



# **NORTH WEST NOORDWES**

**EXTRAORDINARY • BUITENGEWOON**

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

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**PROCLAMATION • PROKLAMASIE****PROCLAMATION NOTICES 4 OF 2021****LOCAL MUNICIPALITY OF MADIBENG****DECLARATION OF BRITS EXTENSION 159 AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Local Municipality of Madibeng hereby declares the township of Brits Extension 159 to be an approved township, subject to the conditions as set out in the Schedule hereto.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY NGWENYA RIVER ESTATE PROPRIETARY LIMITED, REGISTRATION NUMBER 2004/001484/07 (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 PORTION 595 OF THE FARM KROKODILDRIFT NO 446, REGISTRATION DIVISION JQ, PROVINCE OF NORTH-WEST, HAS BEEN APPROVED**

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be Brits Extension 159.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on the General Plan SG. No 4126/2010.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any.

**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 Escom 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 A 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) Erf 5622 (private street) and Erf 5621 (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 5603 to 5620 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 Home Owners' 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.

## **2. CONDITIONS OF TITLE**

**THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE MADIBENG LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)**

### **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 SUBJECT TO SPECIAL CONDITIONS**

In addition to the relevant conditions set out in paragraph 3.1 (a), (b) and (c) above, the under mentioned erven shall be subject to the conditions as indicated:

#### **2.2.1 SPECIAL CONDITIONS IMPOSED BY THE MADIBENG LOCAL MUNICIPALITY**

##### **2.2.1.1 ERF 5622**

- (a) The erf is subject to a servitude of right of way over its entire extent in favour of Erven 5603 to 5621 in the township, as indicated on the General Plan.
- (b) The erf is subject to a servitude of right of way over its entire extent in favour of the local authority, as indicated on the General Plan.
- (c) The erf is subject to a servitude for services over its entire area in favour of Erven 5603 to 5621 in the township, as indicated on the General Plan.

#### **2.2.1.2 ERVEN 5603 TO 5621**

- (a) The erven are entitled to a servitude of right of way over the entire extent of Erf 5622 in the township, as indicated on the General Plan.
- (b) The erven are entitled to a servitude for purposes of conveying engineering services over the entire area of Erf 5622 in the township, as indicated on the General Plan.

#### **2.2.1.3 ERVEN 5619 AND 5621**

- (a) The erven are subject to a servitude 2 (two) metres wide for services in favour of the local authority as indicated on the General Plan.

### **2.3 CONDITIONS IN FAVOUR OF THIRD PARTIES TO BE REGISTERED UPON TRANSFER OF THE ERVEN CONCERNED**

#### **2.3.1 No erf in the township shall be transferred, unless the following conditions and/or servitudes have been registered:**

- (a) Each and every owner of the erf, or owner of any sub-divided portion of the erf, or any interest therein or owner of any unit thereon, shall on transfer automatically become and remain a member of the NPC and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the NPC.
- (b)(i) Any owner of an erf, or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall automatically become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or interest therein, or any unit thereon, shall be transferred to any person who has not bound itself to the satisfaction of the HOME OWNERS ASSOCIATION, to become a member of the HOME OWNERS ASSOCIATION.
- (ii) The owner of the erf or any subdivision thereof, or any interest therein, or any unit thereon as defined in terms of the Sectional title Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision thereof or any interest therein, or any unit thereon, without a clearance certificate from the HOME OWNERS ASSOCIATION that all monies owing have been paid.
- (iii) The term HOME OWNERS ASSOCIATION in the above context shall refer to the NGWENYA RIVER ESTATE HOME OWNERS ASSOCIATION NPC, REGISTRATION NUMBER: 2010/022908/08.

#### **2.3.2 ERF 5621**

- (a) The erf is subject to a servitude 2 (two) metres wide for electrical services in favour of the NGWENYA RIVER ESTATE HOME OWNERS ASSOCIATION NPC, REGISTRATION NUMBER 2010/022908/08 as indicated on the General Plan.

- (b) The erf is subject to a servitude area in favour of the NGWENYA RIVER ESTATE HOME OWNERS ASSOCIATION NPC, REGISTRATION NUMBER 2010/022908/08 as indicated on the General Plan.
- (b) The erf is subject to a servitude area in favour of the NGWENYA RIVER ESTATE HOME OWNERS ASSOCIATION NPC, REGISTRATION NUMBER 2010/022908/08 as indicated on the General Plan.

(16/2/2/193)  
(1/755))

**MADIBENG LOCAL MUNICIPALITY**

01 MARCH 2021  
(Notice 5/2021)

**LOCAL MUNICIPALITY OF MADIBENG**

**BRITS AMENDMENT SCHEME 1/755**

It is hereby notified in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Madibeng Local Municipality has approved an amendment scheme with regard to the land in the township of Brits Extension 159, being an amendment of the Brits Town Planning Scheme, 1/1958.

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

This amendment is known as Brits Amendment Scheme 1/755.

(16/2/2/193)  
(1/755))

**MADIBENG LOCAL MUNICIPALITY**

01 MARCH 2021  
(Notice 6/2021)

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