees en sal begin op die Suid-Westelike baken gemerk C op Die kaart Nr. 1149/96 wat betrekking het op Transportakte Nr. 9287/1904 gedateer 4 Oktober 1904, vandaar sal die reg van weg met 'n reguit lyn in 'n Noodelike regting loop na die grenslyn gemerk A B op die voormelde kaart en sal eindig by 'n Punt 630 tree regs geleë van die Noord-Westelike baken gemerk A op gemelde kaart.

- (v) Die eienaar of eienare van die voormalige Gedeelte 54 (gedeelte van Gedeelte 20) aangedui deur die figuur gg hh jj kk gg op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 sal vir die doel van toegang tot en uitgang van die gesegde gedeelte geregtig wees tot 'n serwituut reg van weg 4,72 meter wyd oor die Restant van Gedeelte 20 (gedeelte van Gedeelte 15) van die plaas Elandsfontein No. 440 JQ, distrik ODI, groot 261,6434 hektaar aangedui deur die stippellyn k1 tot 9 op die gemelde kaart, met die voorbehoud dat die eienaar of eienare van die genoemde restant van Gedeelte 20 (gedeelte van Gedeelte 15) en sodanige ander persone aan wie die eienaar of eienare van die genoemde restant van Gedeelte 20 (gedeelte van Gedeelte 15) die reg mag verleen om genoemde serwituut reg van weg te gebruik.

#### 2.4 LAND FOR MUNICIPAL PURPOSES

The following erven shall be utilised for municipal uses:

Erven 3832 to 3833.

#### 2.5 PUBLIC OPEN SPACE

The following erven shall be reserved as Public Open Space

Erven 3832 to 3833.

#### 2.6 ACCEPTANCE AND DISPOSAL OF STORM WATER

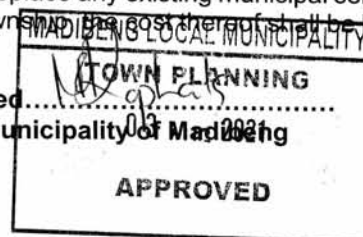
The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of existing streets in adjacent townships, and he shall receive and dispose of the stormwater running off or being diverted from the roads.

#### 2.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

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2.7 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the local authority to do so, the township owner shall at his own expense cause to be demolished all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures, to the satisfaction of the local authority.

2.8 REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING ESKOM POWER LINES

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

2.9 COMPLIANCE WITH CONDITIONS IMPOSED BY NORTH WEST DEPARTMENT OF AGRICULTURE, CONSERVATION, ENVIRONMENT

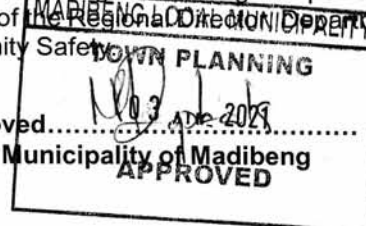
The township owner shall at his own expense comply with all the conditions imposed, by which the North West Department of Agriculture, Conservation, Environment has granted the applicant authorisation in terms of Section 22(3) of the Environmental Conservation Act, 1989 (Act 73 of 1989) for the change of land use from in terms of Schedule of Government Notice No. R1182 of 5 September 1997 as amended.

2.10 ACCESS

- (a) Ingress to and egress from the Provincial Roads D2284, to the township, shall be allowed between Erven 1116 and 1047(25m wide Street, as shown on the layout plan attached to the letter of approval of the Regional Director, Department Of Transport, Roads and Community Safety, North West Province (The lines of no access are also shown on the layout plan.)
- (b) The township owner shall at his own expense, submit a geometric design layout (scale 1:500) of the ingress and egress points referred to in (a) above, and specifications for the construction of the accesses, to the Regional Director, Department Of Transport, Roads and Community Safety for approval. The township owner shall after approval of the layout and specifications, construct the said ingress and egress points at his own expense to the satisfaction of the Regional Director, Department Of Transport, Roads and Community Safety.

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### 3. CONDITIONS OF TITLE

#### 3.1 THE ERVEN MENTIONED HEREUNDER SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED HEREUNDER AND IMPOSED BY THE MADIBENG LOCAL MUNICIPALITY IN TERMS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO. 15 OF 1986).

##### 3.1.1 ALL ERVEN, WITH THE EXCEPTION OF ERVEN REFERRED TO IN CLAUSE 2.4 AND 2.5:

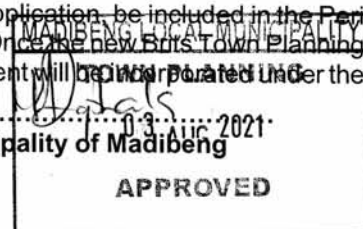
- (i) The erven are subject to a servitude 2,0 metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes of 2,0 metres wide across the 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 2,0 metres thereof.
- (iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitudes 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 furthermore the local authority shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the local authority shall make good any damage caused during the laying, maintenance or removal of such services and other works.

#### 4. CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN-PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE PERI-URBAN AREAS TOWN-PLANNING SCHEME, 1975, IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986.

The development will, for the purpose of this application, be included in the Peri-Urban Areas Town Planning Scheme, 1975. Once the new Brils Town Planning Scheme has been promulgated, the development will be incorporated under the

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new scheme.

**4.1 USE ZONE I: RESIDENTIAL No. 1**

**Erven: 1 - 1101**

The erven shall only be used for uses defined under the term "**Residential No. 1**" as set subject to the following conditions:

**4.1.1. THE PURPOSE FOR WHICH BUILDINGS AND LAND MAY BE USED**

(1) Term	(3) Permitted uses	(4) Uses permitted only with the consent of the Local Municipality	(5) Prohibited uses
Residential 1	Dwelling houses	Places of public worship, places of instruction, social halls, institutions, Special buildings	Uses not under column (3) or (4)

**4.2 USE ZONE XIII: MUNICIPAL**

**Erven: 1115-1116**

The erven shall only be used for uses defined under the term "**Municipal**" as set out in, subject to the following conditions:

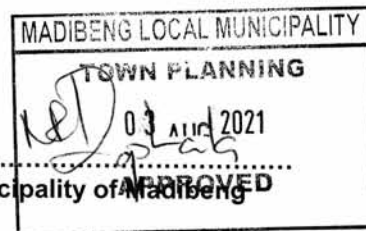
**4.2.1 THE PURPOSE FOR WHICH BUILDINGS AND LAND MAY BE USED**

(1) Term	(3) Permitted uses	(4) Uses permitted only with the consent of the Local Municipality	(5) Prohibited uses
Municipal	Municipal purposes and Public Offices.	Dwelling houses, Places of Public worship, Places of Instruction, Institutions and Special buildings.	Uses not under column (3) or (4)

**4.4 USE ZONE IV: BUSINESS 1**

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**Erven: 1102-1105**

The erven shall only be used for uses defined under the term "**Business 1**", subject to the following conditions:

**4.4.1 THE PURPOSE FOR WHICH BUILDINGS AND LAND MAY BE USED**

(1) Term	(3) Permitted uses	(4) Uses permitted only with the consent of the Local Municipality	(5) Prohibited uses
Business 1	Shops, Offices and Professional Rooms.	Places of Instruction, Social halls, Places of amusement, Dry-cleaners, Fish Friers, Fish Mongers, Launderettes, Bakeries, Confectioneries, Places of public worship.	Uses not under column (3) or (4)

**4.5 USE ZONE XI: INSTITUTIONAL**

**Erven: 1106-1112**

The erven shall only be used for uses defined under the term "**Institutional**".

- (a) ERVEN 1106-1109
  - (i) The erf shall be zoned "Institutional"
  - (ii) The erf shall be used for the purpose a church.
- (b) ERVEN 1110-1112
  - (i) The erf shall be zoned "Institutional"
  - (ii) The erf shall be used for the purpose a crèche.

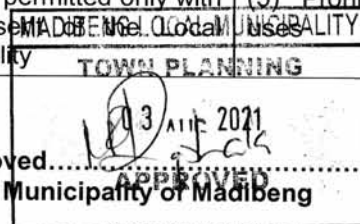
Subject to the following conditions:

**4.5.1 THE PURPOSE FOR WHICH BUILDINGS AND LAND MAY BE USED**

(1) Term	(3) Permitted uses	(4) Uses permitted only with the consent of the Local Municipality	(5) Prohibited uses

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Institutional	Institutions, Places of public worship, Places of instruction.	Dwelling houses, Residential Buildings, Special Buildings and Social Halls.	Uses not under column (3) or (4)
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**4.6 PUBLIC OPEN SPACE**

**Erven:** 1113 AND 1114

The erven shall only be reserved as **"Public Open Space"**.

**5. ERVEN SUBJECT TO SPECIAL CONDITIONS**

In addition to the relevant conditions set out above, ERVEN 1105, 1116, 1044 and 1045 shall be subject to the following condition:

No direct access from the 25m road shall be allowed to the erf. Provided that access to non-residential erven can be allowed where and under such conditions as the local authority may approve in writing.

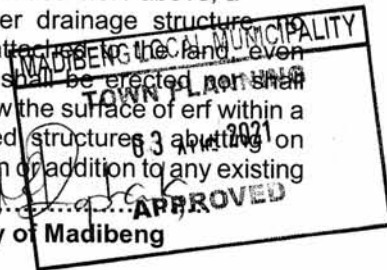
**6. CONDITIONS IMPOSED BY THE CONTROLLING AUTHORITY IN TERMS OF ACT 21 OF 1940**

In addition to the relevant conditions set out above, ERVEN 1047 TO 1073 AND 1116 shall be subject to the following condition:

- (a) The registered owner of the erf shall erect a physical barrier consisting of a 1,3 m high fence, or a fence of such other material as may be approved by the local authority in accordance with the most recent standards of the Deputy Director-General: Department Public Transport, Roads and Community Safety before or during development of the erf along the western boundary thereof abutting on Provincial Road D2284 to the satisfaction of the local authority and shall maintain such fence to the satisfaction of the local authority: Provided that if the said road has not yet been declared, the relevant physical barrier shall be erected within a period of six months after declaration of such road.
- (b) Except for the physical barrier referred to in clause 4.6.1 above, a swimming bath or any essential stormwater drainage structure, building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected, nor shall anything be constructed or laid under or below the surface of erf within a distance 16 m in respect of single storeyed structures abutting on Provincial Road D2284 nor shall any alteration or addition to any existing

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structure or building situated within such distance of the said boundary be made except with the consent in writing of the Deputy Director-General: Department Public Transport, Roads and Community Safety .

- (c) Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on Road D2284

**7. GENERAL CONDITIONS (Applicable to all erven)**

The erf lies in an area where soil conditions can affect 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 the 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 effective means.

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