

**LOCAL AUTHORITY NOTICE 39 OF 2021****RUSTENBURG LOCAL MUNICIPALITY  
DECLARATION OF AN APPROVED TOWNSHIP IN TERMS OF SECTION 17(12) OF THE RUSTENBURG  
LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018**

It is hereby declared that in terms of the provisions of Section 17(12) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that Waterval East Extension 73 is an approved township, subject to the conditions as set out in the schedule hereto.

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF SECTIONS 17(7)(e), 17(7)(f) AND 17(7)(g) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2018 ON PORTION 123 (A PORTION OF PORTION 47) OF THE FARM WATERVAL 306, REGISTRATION DIVISION J.Q., NORTH WEST PROVINCE BY SEEDLING PROPERTIES PROPRIETARY LIMITED (2018/195192/07) (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT) AND BEING THE REGISTERED OWNER OF THE LAND, HAS BEEN APPROVED.

**1. CONDITIONS OF ESTABLISHMENT****(1) NAME**

The name of the township shall be Waterval East Extension 73.

**(2) LAYOUT / DESIGN**

The township shall consist of erven and streets as indicated on General Plan S.G. No. 397/2019.

**(3) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING POST OFFICE- / TELKOM PLANT**

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

**(4) PROVISION AND ERECTION OF TRAFFIC SIGNS AND ROAD MARKINGS**

The township applicant shall at its own expense arrange for the provision of traffic signs and road markings to the satisfaction of the Rustenburg Local Municipality.

**(5) HOME OWNERS ASSOCIATION**

A Home Owners Association or similar entity must be established in terms of the provisions of Section 14 of the Companies Act, 2008 (Act 71 of 2008) which Association shall bear full responsibility for the functioning and proper maintenance of the access and access control and refuse yard erf (Erf 528) which erf shall be transferred to the Home Owners Association or similar entity.

**2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE****(1) INSTALLATION AND PROVISION OF SERVICES**

- (a) The township applicant shall install and provide internal engineering services in the township, as provided for in the services agreement.
- (b) The local authority shall install and provide external engineering services for the township, as provided for in the services agreement.

### 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

(1) Excluding the following rights which shall not be passed on to the erven in the township:

(a) "A. The Remaining Extent of Portion of the said farm, measuring as such 472,4259 hectares (a portion whereof is hereby transferred) is:

- (a) Entitled to a right of way across portion marked C of the said portion of the farm WATERVAL transferred to Pierre Hoenderdos by Deed of Transfer T1268/26 as marked on the diagram of the said Portion C, and
- (b) Entitled to a right of way across a certain in extent 23,6874 hectares of the said farm held by South African Townships Mining and Finance Corporation Limited by Certificate of Registered Title 8206/26 as will more fully appear from Deed of Servitude 547/26S".

(2) Excluding the following condition which has lapsed through consent granted by the Department of Local Government and Human Settlements in terms of Act 21 of 1940:

(a) "B. The former Portion 47 (Portion of Portion 1) of the farm Waterval 306, J.Q. (of which the property transferred herewith forms a Portion) is subject to the following conditions:

- 1. Onderhewig aan die volgende voorwaardes opgelê kragtens Artikel 11(6) van Wet 21 van 1940: Behalwe met die skriftelike toestemming van die Administrateur as Beherende Gesag soos omskryf in Wet 21 van 1940:
  - (i) Mag die grond slegs vir woon-en landboudoeleindes gebruik word. Op die grond of op enige behoorlik goedgekeurde onderverdeling daarvan, mag daar nie 'n groter aantal geboue wees as een woonhuis saam met die buitegeboue wat gewoonlik vir gebruik in verband daarmee nodig is en verdere geboue en bouwerk wat vir landboudoeleindes nodig mag wees nie.
  - (ii) Mag geen winkel of besigheid of nywerheid van watter aard ookal op die grond geopen of gedryf word nie.
  - (iii) Mag geen gebou of bouwerk van watter aard ookal binne 'n afstand van 94,46 meter van die middellyn van enige publieke pad opgerig word nie".

(3) Including the following conditions / servitudes which affect Erven 527 and 528 in the township only:

(a) "B. The former Portion 47 (Portion of Portion 1) of the farm Waterval 306, J.Q. (of which the property transferred herewith forms a Portion) is subject to the following conditions:

- 2. Die eiendom is onderhewig aan die bepalings van 'n Waterhof Bevel gedateer 28 Januarie 1921 en geregistreer onder Notariële Akte K254/73 soos meer ten volle sal blyk uit gesegde Bevel".

(b) "C. "The former Remaining Extent of Portion 47 (Portion of Portion 2) of the farm Waterval 306, J.Q., in extent 11,0612 Hectares (of which the portion transferred herewith forms a portion) is subject to the following conditions:

- 2. Onderhewig aan 'n serwituut van pyleiding 4(vier) meter wyd ten gunste van die Rustenburg Plaaslike Oorgangsraad soos meer volledig sal blyk uit Notariële Akte van Serwituut K6511/1998S en waarvan die figuur ab op die aangehegte Kaart LG No 6723/98"

(4) Excluding the following servitude which does not affect the township area because of the location thereof:

(a) "C. The former Remaining Extent of Portion 47 (Portion of Portion 2) of the farm Waterval 306, J.Q., in extent 11,0612 Hectares (of which the portion transferred herewith forms a portion) is subject to the following conditions:

- 3. Onderhewig aan 'n serwituut van pyleiding 4(vier) meter wyd ten gunste van die Rustenburg Plaaslike Oorgangsraad soos meer volledig sal blyk uit Notariële Akte van Serwituut K6511/1998S en waarvan die Suidelike grens van die serwituut aangedui word deur die lyn AB op Kaart LG No 6720/1998".

### 4. CONDITIONS OF TITLE

(1) CONDITIONS IMPOSED IN TERMS OF THE PROVISIONS OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018

(a) ALL ERVEN

- (i) The erf is subject to a servitude, 2 metres wide along any two boundaries in favour of the local authority for sewerage and other municipal purposes and, in the case of a panhandle erf, an

additional servitude for municipal purposes 2 metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may relax or grant exemption from the required servitudes.

- (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 metres thereof.
- (iii) 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 the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- (iv) 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 for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendations contained in the Geo-technical report for the township, 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.

The NHBRC classification for foundations is considered as PR.

(2) CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED:

(a) ERF 527

The erf will be subject to the following conditions in favour of the Home Owners Association or similar entity established in terms of the provisions of Section 14 of the Companies Act, 2008 (Act 71 of 2008) to be created on transfer of the erf to any purchaser:

- (i) Each and every owner of an erf in the township shall on transfer automatically become a member of the Home Owners Association or similar entity established in terms of the provisions of Section 14 of the Companies Act, 2008 (Act 71 of 2008) (hereinafter referred to as "the Association") and the township applicant shall procure that each erf be made subject to the following conditions in favour of the Association:
  - (aa) Every owner of an erf within the township area or the subdivided portions or consolidation thereof, or any interest therein or any unit as defined in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Memorandum of Incorporation until he/she/it ceases to be an owner as aforesaid.
  - (bb) The owner of an erf within the township area or any subdivision or consolidation thereof, or any interest therein, or any unit as defined in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) shall not be entitled to transfer the erf or any subdivision or any interest therein or unit thereon, without a clearance certificate from the Association that all monies owing to it has been paid.

**MR. SELLO VICTOR MAKONA, Municipal Manager, Municipal Offices, Rustenburg Local Municipality,  
Missionary Mpheni House, Rustenburg** Notice Number: 07/2021