

**“ANNEXURE F”**



## DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. R. 1897

12 September 1986

### REGULASIES BETREFFENDE DORPSTIGTING- EN GRONDGEBRUIK

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, vaardig hierby kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), die regulasies uit vervat in die bygaande Bylae, welke regulasies in werking tree op 15 September 1986.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

#### BYLAE

#### HOOFSTUK I

#### WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“administrateur” behalwe waar ‘n Administrateur kragtens die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), optree soos in regulasie 3 bedoel, of kragtens enige ander wet as die Wet optree, ‘n

## DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. R. 1897

12 September 1986

### REGULATIONS RELATING TO TOWNSHIP ESTABLISHMENT AND LAND USE

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984), make the regulations contained in the accompanying Schedule, which regulations shall come into operation on 15 September 1986.

J. C. HEUNIS,

Minister of Constitutional Development and Planning

#### SCHEDULE

#### CHAPTER I

#### DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

“administrator” means, except where an Administrator acts under the Black Local Authorities Act, 1982 (Act 102 of 1982), as contemplated in regulation 3, or under any law other than the Act, an administrator in whom the assets, liabilities, rights, duties and obligations of a

administrateur in wie die bates, laste, regte, pligte en verpligtinge van 'n raad vestig soos beoog in artikel 3 (1) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet 75 van 1986), en ook 'n owerheidsbesag op wie sodanige bates, laste, regte, pligte en verpligtinge oorgegaan het soos beoog in artikel 3 (2) van daardie Wet;

"betrokke gesag" die gesag bedoel in regulasie 26;

"diensteooreenkoms" 'n ooreenkoms aangegaan tussen 'n dorpsdigter wat nie 'n plaaslike owerheid is nie en die betrokke gesag, ingevolge waarvan die onderskeie verantwoordelikhede van die twee partye vir die voorsiening van interne en eksterne ingenieursdienste en die vlak van sodanige dienste soos in regulasie 27 beoog, bepaal word;

"dienstarbitrasieraad" 'n raad deur die Minister kragtens regulasie 31 ingestel;

"die Wet" die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984);

"dorpsdigter"—

(a) 'n administrateur, plaaslike owerheid of dorpsontwikkelaar wat die eienaar of behoorlik gemagtigde agent van die eienaar is van die grond wat die onderwerp is van die aansoek om goedkeuring as 'n dorp, of wat die instemming het van die eienaar tot die stigting, in eie naam, van 'n dorp op sodanige grond;

(b) 'n administrateur, plaaslike owerheid of dorpsontwikkelaar aan wie die grond wat die onderwerp is van die aansoek om goedkeuring as 'n dorp kragtens 'n grondbeskikbaarheidsooreenkoms beskikbaar gestel is soos in artikel 34 (9) van die Wet beoog;

"gemagtigde beampte" iemand deur die Minister of sy gevolmagtigde as sodanig aangewys;

"goedgekeurde aansoek" 'n aansoek om die stigting van 'n dorp wat deur die Minister kragtens regulasie 16 goedgekeur is, maar waar die betrokke grond nog nie 'n goedgekeurde dorp geword het nie;

"goedgekeurde dorp" grond ten opsigte waarvan 'n kennisgewing deur die Minister in die *Staatskoerant* uitgereik is soos in regulasie 23 beoog, waarin die goedkeuring daarvan as 'n dorp verklaar word;

"grondgebruiksvoorwaardes" die titelvoorwaardes of dorpsvoorwaardes soos in artikel 57B van die Wet bedoel en vervat in Aanhangsel F van hierdie regulasies, en ook enige dorpsbeplanningskema wat sodanige voorgeskrewe voorwaardes vervang het, soos in daardie artikel beoog;

"grondbeskikbaarheidsooreenkoms" 'n ooreenkoms wat aangegaan is tussen die liggaam deur wie grond beskikbaar gestel word soos in artikel 34 (9) van die Wet beoog en die persoon of liggaam aan wie grond beskikbaar gestel word en wat deur die Minister goedgekeur is soos in regulasie 4 beoog;

"Landmeter-generaal" die betrokke landmeter-generaal soos in artikel 49 van die Opmetingswet, 1927 (Wet 9 van 1927), omskryf;

"oordrag, met betrekking tot die oordrag van grond, ook 'n toekenning van 'n reg van huurpag soos in artikel 52 (1) van die Wet beoog, en die daaropvolgende oordrag van sodanige huurpag deur 'n huurpaghouer aan 'n bevoegde persoon;

"Registrateur" die betrokke registrateur.

board vest as contemplated in section 3 (1) (a) of the Abolition of Development Bodies Act, 1986 (Act 75 of 1986), and includes a public authority to which such assets, liabilities, rights, duties and obligations have passed as contemplated in section 3 (2) of that Act;

"approved application" means an application for the establishment of a township that has been approved by the Minister in terms of regulation 16 but where the land in question has not yet become an approved township;

"approved township" means land in respect of which a notice has been published by the Minister in the *Gazette* as contemplated in regulation 23 declaring that the township has been approved.

"authorised officer" means any person designated as such by the Minister or his authorised representative;

"land availability agreement" means an agreement that has been concluded between the body making land available as contemplated in section 34 (9) of the Act and the person or body to whom the land is made available and that has been approved by the Minister as contemplated in regulation 4;

"land use conditions" means the conditions of title or township conditions contemplated in section 57B of the Act and contained in Annexure F to these regulations, and includes any townplanning scheme that has replaced such prescribed conditions as contemplated in that section;

"Registrar" means the relevant registrar;

"relevant authority" means the relevant authority referred to in regulations 26;

"services agreement" means an agreement concluded between a township applicant who is not a local authority and the relevant authority, in terms of which the relative responsibilities of the two parties are determined for the provision of internal and external engineering services and the level of such services as contemplated in regulation 27;

"services arbitration board" means a board established by the Minister in terms of regulation 31;

"Surveyor-General" means the relevant surveyor-general as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927);

"the Act" means the Black Communities Development Act, 1984 (Act 4 of 1984);

"township applicant" means—

(a) an administrator, local authority or township developer who is the owner or the duly authorised agent of the owner of the land that is the subject of the application for approval as a township, or who has the consent of such owner to establish a township on such land in his own name;

(b) an administrator, local authority or township developer to whom the land that is the subject of the application for approval as a township has been made available as contemplated in section 34 (9) of the Act, in terms of a land availability agreement;

"transfer", in relation to the transfer of land, includes a grant of a right of leasehold as contemplated in section 52 (1) of the Act, and the subsequent transfer of such leasehold by a leaseholder to a competent person.

## HOOFSTUK II

## ALGEMEEN

## TOEPASSING VAN REGULASIES

2. 'n Dorp mag slegs deur 'n dorpsdigter gestig word en slegs soos in hierdie regulasies beoog: Met dien verstande dat—

- (a) enige persoon grond kan gebruik vir die doel van bewoning deur werknemers van 'n mynonderneming, waar ten opsigte van sodanige gebruik—
  - (i) 'n oppervlakteregpermit kragtens die Wet op Mynregte, 1967 (Wet 20 van 1967), uitgereik is in ooreenstemming met die gemagtigde beambte; of
  - (ii) 'n permit soos geëig in artikel 6 (1) van die Wet op Fisiese Beplanning, 1967 (Wet 86 van 1967), uitgereik is vir die oprigting van wonings;
- (b) die Minister, behoudens sodanige bedinge en voorwaardes as wat hy mag bepaal, vrystelling van enige of al die vereistes van hierdie regulasies kan verleen aan—
  - (i) 'n statutêre liggaam,
  - (ii) enige persoon wat betrokke is in bona fide-mynbedrywighede,
  - (iii) 'n eienaar of okkupeerder van grond waarvan die ontwikkeling of uitleg, na die oordeel van die Minister, 'n vakansieoord, openbare oord of soortgelyke oord uitmaak of sal uitmaak,
  - (iv) 'n koöperasie soos in artikel 1 (1) van die Wet op Koöperasies, 1981 (Wet 91 van 1981) omskryf,
  - (v) 'n welsynsorganisasie kragtens artikel 13 van die Nasionale Welsynswet, 1978 (Wet 100 van 1978), geregistreer,
  - (vi) 'n administrateur of 'n dorpsontwikkelaar wat 'n dorp buite 'n plaaslike owerheidsgebied stig soos in regulasie 3 (b) beoog,
  - (vii) enige persoon wat 'n informele nedersetting stig, ontwikkel of verbeter in omstandighede uitdruklik deur die Minister toegelaat, of deur of kragtens enige ander wet toegelaat;
  - (viii) enige ander persoon of liggaam, in 'n geval waar die Minister van oordeel is dat sodanige vrystelling spoedige ontwikkeling tot gevolg sal hê en dat sodanige ontwikkeling in die openbare belang sal wees;
- (c) enige persoon wat in bona fide-boerderybedrywighede betrokke is die grond waarop hy aldus betrokke is, kan gebruik vir die behuising van enige persone wat wettiglik op sodanige grond mag woon, met inbegrip van bona fide-heeltydse werknemers in sy diens op daardie grond asook die afhanklikes van sodanige werknemers;
- (d) indien die Staat 'n dorp stig, hy nie gebonde is aan hierdie regulasies nie, en die dorp, wanneer 'n uitlegplan en 'n algemene plan opgestel en goedgekeur is, geag word gestig te wees soos in artikel 35 (1) van die Wet beoog;

## GROND

3. 'n Dorp mag slegs in 'n ontwikkelingsgebied gestig word en die betrokke grond moet ook binne 'n plaaslike owerheidsgebied wees: Met dien verstande dat—

- (a) die Minister 'n dorp kan goedkeur in 'n deel van 'n ontwikkelingsgebied wat nog nie in 'n plaaslike owerheidsgebied val nie, maar wat, na die mening

## CHAPTER II

## GENERAL

## APPLICATION OF REGULATIONS

2. A township may be established only by a township applicant and only as contemplated in these regulations: Provided that—

- (a) any person may use land for the residential purposes of employees of a mining undertaking, where in respect of such use—
  - (i) a surface right permit has been issued in terms of the Mining Rights Act, 1967 (Act 20 of 1967), in consultation with the authorised officer; or
  - (ii) a permit contemplated in section 6 (1) of the Physical Planning Act, 1967 (Act 86 of 1967), has been issued for the erection of dwellings;
- (b) the Minister may, on such terms and conditions as he may determine, exempt from any or all of the requirements of these regulations—
  - (i) a statutory body,
  - (ii) any person engaged in bona fide mining operations,
  - (iii) an owner or occupier of land the development or layout of which, in the opinion of the Minister, constitutes or will constitute a holiday resort, public resort or similar resort,
  - (iv) a co-operative as defined in section 1 (1) of the Co-operatives Act, 1981 (Act 91 of 1981),
  - (v) a welfare organisation registered in terms of section 13 of the National Welfare Act, 1978 (Act 100 of 1978),
  - (vi) an administrator or a township developer who establishes a township outside a local authority area as contemplated in regulation 3 (b),
  - (vii) any person who establishes, develops or improves an informal settlement in circumstances expressly allowed by the Minister or allowed by or under any other law,
  - (viii) in any case where the Minister considers that such exemption would facilitate speedy development and that such development would be in the public interest, any other person or body;
- (c) any person engaged in bona fide farming operations may use the land on which he is so engaged for the housing of any persons who may lawfully reside on such land, including bona fide full-time employees in his service on such land and the dependants of such employees;
- (d) if the State establishes a township, it shall not be bound by these regulations, and the township shall be deemed to have been established as contemplated in section 35 (1) of the Act, upon a layout plan and a general plan having been prepared and approved.

## LAND

3. A township may be established only in a development area, and the land concerned must also be in a local authority area: Provided that—

- (a) the Minister may approve a township in a part of a development area that is not yet in a local authority area, but which, in the opinion of the Minister, will or

van die Minister in 'n plaaslike owerheidsgebied ingesluit sal word of waarskynlik ingesluit sal word deur 'n Administrateur, soos beoog in artikel 2 (2) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982);

- (b) 'n administrateur of 'n dorpsontwikkelaar wat kragtens 'n vrystelling ingevolge regulasie 2 (b) (vi) optree, of die Staat, 'n dorp kan stig op grond in 'n ontwikkelingsgebied wat buite 'n plaaslike owerheidsgebied val: Met die voorbehoud dat—

(i) die dorp, nadat dit 'n goedgekeurde dorp geword het, deur 'n administrateur geadmineistreer moet word soos in artikel 31 van die Wet beoog, en sodanige administrateur of, behoudens die bepalings van genoemde artikel, die Minister, of ander liggaam of persoon deur die Minister aangewys, moet ook beheer oor die grond in die dorp uitoefen totdat 'n plaaslike owerheid saamgestel is wat, na die oordeel van die Minister, gesag in sodanige dorp kan uitoefen, en die grond waaruit die dorp bestaan deur 'n Administrateur in die plaaslike owerheidsgebied ingesluit is soos in artikel 2 (2) van die Wet op Swart Plaaslike Owerhede, 1982, beoog;

(ii) indien grond aan 'n plaaslike owerheid oorge- dra staan te word of daarin staan te vestig uit hoofde daarvan dat dit publieke plekke is, of by wyse van begiftiging, of 'n bedrag geld wat betaal staan te word in plaas van sodanige oordrag soos in regulasie 16 (2) beoog, sodanige grond oorge- dra moet word aan of vestig in, of sodanige bedrag betaal moet word aan die administrateur, die Minister of die persoon of liggaam in subregulasie (i) bedoel deur die Minister aangewys, in afwagting van die inlywing van die betrokke grond in 'n plaaslike owerheidsgebied deur 'n Administrateur, soos in subparagraaf (i) beoog, en dat by sodanige inlywing, die betrokke grond of bedrag oorge- dra moet word aan of vestig in, of oorbetal moet word aan, na gelang van die geval, die betrokke plaaslike owerheid deur die Minister, die betrokke administrateur of sodanige persoon of liggaam.

#### GRONDBESKIKBAARHEIDSOOREENKOMS

4. Die bedinge en voorwaardes waarop grond aan 'n persoon of liggaam kragtens artikel 34 (9) van die Wet beskikbaar gestel is, moet in 'n skriftelike grondbeskikbaarheidsooreenkoms vervat wees wat aangegaan is tussen die liggaam wat die grond beskikbaar stel en die persoon of liggaam aan wie die grond beskikbaar gestel word, en wat—

- (a) wesenlik voldoen aan die riglyne uiteengesit in Aanhangel A, of sodanige ander of bykomende riglyne wat in die algemeen deur die gemagtigde beampte, van tyd tot tyd, uitgereik word, of deur hom in 'n bepaalde geval neergelê word; en
- (b) aan die Minister voorgelê en deur hom goedgekeur is.

#### OORGANG

5. Dorpsstigtingprosedures vir die goedkeuring van 'n uite- legplan of 'n algemene plan waarmee 'n administrateur be- gin het, maar wat nog nie voltooi is nie, (ongeach of hy deur 'n plaaslike owerheid optree of 'n privaatonwikkelaar na- mens hom optree), kragtens artikel 35 (1), gelees met arti- kels 36 (1) en 41 (2) van die Wet, voor die datums van inwerkingtreding van die Wysigingswet op die Ontwikke- ling van Swart Gemeenskappe, 1986 (Wet 74 van 1986), en

is likely to be incorporated into a local authority area by an Administrator as contemplated in section 2 (2) of the Black Local Authorities Act, 1982 (Act 102 of 1982);

- (b) an administrator of a township developer acting under an exemption contemplated in regulation 2 (b) (vi), or the State, may establish a township on land in a devel- opment area which is outside a local authority area: With the proviso that—

(i) the township shall, upon becoming an approved township, be administered by an administrator as contemplated in section 31 of the Act, and such administrator or, subject to the provisions of the said section, the Minister, or any body or person designated by the Minister, shall also exercise control over the land in the township until a local authority is constituted which can in the opinion of the Minister exercise jurisdic- tion in respect of such township, and the land comprising the township has been incorporated into the relevant local authority area by an Ad- ministrator as contemplated in section 2 (2) of the Black Local Authorities Act, 1982;

(ii) if land is to be transferred to or will vest in a local authority by virtue of the fact that it con- stitutes public places, or by way of an endow- ment, or an amount of money is to be paid in lieu of such transfer as contemplated in regula- tion 16 (2), then such land shall be transferred to or shall vest in, or such amount shall be paid to the administrator, the Minister or the person or body designated by the Minister referred to in subregulation (i), pending the incorporation of the relevant land into a local authority area by an Administrator, as contemplated in sub- paragraph (i), and upon such incorporation the relevant land or amount shall be transferred to or vest in, or be paid over to, as the case may be, the relevant local authority by the Minister, the relevant administrator, or such person or body.

#### LAND AVAILABILITY AGREEMENT

4. The terms and conditions on which land has been made available to any person or body in terms of section 34 (9) of the Act shall be contained in a land availability agreement concluded in writing between the body making available the land and the person or body to whom the land is made available, and which—

- (a) complies substantially with the guide-lines set out in Annexure A, or such other or additional guide-lines as may be issued generally by the authorised officer from time to time, or determined by him in any parti- cular case; and
- (b) has been submitted to and approved by the Minister.

#### TRANSITION

5. Township establishment procedures for the approval of a layout plan or a general plan commenced, but not yet completed, by an administrator (whether or not acting through a local authority or a private developer on his be- half) in terms of section 35 (1) as read with sections 36 (1) and 41 (2) of the Act prior to the dates on which the Black Communities Development Amendment Act, 1986 (Act 74

hierdie regulasies, watter datum ook al die laaste datum is, (in hierdie regulasie die "effektiewe datum" genoem) word soos volg hanteer:

(1) Indien, op die effektiewe datum, 'n persoon of liggaam, met inbegrip van 'n plaaslike owerheid of dorpsontwikkelaar, besig is met die ontwikkeling van die betrokke grond ingevolge 'n ooreenkoms met 'n administrateur of 'n plaaslike owerheid, met inbegrip van enige sodanige ooreenkoms wat, waar nodig, deur die Minister voor die effektiewe datum goedgekeur is soos in die Wet beoog, geniet die bedinge van dié ooreenkoms voorkeur bo die bepalings van hierdie regulasies in die mate dat die bepalings van hierdie regulasies en die bedinge van die ooreenkoms met mekaar onbestaanbaar is: Met dien verstande dat—

(a) die bepalings van hierdie regulasies sover as wat redelikerwys moontlik is, nagekom word op die wyse en op die stadiums in subregulasie (2) beoog;

(b) indien daar tot tevredenheid van die gemagtigde beampte aangetoon word dat alhoewel 'n bepaling van hierdie regulasies nie met 'n ooreenkoms soos beoog in hierdie subregulasie onbestaanbaar is nie, dit duidelik onvanpas is of dat dit in die openbare belang is dat sodanige bepaling nie ten opsigte van die betrokke aansoek toegepas moet word nie, hy kan bepaal dat sodanige bepaling nie op die betrokke aansoek van toepassing is nie.

(2) Behoudens die bepalings van subregulasie (1)—

(a) indien, op die effektiewe datum, 'n aansoek om die goedkeuring van 'n uitlegplan reeds by die Minister ingedien is maar nog nie deur hom goedgekeur is nie, is die bepalings van Hoofstuk III, behalwe in soverre die gemagtigde beampte anders gelas, nie van toepassing op die aansoek nie en word die aansoek geag 'n goedgekeurde aansoek te wees sodra die Minister die betrokke uitlegplan goedgekeur het: Met dien verstande dat—

(i) die bepalings van regulasies 16 en 17 *mutatis mutandis* van toepassing is ten opsigte van die aansoek;

(ii) met ingang van die datum waarop die aansoek geag word 'n goedgekeurde aansoek te wees soos in hierdie paragraaf beoog, die bepalings van Hoofstukke IV, V en VI *mutatis mutandis* van toepassing is op die aansoek, behalwe in soverre daar in enige stigtingsvoorwaarde bedoel in regulasie 16 anders aangedui word of in soverre die gemagtigde beampte anders gelas; en

(iii) 'n uitlegplan wat voor die effektiewe datum vir goedkeuring by 'n plaaslike owerheid ingedien is, maar op daardie datum nog nie soos in hierdie paragraaf beoog, by die Minister ingedien is nie, geag word by die Minister ingedien te wees soos in hierdie paragraaf bedoel: Met dien verstande dat indien sodanige uitlegplan op 'n datum vier maande na die effektiewe datum nog nie deur die plaaslike owerheid goedgekeur is en inderdaad by die Minister ingedien is nie, die betrokke aansoek as 'n nuwe aansoek ingevolge Hoofstuk III behandel word;

of 1986), and these regulations came into force, whichever is the later date (in this regulation referred to as "the effective date"), shall be dealt with as follows:

(1) If on the effective date any person or body, including a local authority or township developer, is conducting the development of the relevant land in terms of an agreement with an administrator or a local authority, including any such agreement that was, where necessary, approved by the Minister as contemplated in the Act prior to the effective date, the provisions of such agreement shall take precedence over the provisions of these regulations, to the extent that the provisions of these regulations and the terms of such agreement are mutually inconsistent: Provided that—

(a) the provisions of these regulations shall as far as reasonably possible be complied with in the manner and at the stages contemplated in subregulation (2);

(b) if it is shown to the satisfaction of the authorised officer that any provision of these regulations not inconsistent with an agreement as contemplated in this subregulation is nevertheless clearly inappropriate or that it is in the public interest that such provision should not be applied in respect of the relevant application, he may direct that such provision shall not apply to the relevant application.

(2) Subject to the provisions of subregulation (1)—

(a) if on the effective date an application for the approval of a layout plan has been lodged with the Minister but not yet approved by him, the provisions of Chapter III shall, save to the extent otherwise directed by the authorised officer, not apply in respect of the application, and the application shall be deemed to be an approved application upon the Minister having approved the relevant layout plan: Provided that—

(i) the provisions of regulation 16 and 17 shall be applied *mutatis mutandis* in respect of the application;

(ii) with effect from the date on which the application is deemed to be an approved application as contemplated in this paragraph, the provisions of Chapters IV, V and VI shall apply to the application, *mutatis mutandis*, except to the extent otherwise indicated in any condition of establishment referred to in regulation 16, or otherwise directed by the authorised officer; and

(iii) any layout plan submitted to a local authority for approval prior to the effective date, but on that date not yet lodged with the Minister as contemplated in this paragraph, shall be deemed to have been lodged with the Minister as intended in this paragraph: Provided that, if by a date four months after the effective date such layout plan has not yet been approved by the local authority and actually lodged with the Minister, the relevant application shall be treated as a new application in terms of Chapter III;



- (b) indien, op die effektiewe datum, 'n uitlegplan ten opsigte van 'n voorgestelde dorp reeds goedgekeur is, maar 'n algemene plan nog nie goedgekeur is nie, word die aansoek geag 'n goedgekeurde aansoek te geword het op die datum waarop die uitlegplan deur die Minister goedgekeur is en is die bepalings van Hoofstukke IV, V en VI *mutatis mutandis* op die aansoek van toepassing, behalwe in soverre die gemagtigde beampte anders gelas; of
- (c) indien 'n uitleg- en 'n algemene plan reeds op die effektiewe datum goedgekeur is ten opsigte van 'n voorgestelde dorp—
  - (i) word die aansoek geag 'n goedgekeurde aansoek te geword het op die datum waarop die Minister die uitlegplan goedgekeur het; en
  - (ii) is die bepalings van regulasies 23, 24 en 25, asook van Hoofstukke V en VI, *mutatis mutandis* op die aansoek van toepassing, behalwe in soverre die gemagtigde beampte anders gelas.

### HOOFSTUK III

#### AANSOEK OM DORPSTIGTING

##### TOEPASSING VAN HOOFSTUK

6. Behoudens die bepalings van regulasies 2 en 5, is hierdie Hoofstuk van toepassing op aansoeke om dorpstigting deur alle dorpstigers gedoen: Met dien verstande dat indien die dorpstiger 'n plaaslike owerheid is, die bepalings van regulasie 9 (1) (a) nie van toepassing is nie.

##### AANSOEK AAN GEMAGTIGDE BEAMPTTE

7. (1) 'n Dorpstiger dien 'n skriftelike aansoek by die gemagtigde beampte in, wat vergesel moet gaan van ten minste—

- (a) waar sodanige ooreenkoms nie reeds aan die Minister voorgelê is soos in regulasie 4 (b) beoog nie, 'n afskrif van 'n grondbesikbaarheidsooreenkoms, indien toepaslike;
- (b) ontwerp-stigtingsvoorwaardes wat aan die riglyne, neergeleë in Aanhangsel B, voldoen;
- (c) voorgestelde titelvoorwaardes, asook 'n aanduiding van die mate waarin die grondgebruiksvoorwaardes op die dorp van toepassing sal wees;
- (d) 'n ontwerpuitlegplan;
- (e) 'n behoorlik voltooide aansoekvorm en twee afskrifte, wesenlik in die vorm van Aanhangsel B, tesame moet sodanige bykomende dokumente en inligting wat daarin bedoel word en tersaaklik vir die aansoek is; en
- (f) 'n verduidelikende memorandum ter ondersteuning van die aansoek.

(2) Die gemagtigde beampte erken, onmiddellik by ontvangs van 'n aansoek in subregulasie (1) bedoel, ontvangs van die aansoekvorm bedoel in subregulasie (1) (e) en die dokumente daarby aangeheg, deur datering en ondertekening van die erkenningsvorm op die dorpstiger se afskrif van die aansoekvorm, of, indien die dorpstiger nie in staat is om sy afskrif van die vorm by die gemagtigde beampte af te haal nie, deur sodanige vorm of 'n soortgelyke skriftelike erkenning van ontvangs aan die dorpstiger te pos.

#### ONDERSOEK NA MINERAALREGTE

8. (1) Indien—

- (a) die mineraalregte ten opsigte van die grond waarop 'n dorpstiger begerig is om 'n dorp te stig, geskei is van die eiendomsreg van die grond;

(b) if on the effective date a layout plan has been approved in respect of the proposed township, but a general plan has not yet been approved, the application shall be deemed to have become an approved application on the date on which the layout plan was approved by the Minister, and the provisions of Chapters IV, V and VI shall apply in respect of the application, *mutatis mutandis*, save to the extent otherwise directed by the authorised officer; or

(c) if on the effective date a layout plan as well as a general plan has been approved in respect of the proposed township—

- (i) the application shall be deemed to have become an approved application on the date on which the layout plan was approved by the Minister; and
- (ii) the provisions of regulations 23, 24 and 25, as well as of Chapters V and VI, shall apply in respect of the application, *mutatis mutandis*, save to the extent otherwise directed by the authorised officer.

### CHAPTER III

#### APPLICATION FOR TOWNSHIP ESTABLISHMENT

##### APPLICATION OF CHAPTER

6. Subject to regulations 2 and 5 this Chapter applies to applications for township establishment made by all township applicants: Provided that, if the township applicant is a local authority, the provisions of regulation 9 (1) (a) shall not be applicable.

##### APPLICATION TO AUTHORISED OFFICER

7. (1) A township applicant shall submit a written application to the authorised officer which includes at least—

- (a) where such agreement has not yet been submitted to the Minister as contemplated in regulation 4 (b), a copy of a land availability agreement, if applicable;
- (b) draft conditions of establishment complying with the guide-line as set out in Annexure B;
- (c) proposed title conditions, including an indication of the extent to which the land use conditions will apply to the township;
- (d) a draft layout plan;
- (e) a duly completed application form and two copies, substantially in the form of Annexure B, together with such additional documents and information as are referred to therein and are relevant to the application; and
- (f) an explanatory memorandum substantiating the application.

(2) The authorised officer shall immediately upon receipt of the application referred to in subregulation (1) acknowledge receipt of the application form referred to in subregulation (1) (e), and the documents attached thereto, by signing and dating the form of acknowledgement on the applicant's copy of the application form or, if the township applicant is unable to collect his copy of such form from the authorised officer, by posting such form or a similar written acknowledgement of receipt to the township applicant.

#### INVESTIGATION OF MINERAL RIGHTS

8. (1) If—

- (a) the rights to minerals in respect of the land on which the township applicant wishes to establish a township have been severed from the ownership of the land;



- (b) die eienaar van die grond waarop 'n dorpsdigter begerig is om 'n dorp te stig, 'n huur van regte op minerale toegestaan het of 'n prospekterkontrak gesluit het, waarvan die een of albei ingevolge die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), geregistreer is, of 'n notariële akte verly het soos in artikel 8 van die Wet op Edelgesteentes, 1964 (Wet 73 van 1964); of artikel 19 (1) van die Wet op Mynregte, 1967, bedoel, welke notariële akte geregistreer is of geag word geregistreer te wees; of
- (c) die grond waarop die dorpsdigter begerig is om 'n dorp te stig, geproklameer is soos in die Wet op Mynregte, 1967, beoog,

moet die dorpsdigter die inligting in subregulasies (2) en (3) bedoel, insluit in die aansoek in regulasie 7 beoog.

(2) 'n Dorpsdigter moet in sy aansoek in die omstandighede in subregulasie (1) bedoel, aandui—

- (a) of die houer of huurder van die mineraalregte of die houer van die regte uit hoofde van 'n prospekterkontrak of 'n notariële akte, toegestaan het tot die stigting van die dorp, of, ondanks redelike pogings om hom op te spoor, nie opgespoor kan word nie;
- (b) of die dorpsdigter die betrokke Administrateur, soos in artikel 4 van die Wet op Onteining van Minerale (Dorpe), 1969 (Wet 96 van 1969), beoog, versoek het om die mineraalregte te onteien;
- (c) of die geproklameerde grond in regulasie 8 (1) (c) beoog, vir die doel van 'n dorp uitgehou is ingevolge artikel 184 van die Wet op Mynregte, 1967, of nie gebruik word vir myndoelindes of 'n doel wat daarmee in verband staan nie en die eienaar van die grond, met die skriftelike toestemming van die Staatsmyningenieur soos in artikel 1 van die Wet op Mynregte, 1967, bedoel, versoek is om toe te stem of toegestaan het dat 'n dorp op die grond gestig word;
- (d) of enige ander stappe ten opsigte van sodanige grond gedoen is.

(3) Indien enige van of al die stappe in paragraaf (a), (b) of (c) van subregulasie (2) vermeld nie gedoen is nie, of waarskynlik nie voltooi sal wees voor die aansoek 'n goedgekeurde aansoek word nie, of, na die oordeel van die dorpsdigter, nie gedoen kan word sonder dat dit 'n wesenlike vertraging in die ontwikkeling van die dorp sal veroorsaak nie, moet die dorpsdigter in sy aansoek in subregulasie (1) bedoel, vermeld of hy versoek dat die Minister die aansoek goedkeur soos in regulasie 16 (1) beoog, ondanks die feit dat sodanige stappe nog nie gedoen is nie of waarskynlik nie voor sodanige goedkeuring voltooi sal wees nie, en indien wel, moet die aansoek ook die voorwaardes, indien daar is, wat die dorpsdigter die Minister versoek om in hierdie verband op risiko van die dorpsdigter te stel, soos in regulasie 16 (1) bedoel, vermeld.

#### KENNISGEWING AAN SEKERE LIGGAME

9. (1) So gou doenlik na indiening van sy aansoek by die gemagtigde beampte soos in regulasie 7 beoog, moet die dorpsdigter skriftelike kennis, wesenlik in die vorm van Aanhangsel C, vergesel van twee afskrifte van die aansoek met meegaande dokumente wat by die gemagtigde beampte ingevolge regulasie 7 ingedien is, tesame met 'n afskrif van 'n erkenning van ontvangs in regulasie 7 (2) beoog, gee aan—

- (a) die plaaslike owerheid, indien daar een is, in wie se plaaslike owerheidsgebied die grond wat die onderwerp van die aansoek is, geleë is; en
- (b) 'n persoon of liggaam aangewys kragtens subregulasie (2), wat, na die oordeel van die gemagtigde beampte, sodanige kennisgewing behoort te ontvang synde 'n party wat belang by die aansoek het.

- (b) the owner of the land on which the township applicant wished to establish a township has granted a lease of the rights to minerals or has entered into a prospecting contract, either or both of which is or are registered in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or has executed a notarial deed contemplated in section 8 of the Precious Stones Act, 1964 (Act 73 of 1964), or section 19 (1) of the Mining Rights Act, 1967, which notarial deed is registered or deemed to be registered; or
- (c) the land on which the township applicant wishes to establish a township is proclaimed land as contemplated in the Mining Rights Act, 1967,

the township applicant shall include in the application contemplated in regulation 7 the information referred to in subregulations (2) and (3).

(2) The township applicant shall in his application in the circumstances contemplated in subregulation (1) indicate whether—

- (a) the holder or lessee of the rights to the minerals or the holder of the rights in terms of the prospecting contract or notarial deed has consented to the establishment of the township, or cannot be traced, despite reasonable efforts to trace him;
- (b) the applicant has requested the relevant Administrator as contemplated in section 4 of the Expropriation of Mineral Rights (Townships) Act, 1969 (Act 96 of 1969), to expropriate the right to minerals;
- (c) the proclaimed and contemplated in regulation 8 (1) (c) has been reserved for the purposes of a township in terms of section 184 of the Mining Rights Act, 1967, or is not used for mining purposes or purposes incidental thereto and the owner of the land, with the written consent of the Government Mining Engineer referred to in section 1 of the Mining Rights Act, 1967, has been requested to consent to or has consented to a township being established on the land;
- (d) any other steps have been taken in respect of such land.

(3) If any or all of the steps contemplated in paragraph (a), (b) or (c) of subregulation (2) have not been taken, are not likely to be completed prior to the application becoming an approved application or, in the opinion of the township applicant, cannot be taken without causing substantial delay to the development of the township, then the township applicant shall indicate in his application referred to in subregulation (1) whether he requests that the Minister approve the application as contemplated in regulation 16 (1) notwithstanding the fact that such steps have not yet been taken or are not likely to be completed prior to such approval, and, if so, the application shall also state the conditions, if any, that the township applicant requests the Minister to impose in this connection at the risk of the township applicant as contemplated in regulation 16 (1).

#### NOTICE TO CERTAIN BODIES

9. (1) As soon as possible after lodging his application with the authorised officer as contemplated in regulation 7, the township applicant shall give written notice substantially in the form of Annexure C, enclosing two copies of the application and accompanying documents lodged with the authorised office in terms of regulation 7, together with a copy of an acknowledgement of receipt contemplated in regulation 7 (2), to—

- (a) the local authority, if any, in whose local authority area the land forming the subject to the application is situated; and
- (b) any person or body designated in terms of subregulation (2) who should in the opinion of the authorised officer receive such notice as a party interested in the application.

(2) Die gemagtigde beampte moet die dorpsstigter in kennis stel van en moet die partye aandui, aan wie die kennisgewing beoog in subregulasie (1) (b) beteken moet word en die gemagtigde beampte se aanduiding kan, hetsy in die algemeen of in 'n bepaalde geval—

- (a) enige provinsiale paatedepartement, enige ander departement of afdeling van die betrokke provinsiale administrasie, enige staatsdepartement of enige persoon wat, na die oordeel van die gemagtigde beampte, belang by die aansoek mag hê;
- (b) enige plaaslike owerheid of plaaslike bestuursliggaam wie se plaaslike bestuursbevoegdhede, -pligte of -funksies, na die oordeel van die gemagtigde beampte, indien die dorp goedgekeur sou word, daardeur geraak sal word;
- (c) enige plaaslike owerheid of plaaslike owerheidsliggaam, streeksdiensteraad of ander liggaam wat 'n ingenieursdiens, in Hoofstuk V beoog, op die grond ten opsigte waarvan die aansoek gedoen word, sal lewer;
- (d) die Registrateur, insluit.

(3) Die dorpsstigter moet, so gou doenlik nadat hy die kennisgewings in subregulasie (1) bedoel, gegee het, by die gemagtigde beampte sodanige bewys van kennisgewings gegee aan die persone of liggame bedoel in daardie subregulasie en van die datum van ontvangs van sodanige kennisgewings deur sodanige persone of liggame, lewer as wat die gemagtigde beampte verlang en wanneer die gemagtigde beampte die dorpsstigter in kennis stel van die aangeleenthede in subregulasie (2) beoog, dui hy terselfdertyd die wyse aan waarop sodanige bewys aan hom verstrekk moet word.

#### OPENBARE KENNISGEWING

10. (1) 'n Dorpsstigter moet so gou doenlik nadat hy sy aansoek by die gemagtigde beampte ingedien het soos in regulasie 7 beoog, kennis van die aansoek gee deur vir twee agtereenvolgende weke 'n kennisgewing, wesenlik in die vorm van Aanhangsel D, in 'n Afrikaanstalige en in 'n Engelstalige daaglikse koerant te publiseer wat gewoonlik gesirkuleer word in of naby die ontwikkelingsgebied waarin die grond wat die onderwerp van die aansoek is, geleë is.

(2) Die dorpsstigter moet die kennisgewing in subregulasie (1) bedoel op die amptelike kennisgewingsbord van die plaaslike owerheid, indien daar een is, in wie se plaaslike owerheidsgebied die dorp gestig of waarskynlik gestig sal word, vir dieselfde tydperk van twee weke in subregulasie (1) beoog, laat aanbring.

(3) Die dorpsstigter moet, so gou doenlik nadat die kennisgewings in subregulasie (1) bedoel, gepubliseer is, aanvaarbare bewys van die publikasie en die datums daarvan aan die gemagtigde beampte lewer.

#### BESWARE OF VERTOË

11. (1) 'n Persoon of liggaam aan wie 'n kennisgewing en afskrifte van die aansoek gegee is soos in regulasie 9 beoog, kan, binne 'n tydperk van 30 dae vanaf die datum waarop sodanige kennisgewing aan sodanige persoon of liggaam gegee is, 'n skriftelike beswaar indien by, of skriftelik verhoë rig aan die gemagtigde beampte ten opsigte van die aansoek: Met dien verstande dat, indien sodanige persoon of liggaam nie in staat is om sodanige beswaar in te dien of sodanige verhoë te rig binne die gemelde tydperk van 30 dae nie, of om die aansoek behoorlik binne die gemelde tydperk te ondersoek nie, hy, binne daardie tydperk, die gemagtigde beampte skriftelik kan versoek om die gemelde tydperk te verleng, en so 'n versoek moet die tydsduur vermeld waarvoor hy verlang dat die gemagtigde beampte gracie vir die

(2) The authorised officer shall inform the township applicant of and shall determine the parties who shall be served with the notice contemplated in subregulation (1) (b) and the authorised officer's determination may either generally or in any particular case include—

- (a) any provincial road department, any other department or division of the relevant provincial administration, any Government department which or any person who, in the opinion of the authorised officer, may be interested in the application;
- (b) any local authority or local government body whose local authority powers, duties or functions will, in the opinion of the authorised officer, be affected by the township, if approved;
- (c) any local authority or local government body, regional services council or other body that will provide any engineering service contemplated in Chapter V to the land in respect of which the application will be made;
- (d) the Registrar.

(3) The township applicant shall as soon as possible after having given the notices contemplated in subregulation (1) lodge with the authorised officer such proof of notices given to the persons or bodies contemplated in that subregulation and of the date of the receipt of such notices by such persons or bodies as the authorised officer may require, and the authorised officer shall indicate the manner of such proof required by him to the township applicant at the same time as he informs the township applicant of the matters contemplated in subregulation (2).

#### PUBLIC NOTICE

10. (1) A township applicant shall, as soon as possible after having lodged his application with the authorised officer as contemplated in regulation 7, give notice of the application by publishing for two consecutive weeks a notice substantially in the form of Annexure D in one Afrikaans and one English daily newspaper normally circulated in or near the development area in which the land that forms the subject of the application is situated.

(2) The township applicant shall cause the notice referred to in subregulation (1) to be displayed on the official notice board of the local authority, if any, within whose local authority area the township will or is likely to be established for the same two-week period contemplated in subregulation (1).

(3) The township applicant shall, as soon as possible after having published the notices referred to in subregulation (1), deliver to the authorised officer acceptable proof of the publication and the dates thereof.

#### OBJECTIONS OR REPRESENTATIONS

11. (1) A person or body given notice and copies of the application as contemplated in regulation 9 may, within a period of 30 days from the date on which such notice was given to such person or body, lodge a written objection with or make representations in writing to the authorised officer in respect of the application: Provided that, if such person or body is unable to lodge such objection or make such representations within the said 30-day period, or sufficiently to investigate the application within that period, it may, within that period, request the authorised officer in writing to extend the said period, and any such request shall set out the

indiening van die beswaar of vertoë moet verleen, sowel as die aard van die beswaar of vertoë wat sodanige persoon of liggaam van voorneme is om te maak of rig, of, na verdere ondersoek van die aansoek, sou kon of waarskynlik maak of rig.

(2) Enige persoon kan, binne 'n tydperk van 30 dae vanaf die datum van die eerste publikasie van die openbare kennisgewing in regulasie 10 beoog, 'n skriftelike beswaar of skriftelik vertoë ten opsigte van die aansoek indien by of rig aan die gemagtigde beampte.

(3) Nadat die 30-daertydperke vir die indiening van besware, vertoë of versoeke soos in subregulasie (1) en (2) beoog, verstryk het, moet die gemagtigde beampte 'n afskrif van enige sodanige beswaar of vertoë wat by hom ingedien is, asook van elke versoek in subregulasie (1) bedoel wat deur hom ontvang is, aan die dorpsdigter stuur.

(4) Enige persoon of liggaam wat vertoë rig of 'n beswaar indien soos in subregulasie (1) beoog, moet, saam met sy vertoë of beswaar een van die afskrifte van die aansoek wat by die kennisgewing in regulasie 9 (1) bedoel, ingesluit was, aan die gemagtigde beampte lewer.

(5) Nadat die 30-daertydperke vir die indiening van besware of vertoë beoog in subregulasie (1) en (2) verstryk het, en geen beswaar of vertoë van enige persoon of liggaam in subregulasies (1) en (2) beoog, deur die gemagtigde beampte ontvang is nie, word sodanige persoon of liggaam geag geen beswaar te hê teen of vertoë wens te rig ten opsigte van die aansoek nie: Met dien verstande dat—

(a) die gemagtigde beampte, indien hy by oorweging van enige skriftelike versoek in subregulasie (1) bedoel, of op enige ander grond, tevrede is dat 'n persoon of liggaam aan wie kennis kragtens regulasie 9 gegee is, 'n beswaar wil indien of behoort in te dien of vertoë wil rig of behoort te rig maar nie in staat is om dit binne die 30-daertydperk in subregulasie (1) toegelaat, te doen nie, en dat sodanige beswaar of vertoë, indien gehandhaaf, die stigting van die dorp wesenlik sal beïnvloed of effektief sal voorkom of waarskynlik, indien gehandhaaf, wesenlik sal beïnvloed of effektief sal voorkom, behoudens die bepalinge van regulasie 12, die tydperk toegelaat vir die indiening van sodanige beswaar of die rig van sodanige vertoë kan verleng vir die periode of periodes wat hy dienstig ag, en dat die gemagtigde beampte die dorpsdigter dienooreenkomstig in kennis moet stel;

(b) die gemagtigde beampte, indien hy, behoudens die bepalinge van regulasie 12, tevrede is dat die aansoek voortgesit mag word, hetsy in geheel of gedeeltelik, terwyl 'n beswaar of vertoë afgewag word, die toepassing van die bepalinge van hierdie regulasies *mutatis mutandis* kan toelaat ten opsigte van die aansoek of enige gedeelte daarvan, op sodanige voorwaardes as wat hy bepaal;

(c) dit nie soos in hierdie subregulasie beoog, beskou word dat 'n persoon of liggaam in subregulasies (1) en (2) bedoel, geen beswaar het teen of vertoë het in verband met die aansoek nie, tensy die gemagtigde beampte die bewys ontvang het dat kennis aan sodanige persoon of liggaam gegee is soos in regulasie 9 (3) of in regulasie 10 (3) beoog, na gelang van die geval.

#### ANTWOORD DEUR DORPSTIGTER

12. (1) Die dorpsdigter kan, binne 14 dae of sodanige langer tydperk as wat die gemagtigde beampte mag toelaat, na ontvangs deur die dorpsdigter van die afskrifte, van besware, vertoë en versoeke soos in regulasie 11 (3) beoog, of na die verstryking van 'n verlengingstydperk soos in regulasie 11 (5) (a) beoog, na gelang van die geval, skriftelik aan die gemagtigde beampte—

(a) sy antwoord besorg op 'n beswaar of vertoë wat aan hom gelewer is soos in regulasie 11 (3) beoog, en

period within which it requests the authorised officer to allow it to lodge the objection or submission, as well as the nature of the objection or representations that such person or body intends to or, upon further investigation of the application, might or is likely to lodge or make.

(2) Any person may, within a period of 30 days from the date of the first publication of the public notice contemplated in regulation 10, lodge a written objection with or make representations in writing to the authorised officer in respect of the application.

(3) After the 30-day periods for lodging objections, representations or requests as contemplated in subregulations (1) and (2) have expired, the authorised officer shall forward to the township applicant a copy of any such objection or representation lodged with him and also of every request contemplated in subregulation (1) that has been received by him.

(4) Any person or body lodging an objection or making representations as contemplated in subregulation (1) shall, together with his representations or objection, deliver to the authorised officer one of the copies of the application enclosed with the notice contemplated in regulation 9 (1).

(5) After the 30-day periods for lodging objections or representations contemplated in subregulations (1) and (2) have expired, and if no objection or representations were received by the authorised officer from any person or body contemplated in subregulations (1) and (2), it shall be deemed that such person or body has no objection to or representations in respect of the application: Provided that—

(a) the authorised officer may, if, upon consideration of any written request referred to in subregulation (1), or on any other ground, he is satisfied that any person or body to whom notice was given in terms of regulation 9 wishes to or should lodge an objection or make representations but is unable to do so within the 30-day period allowed in subregulation (1) and that such objection or representations will, if upheld, materially affect or effectively preclude or are likely, if upheld, materially to affect or effectively to preclude establishment of the township, subject to the provisions of regulation 12, extend the period allowed for the lodging of such objection or the making of representations by such period or periods of time as he may deem appropriate, and the authorised officer shall inform the township applicant accordingly;

(b) the authorised officer may, if, subject to the provisions of regulation 12, he is satisfied that the application may proceed, either wholly or in part, while any objection or representation is awaited, allow the provisions of these regulations to be applied in respect of the application or any part thereof, *mutatis mutandis*, on such conditions as he may determine;

(c) it shall not be deemed as contemplated in this subregulation that a person or body contemplated in subregulations (1) and (2) has no objection to or representations in respect of the application, unless the authorised officer has received the proof that notice was given to such person or body as contemplated in regulation 9 (3) or in regulation 10 (3), as the case may be.

#### REPLY BY TOWNSHIP APPLICANT

12. (1) The township applicant may, within 14 days or such longer period as the authorised officer may allow, after the receipt by the township applicant of the copies of objections, representations and requests as contemplated in regulation 11 (3), or after the expiry of any period of extension as contemplated in regulation 11 (5) (a), as the case may be, deliver in writing to the authorised officer—

(a) his reply to any objection or representations delivered to him as contemplated in regulation 11 (3); and

(b) sy kommentaar verstrek oor die gewensheid van die toepassing van regulasie 11 (5) (a) of (b) deur die gemagtigde beampte ten opsigte van die aansoek of enige gedeelte daarvan.

(2) Indien die dorpsdigter nie sy antwoord of kommentaar binne die tydperk deur of kragtens subregulasie (1) toegeelaat, besorg nie, verbeur hy die reg om dit te doen.

(3) Ten einde te besluit of hy 'n verlenging van tyd vir die indiening van 'n beswaar of versoë, soos beoog in regulasie 11 (5) (a), moet toelaat al dan nie, en of hy die toepassing van die bepalings van hierdie regulasies ten opsigte van enige gedeelte van die aansoek terwyl 'n beswaar of versoë afgewag word, soos beoog in regulasie 11 (5) (b), moet toelaat al dan nie kan die gemagtigde beampte enige inspeksie uitvoer, ondersoek instel of onderhoud voer, *mutatis mutandis*, soos in regulasie 13 beoog.

#### OORWEGING DEUR GEMAGTIGDE BEAMPTTE

13. Nadat die tydperk wat by of kragtens regulasie 12 (1) aan die dorpsdigter veroorloof is om sy antwoord of kommentaar te lewer, verstryk het, moet die gemagtigde beampte die aansoek oorweeg, met inagneming van enige beswaar of versoë ingedien en enige antwoord of kommentaar deur die dorpsdigter gelewer, en kan hy vir daardie doel—

- (a) enige inspeksie uitvoer of enige ondersoek instel (insluitende enige oorlegpleging met sodanige persone as wat die gemagtigde beampte mag bepaal) wat hy dienstig ag; en
- (b) met enige persoon of liggaam 'n onderhoud voer wat 'n beswaar ingedien of versoë gerig of kommentaar gelewer het, insluitende die dorpsdigter,

en die dorpsdigter is geregtig om by enige sodanige inspeksie, ondersoek of onderhoud teenwoordig te wees.

#### WYSIGING VOOR GOEDKEURING VAN AANSOEK

14. Te eniger tyd nadat sy aansoek by die gemagtigde beampte ingedien is, maar voordat sodanige aansoek 'n goedgekeurde aansoek geword het, kan die dorpsdigter—

- (a) uit eie beweging en met die toestemming van die gemagtigde beampte, of
- (b) op versoek van die gemagtigde beampte,

die aansoek wysig: Met dien verstande dat waar die wysiging na die oordeel van die gemagtigde beampte wesenlik is, die gemagtigde beampte sodanige kennis van die wysiging moet gee of die wysiging met sodanige persone of liggame bespreek, as wat hy nodig ag, of waar die wysiging na die oordeel van die gemagtigde beampte so wesenlik is dat dit 'n nuwe aansoek uitmaak, die gemagtigde beampte sodanige vereistes aan die dorpsdigter in verband met die indiening van 'n nuwe aansoek en die gee van kennisgewings kan stel as wat hy dienstig ag.

#### AANBEVELING AAN MINISTER

15. Binne 60 dae nadat die tydperk wat die dorpsdigter gegun is om sy antwoord of kommentaar in te dien soos in regulasie 12 beoog, verstryk het, moet die gemagtigde beampte die aansoek aan die Minister voorleë, tesame met sy verslag waarin hy sy aanbevelings aan die Minister met betrekking tot die aansoek doen.

#### BESLUIT VAN MINISTER

16. (1) By ontvangs van 'n aansoek vergesel van die gemagtigde beampte se verslag soos in regulasie 15 beoog, kan die Minister die aansoek of enige deel daarvan wat slegs op 'n gedeelte van die betrokke grond betrekking het, goedkeur of die aansoek of enige deel daarvan weier, of 'n besluit daaroor in die geheel of gedeeltelik uitstel: Met dien

(b) his comments on the desirability of the authorised officer applying regulation 11 (5) (a) or (b) in respect of the application or any part thereof.

(2) If the township applicant does not deliver his reply or comments within the period allowed by or in terms of subregulation (1), he shall forfeit the right to do so.

(3) For the purposes of reaching a decision on whether or not to allow any extension of time for the lodging of an objection or the making of representations, or to allow the provisions of these regulations to be applied in respect of any part of the application, while any objection or representation is awaited, as contemplated in regulation 11 (5) (a) or (b), the authorised officer may conduct any inspection, investigation or interview, *mutatis mutandis* as contemplated in regulation 13.

#### CONSIDERATION BY AUTHORISED OFFICER

13. After the period afforded the township applicant for making his reply or comments by or in terms of regulation 12 (1) has expired, the authorised officer shall consider the application, having regard to every objection or representation lodged and to any reply or comments made by the township applicant, and he may for that purpose—

- (a) conduct any inspection or institute any investigation (including any consultations with such persons as the authorised officer may determine) which he may deem expedient; and
- (b) interview any person or body who or which lodged an objection or made representations or comments, including the township applicant,

and the township applicant shall be entitled to be present at any such inspection, investigation or interview.

#### AMENDMENT BEFORE APPROVAL OF APPLICATION

14. At any time after his application has been lodged with the authorised officer but before such application has become an approved application, the township applicant may—

- (a) of his own accord and with the consent of the authorised officer; or
- (b) at the request of the authorised officer,

amend the application: Provided that where the amendment is, in the opinion of the authorised officer, a substantial one, the authorised officer shall give such notice of the amendment or discuss the amendment with such persons or bodies as he may deem necessary, or, where the amendment is, in the opinion of the authorised officer, so substantial that it constitutes a new application, the authorised officer may give such directions to the township applicant relating to the lodging of a new application and the giving of notices as he may deem appropriate.

#### RECOMMENDATION TO MINISTER

15. Within 60 days after the period allowed the township applicant to lodge his reply or comments contemplated in regulation 12 has expired, the authorised officer shall submit the application to the Minister, together with his report in which he makes his recommendation to the Minister regarding the application.

#### DECISION OF MINISTER

16. (1) On receipt of an application accompanied by the authorised officer's report contemplated in regulation 15, the Minister may approve the application or any part thereof relating to a portion of the relevant land only, or refuse it or any part thereof, or postpone a decision thereon either wholly or in part: Provided that, where the land concerned

verstande dat waar die betrokke grond onderworpe is aan enige regte, of geproklameerde grond is, soos in regulasie 8 (1) (a), (b) of (c) bedoel, die Minister die aansoek kan goedkeur, onderworpe aan sodanige voorwaardes, indien daar is, betreffende die regte van die houer of huurder van mynregte, die deproklamerings van die grond kragtens die Wet op Mynregte, 1967, of die afsondering van die betrokke grond vir dorpsdoeleindes soos in artikel 184 van daardie Wet beoog, as wat hy na oorleg, indien hy dit nodig ag, met die Minister van Mineraal- en Energiesake, of sy behoorlik aangewese verteenwoordiger mag bepaal.

(2) Wanneer die Minister 'n aansoek goedkeur, kan hy, benewens 'n voorwaarde in subregulasie (1) beoog, enige voorwaarde wat hy raadsaam ag oplê, met inbegrip van die voorwaarde dat 'n begiftiging *in natura* of in kontant vereis word: Met dien verstande dat sodanige begiftiging slegs betrekking mag hê op die oordrag aan of vestiging in 'n plaaslike owerheid of enige persoon of liggaam. of 'n administrateur, soos in regulasie 3 beoog, van grond wat bestem is vir gebruik as 'n openbare oop ruimte op die uitlegplan, of die betaling van 'n geldsom in plaas van sodanige oordrag of vestiging.

(3) Nadat die Minister 'n aansoek of enige gedeelte daarvan goedgekeur het, moet die gemagtigde beampte die dorpsdigter, die Registrateur, die Landmeter-generaal en die plaaslike owerheid, indien daar een is, wie se plaaslike owerheidsgebied die goedgekeurde dorp sal insluit, skriftelik in kennis stel van sodanige goedkeuring en van enige voorwaarde deur die Minister opgelê.

(4) Indien die Minister die aansoek geweier of 'n besluit daaroor uitgestel het, hetsy in die geheel of gedeeltelik, of voorwaardes kragtens subregulasie (2) opgelê het wat wesenlik verskil van die voorwaardes voorgelê in die dorpsdigter se aansoek in regulasie 7 beoog, moet die gemagtigde beampte, op skriftelike versoek van die dorpsdigter, 'n afskrif van die Minister se skriftelike redes vir sy besluit of uitstel aan die dorpsdigter stuur.

(5) Nadat die dorpsdigter in kennis gestel is dat sy aansoek goedgekeur is, maar voordat 'n registrasie of endossement plaasgevind het soos in regulasie 21 (1) beoog, kan die Minister enige voorwaarde deur hom opgelê, wysig of skrap, of enige verdere voorwaarde byvoeg, en is die bepalinge van subregulasie (4) ten opsigte van sodanige wysiging of skapping *mutatis mutandis* van toepassing.

#### WYSIGING NA GOEDKEURING VAN AANSOEK

17. (1) 'n Dorpsdigter wat in kennis gestel is dat sy aansoek goedgekeur is soos in regulasie 16 beoog, kan te eniger tyd voordat die algemene plan met betrekking tot die voorgestelde dorp goedgekeur is soos in regulasie 19 beoog, op sodanige wyse as wat die gemagtigde beampte bepaal by die Minister aansoek doen om die wysiging van die uitlegplan met betrekking tot die voorgestelde dorp, of om die verdeling van die dorp in twee of meer afsonderlike dorpe.

(2) By ontvangs van 'n aansoek in subregulasie (1) bedoel, kan die Minister—

- (a) waar die dokumente in regulasie 19 beoog, nie reeds by die Landmeter-generaal ingedien is nie; of
- (b) waar die dokumente in regulasie 19 beoog, wel by die Landmeter-generaal ingedien is, maar nie reeds deur hom soos in daardie regulasie bedoel, goedgekeur is nie, na oorlegpleging met die Landmeter-generaal,

toestem tot 'n wysiging van die uitlegplan of tot 'n verdeling van die dorp in subregulasie (1) bedoel, onderworpe aan enige voorwaardes wat die Minister dienstig mag ag.

(3) Waar die toestemming in subregulasie (2) beoog, verleen is, moet die gemagtigde beampte die dorpsdigter skriftelik daarvan en van enige voorwaarde opgelê, in kennis stel.

is subject to any rights or is proclaimed land as contemplated in regulation 8 (1) (a), (b) or (c), the Minister may approve the application subject to such conditions, if any, regarding the rights of the holder or lessee of mining rights, the deproclamation of the land under the Mining Rights Act, 1967, or the reservation of the land in question for township purposes as contemplated in section 184 of that Act, as he may determine after consultation, if deemed necessary by him, with the Minister of Mineral and Energy Affairs or his duly appointed representative.

(2) When the Minister approves an application, he may, in addition to any condition contemplated in subregulation (1), impose any condition he may deem expedient, including a condition requiring the provision of an endowment in kind or in cash: Provided that such an endowment may relate only to the transfer to or vesting in the local authority or any other person or body, or an administrator, as contemplated in regulation 3, of land designated for use as a public open space on the layout plan, or the payment of an amount of money in lieu of such transfer or vesting.

(3) After the Minister has approved an application or any part thereof, the authorised officer shall in writing notify the township applicant, the Registrar, the Surveyor-General and the local authority, if any, whose local authority area will include the approved township of such approval, and of any condition imposed by the Minister.

(4) If the Minister has refused the application or postponed a decision thereon either wholly or in part, or has imposed conditions under subregulation (2) that are materially different from the conditions submitted in the township applicant's application contemplated in regulation 7, the authorised officer shall, on the township applicant's written request, forward a copy of the Minister's written reasons for his decision to the township applicant.

(5) After the township applicant has been notified that his application has been approved, but before a registration or endorsement has taken place as contemplated in regulation 21 (1), the Minister may amend or delete any condition imposed by him or add any further condition, and the provisions of subregulation (4) shall apply, *mutatis mutandis* in respect of such amendment or deletion.

#### AMENDMENT AFTER APPROVAL OF APPLICATION

17. (1) A township applicant who has been notified that his application has been approved as contemplated in regulation 16 may, at any time prior to the general plan relating to the proposed township having been approved as contemplated in regulation 19, apply to the Minister in such manner as the authorised officer may determine for the amendment of the layout plan relating to the proposed township, or for the division of the township into two or more separate townships.

(2) On receipt of an application referred to in subregulation (1) the Minister may—

- (a) where the documents contemplated in regulation 19 have not yet been lodged with the Surveyor-General; or
- (b) where the documents contemplated in regulation 19 have been lodged with the Surveyor-General but not yet approved by him as intended in that regulation, after consultation with the Surveyor-General,

consent to an amendment of the layout plan or to a division of the township referred to in subregulation (1) subject to any conditions that the Minister may deem expedient.

(3) Where the consent contemplated in subregulation (2) has been granted, the authorised officer shall notify the township applicant in writing thereof and of any condition imposed.

*Mahomed Moad hui bay*



(4) Die verlening van toestemming kragtens subregulasie (2), en die kennisgewing deur die gemagtigde beampte in subregulasie (3) bedoel, word geag 'n goedkeuring en 'n kennisgewing, na gelang van die geval, te wees ten opsigte van 'n aansoek vir die gewysigde dorp of van elke afsonderlike dorp, soos in regulasie 16 beoog.

#### HOOFSTUK IV

#### PROSEDURE VIR VERKLARING TOT GOEDGEKEURDE DORP

##### VERBOD OP STRYDIGE GEBRUIK

18. (1) Met ingang van die datum van die Minister se goedkeuring van 'n dorpsstigtingsaansoek soos in regulasie 16 beoog, verleen die eienaar van die betrokke grond, die betrokke administrateur, enige persoon of liggaam belas met die administrasie van sodanige grond, of die plaaslike owerheid, indien daar een is, wie se plaaslike owerheidsgebied die goedgekeurde dorp sal insluit, nie enige toestemming, goedkeuring of magtiging wat in stryd sal wees nie met die grondgebruiksvoorwaardes of enige ander gebruiksvoorwaardes wat op die dorp van toepassing sal wees soos in regulasie 32 bedoel.

(2) Indien 'n plaaslike owerheid, die betrokke administrateur, of enige persoon of liggaam belas met die administrasie van die betrokke grond, van oordeel is dat die bepalinge van die voorwaardes in subregulasie (1) bedoel, oortree sou word indien—

- (a) die oprigting of verandering van aanbouing aan enige gebou onderneem of voortgesit word;
- (b) die onderverdeling van enige grond onderneem of voortgesit word;
- (c) enige werk gedoen, onderneem of voortgesit word; of
- (d) enige bepaalde gebruik gemaak word van enige grond of gebou,

kan die plaaslike owerheid, sodanige administrateur of sodanige persoon of liggaam by wyse van skriftelike kennisgewing sodanige oprigting, verandering, aanbouing, onderverdeling, werk of gebruik, verbied: Met dien verstande dat hierdie bepaling nie van toepassing is nie op die oprigting of verandering van of aanbouing aan 'n gebou onderneem of voortgesit ooreenkomstig 'n goedgekeurde bouplan of 'n goedkeuring kragtens enige ander wet verleen.

##### VOORLEGGING VAN PLANNE AAN LANDMETER-GENERAAL

19. (1) 'n Dorpsstichter wat kragtens regulasies 16 in kennis gestel is dat sy aansoek deur die Minister goedgekeur is of dat 'n wysiging of verdeling goedgekeur is soos in regulasie 17 beoog, na gelang van die geval, moet, binne 'n tydperk van twaalf maande vanaf die datum van sodanige kennisgewing, of sodanige verdere tydperk as wat die gemagtigde beampte toelaat, sodanige planne, diagramme of ander dokumente as wat die Landmeter-generaal mag vereis, by die Landmeter-generaal vir goedkeuring indien, en indien die dorpsstichter versuim om dit te doen, verval die aansoek: Met dien verstande dat die gemagtigde beampte, waar dit dienstig is, die dorpsstichter kan toelaat om sodanige planne, diagramme of ander dokumente by die Landmeter-generaal in te dien op 'n stadium voordat die betrokke aansoek 'n goedgekeurde aansoek geword het: Met dien verstande voorts dat, in sodanige geval, die uitlegplan met betrekking tot die dorp reeds deur die Minister goedgekeur moes gewees het soos in die Wet beoog, indien nodig afsonderlik van ander aspekte van die aansoek wat kragtens regulasie 16 deur die Minister oorweeg word.

(2) So gou doenlik na indiening van die planne, diagramme of ander dokumente in subregulasie (1) bedoel, moet die dorpsstichter die gemagtigde beampte in kennis stel van die datum van sodanige indiening.

(4) The granting of a consent in terms of subregulation (2), and the notice by the authorised officer referred to in subregulation (3), shall be deemed to be an approval and a notice, as the case may be, in respect of an application for the amended township or of each separate township, as contemplated in regulation 16.

#### CHAPTER IV

#### PROCEDURE FOR DECLARING AN APPROVED TOWNSHIP

##### PROHIBITION OF CONFLICTING USE

18. (1) With effect from the date of the Minister's approval of a township application as contemplated in regulation 16, the owner of the land concerned, the relevant administrator, any person or body charged with the administration of such land, or the local authority, if any, whose local authority area will include the approved township shall not grant any consent, approval or authority that would be in conflict with the land use conditions or any other use conditions that will apply to the township, as contemplated in regulation 32.

(2) If a local authority, the relevant administrator, or any person or body charged with the administration of the relevant land is of the opinion that the provisions of the conditions referred to in subregulation (1) would be contravened if—

- (a) the erection or alteration of or addition to any building is undertaken or proceeded with;
- (b) the subdivision of any land is undertaken or proceeded with;
- (c) any work is performed, undertaken or proceeded with; or
- (d) any particular use is made of any land or building,

the local authority, such administrator or such person or body may by written notice prohibit such erection, alteration, addition, subdivision, work or use: Provided that this provision shall not apply to the erection or alteration of or addition to a building undertaken or proceeded with in accordance with an approved building plan or in terms of an approval granted in terms of any other law.

##### SUBMISSION OF PLANS TO SURVEYOR-GENERAL

19. (1) A township applicant who has been notified in terms of regulation 16 that his application has been approved by the Minister or that an amendment or division has been approved as contemplated in regulation 17, as the case may be, shall, within a period of 12 months from the date of such notice, or such further period as the authorised officer may allow, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the township applicant fails to do so, the application shall lapse: Provided that the authorised officer may, where appropriate, allow the township applicant to lodge such plans, diagrams or other documents with the Surveyor-General at a stage prior to the relevant application having become an approved application: Provided further that, in such event, the layout plan relating to the proposed township shall have been first approved by the Minister as contemplated in the Act, if necessary separately from other aspects of the application being considered by the Minister in terms of regulation 16.

(2) As soon as possible after lodging the plans, diagrams or other documents referred to in subregulation (1), the township applicant shall inform the authorised officer of the date of such lodging.

(3) Indien die dorpsdigter versuim om binne 'n redelike tyd nadat hy die planne, diagramme of ander dokumente bedoel in subregulasie (1) ingedien het, te voldoen aan enige vereistes wat die Landmeter-generaal regtens kan stel, kan die Landmeter-generaal die gemagtigde beampte dienooreenkomstig in kennis stel, en indien die gemagtigde beampte tevrede is, nadat hy die dorpsdigter aangehoor het, dat die dorpsdigter sonder grondige rede versuim het om aan enige sodanige vereistes te voldoen, moet die gemagtigde beampte die dorpsdigter van sy bevinding in kennis stel, en daarop verval die aansoek: Met dien verstande dat, indien enige reg van huurpag ten opsigte van onopgemete persele soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie moet verval of nie verval het nie, en hy dan geregtig is om op koste van die dorpsdigter te laat voldoen aan die vereistes van die Landmeter-generaal.

(4) Nadat die planne, diagramme of dokumente wat die Landmeter-generaal vereis tot sy tevredeheid by hom ingedien is, handel hy met sodanige planne, diagramme of ander dokumente ooreenkomstig die Opmetingswet, 1927.

(5) 'n Algemene plan deur die Landmeter-generaal goedgekeur, handelende soos in subregulasie (4) beoog, of enige algemene plan wat voor die inwerkingtreding van die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986, kragtens die Wet goedgekeur is, kan deur die Landmeter-generaal gewysig word of gedeeltelik of in die geheel gekanselleer word of die grond wat op sodanige algemene plan aangetoon word kan gekonsolideer of onderverdeel word op sodanige bedinge en voorwaardes as wat die Minister mag goedkeur of gelas.

(6) Die dorpsdigter is verantwoordelik vir die indiening by die Landmeter-generaal van enige aansoek om die wysiging of gedeeltelike of totale kansellering van 'n algemene plan in subregulasie (5) bedoel, tesame met enige goedkeuring of lasgewing in daardie subregulasie bedoel, en sodanige wysigende algemene plan moet aan die vereistes van die Opmetingswet, 1927, voldoen.

(7) Enige beding of voorwaarde deur die Minister goedgekeur of gelas soos in subregulasie (5) beoog, kan enige voorwaarde betreffende die betaling van vergoeding, indien daar is, of die sluiting van 'n openbare plek insluit.

(8) Nadat die algemene plan met betrekking tot die dorp, of enige gedeelte daarvan, deur die Landmeter-generaal goedgekeur is, is die dorpsdigter daarvoor verantwoordelik om sodanige gevolglike wysigings aan die betrokke uitlegplan aan te bring as wat die vorm waarin die algemene plan goedgekeur is, mag vereis, en is dit nie nodig dat 'n nuwe of bykomende aansoek gedoen word of goedkeuring verleen word ten opsigte van 'n uitlegplan wat aldus gewysig is nie.

(9) Die dorpsdigter moet, binne 'n tydperk van drie maande na die datum waarop die planne en diagramme aan die Landmeter-generaal voorgelê en deur hom goedgekeur is, 'n gesertifiseerde afskrif of nateksel van die algemene plan van die dorp, tesame met 'n afskrif van die uitlegplan soos in subregulasie (8) bedoel, by die gemagtigde beampte indien, indien die goedgekeurde dorp binne die plaaslike owerheidsgebied van 'n plaaslike owerheid geleë sal wees, ook by daardie plaaslike owerheid.

#### HURPAG KRAGTENS ARTIKEL 52 (5) VAN DIE WET GEDURENDE DORPSTIGTING

20. (1) Ondanks enige andersluidende bepalings van hierdie regulasies, met inbegrip van, maar nie beperk nie tot—

(a) die vereiste dat die Registrateur normaalweg met die betrokke titelaktes met betrekking tot 'n voorgestelde dorp kragtens Hoofstuk IV van die Registrasie van Aktes Wet, 1937, handel soos in regulasie 21 (1) beoog;

(3) If the township applicant fails, within a reasonable time after he has lodged the plans, diagrams or other documents referred to in subregulation (1), to comply with any requirements the Surveyor-General may lawfully lay down, the Surveyor-General may notify the authorised officer accordingly, and if the authorised officer is satisfied, after hearing the township applicant, that the township applicant has failed to comply with any such requirement without sound reason, the authorised officer shall notify the applicant that he is so satisfied, and thereupon the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he shall be entitled to cause the requirements of the Surveyor-General to be complied with at the expense of the township applicant.

(4) After the Surveyor-General shall have been satisfied that the required plans, diagrams or documents have been lodged with him, he shall deal with such plans, diagrams or documents in accordance with the Land Survey Act, 1927.

(5) A general plan approved by the Surveyor-General, acting as contemplated in subregulation (4), or any general plan approved under the Act prior to the coming into force of the Black Communities Development Amendment Act, 1986, may be amended or partially or totally cancelled by the Surveyor-General on the land shown on such general plan may be consolidated or subdivided, on such terms and conditions as the Minister may approve or direct.

(6) The township applicant shall be responsible for submitting any application for the amendment or partial or total cancellation of a general plan referred to in subregulation (5) to the Surveyor-General, together with any approval or direction referred to in that subregulation, and such amending general plan shall comply with the requirements of the Land Survey Act, 1927.

(7) Any term or condition approved or directed by the Minister as contemplated in subregulation (5) may include any condition as to the payment of compensation, if any, or the closing of any public place.

(8) After the general plan relating to the township, or any part thereof, has been approved by the Surveyor-General, the township applicant shall be responsible for making such consequential amendments to the relevant layout plan as may be dictated by the form in which the general plan was approved, and it shall not be necessary for any new or additional application to be made or approval to be granted in respect of a layout plan so amended.

(9) The township applicant shall, within a period of three months after the date on which the Surveyor-General has approved the plans and diagrams submitted to him, lodge a certified copy or tracing of the general plan of the township, together with a copy of the layout plan, amended as contemplated in subregulation (8), with the authorised officer and, if the approved township will be within the local authority area of any local authority, also with that local authority.

#### LEASEHOLD IN TERMS OF SECTION 52 (5) OF THE ACT DURING TOWNSHIP ESTABLISHMENT

20. (1) Notwithstanding anything to the contrary contained in these regulations, including, but not limited to—

(a) the requirement that the Registrar must in the ordinary course deal with the relevant title deeds relating to a proposed township in terms of Chapter IV of the Deeds Registries Act, 1937, as contemplated in regulation 21 (1);



(b) die vereiste dat die Registrateur normaalweg nie enige transaksie mag registreer ten opsigte van grond geleë in 'n voorgestelde dorp in omstandighede behalwe soos in regulasie 21 (3) beoog nie; en

(c) die feit dat aan sekere vereistes voldoen moet word alvorens die grond in 'n voorgestelde dorp in 'n registrasiekantoor registreerbaar word soos in regulasie 25 (2) beoog,

moet 'n Registrateur 'n reg van huurpag ten opsigte van 'n perseel wat nog nie op 'n algemene plan aangetoon is nie, registreer, soos in artikel 52 (5) en (9) van die Wet beoog. Met dien verstande dat die betrokke perseel geïdentifiseer is met verwysing na 'n ontwerpalgemene plan of ontwerpdiagram ingedien by die Landmeter-generaal, soos in regulasie 6 (4) van die Huurpagregulasies, 1985, beoog.

(2) Die persoon in regulasie 6 (3) (b) van die Huurpagregulasies, 1985, bedoel, ken nie 'n verwysingsnommer vir doeleindes van 'n registrasie soos in subregulasie (1) beoog aan 'n ontwerp- algemene plan toe nie, tensy hy tevrede is dat—

(a) 'n kontrak in regulasie 24 (4) beoog, behoorlik gesluit is ten opsigte van die betrokke grond, of gesluit kan word ten opsigte van sodanige grond, deurdat—

(i) die betrokke aansoek 'n goedgekeurde aansoek geword het soos in regulasie 24 (4) (a) beoog; en

(ii) indien die dorpsdigter nie 'n plaaslike owerheid is wat al die ingenieursdienste aan die dorp voorsien soos in regulasie 30 beoog nie, sodanige dorpsdigter en die betrokke gesag albei hulle diensteverplichtinge nagekom het of die ondernemings of waarborge soos bedoel in regulasie 24 (4) (b) gegee het, of, indien die dorpsdigter wel 'n plaaslike owerheid is soos in regulasie 30 beoog, sodanige dorpsdigter alle ingenieursdienste met betrekking tot die betrokke grond geïnstalleer en voorsien het soos in regulasie 24 (4) (c) beoog; en

(b) die planne, diagramme en ander dokumente in regulasie 19 (1) bedoel, behoorlik by die Landmeter-generaal ingedien is soos in daardie regulasie bedoel, ten opsigte van die betrokke grond, maar nog nie soos in regulasie 19 beoog, goedgekeur is nie.

(3) Hierdie regulasie word nie so uitgelê dat dit 'n vereiste is dat aan die bepalings van subregulasie (2) voldoen moet word, of dat die Registrateur verbied word om 'n reg van huurpag soos in artikel 52 (5) van die Wet beoog, te registreer nie, in 'n geval waar 'n dorp nie kragtens hierdie regulasies gestig word nie, of waar die Minister 'n persoon of liggaam vrygestel het van die bepalings van hierdie regulasies soos in subregulasie 2 (b) beoog. Met dien verstande dat, indien 'n dorpsdigter 'n aansoek by die gemagtigde beampte ingevolge regulasie 7 ingedien het, of 'n uitlegplan ingedien het of geag word 'n uitlegplan in te gedien het by die Minister soos in regulasie 5 (2) (a) beoog, 'n registrasie van huurpag ingevolge artikel 52 (5) van die Wet, slegs op die wyse beoog in hierdie regulasie, geskied.

#### INDIENING VAN PLANNE, DIAGRAMME EN AKTES BY REGISTRATEUR

21. (1) Die dorpsdigter moet die betrokke planne en diagramme, tesame met die betrokke titelaktes by die Registrateur indien om daarmee te handel ingevolge Hoofdstuk IV van die Registrasie van Aktes Wet, 1937: Met dien verstande dat die Registrateur nie enige registrasie of endossement kragtens daardie hoofdstuk toelaat nie tot tyd en wyl hy

(b) the requirement that the Registrar shall in the ordinary course of events not register any transactions in respect of the land situated in a proposed township in circumstances other than those contemplated in regulation 21 (3); and

(c) the fact that certain requirements must be met before the land in a proposed township becomes registrable in a registration office as contemplated in regulation 25 (2),

the Registrar shall register a right of leasehold in respect of premises not yet shown on a general plan, as contemplated in section 52 (5) and (9) of the Act: Provided that the site concerned shall have been identified by reference to a draft general plan or draft diagram submitted to the Surveyor-General as contemplated in regulation 6 (4).

(2) The person contemplated in regulation 6 (3) (b) of the Leasehold Regulations, 1985 shall not allocate a reference number to a draft general plan for the purposes of a registration as contemplated in subregulation (1) unless he is satisfied that—

(a) a contract as contemplated in regulation 24 (4) has been duly entered into in respect of the land concerned, or may be entered into in respect of such land, in that—

(i) the relevant application has become an approved application as contemplated in regulation 24 (4) (a); and

(ii) if the township applicant is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities of have both delivered undertakings or guarantees as contemplated in regulation 24 (4) (b), or, if the township applicant is a local authority as contemplated in regulation 30, such township applicant has installed and provided all engineering services in respect of the relevant land as contemplated in regulation 24 (4) (c); and

(b) the plans, diagrams and other documents referred to in regulation 19 (1) have been duly lodged with the Surveyor-General as contemplated in that regulation, in respect of the land concerned, but have not yet been approved as contemplated in regulation 19.

(3) This regulation shall not be construed as requiring the provisions of subregulation (2) to be complied with, or prohibiting the Registrar from registering a right of leasehold as contemplated in section 52 (5) of the Act, in a case where a township is not being established under these regulations or where the Minister has exempted any person or body from the provisions of these regulations as contemplated in regulation 2 (b): Provided that, if a township applicant has lodged an application with the authorised officer in terms of regulation 7 or has lodged or is deemed to have lodged a layout plan with the Minister as contemplated in regulation 5 (2) (a), any registration of a leasehold in terms of section 52 (5) of the Act shall take place only in the manner contemplated in this regulation.

#### LODGING OF PLANS, DIAGRAMS AND DEEDS WITH REGISTRAR

21. (1) The township applicant shall lodge the relevant plans and diagrams, together with the relevant title deeds, with the Registrar, to be dealt with in terms of Chapter IV of the Deeds Registries Act, 1937: Provided that the Registrar shall not allow any registration or endorsement to take place in terms of that chapter until such time as he is informed in

skriftelik deur die gemagtigde beampte in kennis gestel is, dat die volgende vereistes tot tevredenheid van die gemagtigde beampte nagekom is, hetsy ten opsigte van die geheel of ten opsigte van 'n gedeelte van die dorp:

- (a) Die aansoek om die stigting van 'n dorp 'n goedgekeurde aansoek geword het vir sover dit op die betrokke grond betrekking het.
- (b) Indien die dorpsdigter nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp voorsien soos in regulasie 30 bedoel nie, sodanige dorpsdigter en die betrokke gesag 'n diensteooreenkoms gesluit het, of, alternatiewelik, die diensteverantwoordelikhede van die partye deur 'n dienstearbitrasieraad bepaal is in die omstandighede in regulasie 26 (3) beoog.
- (c) Die dorpsdigter voldoen het aan sodanige stigtingsvoorwaardes as wat die Minister ingevolge regulasie 16 (2) vereis het vervul moet word voordat hy die dorp tot 'n goedgekeurde dorp verklaar.

(2) Die betrokke planne, diagramme en titelaktes moet deur die dorpsdigter ingedien word soos in subregulasie (1) beoog binne drie maande vanaf die datum van die goedkeuring van die planne en diagramme soos in regulasie 19 beoog, of binne sodanige langer tydperk as wat die gemagtigde beampte toelaat, by gebreke waarvan die aansoek verval: Met dien verstande dat indien 'n reg van huurpag ten opsigte van 'n onopgemete perseel soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie verval of nie verval het nie, en hy verder die nodige planne, diagramme en titelaktes kan laat voorberei en aan hom laat lewer en dit by die Registrateur laat indien op koste van die dorpsdigter.

(3) Sodra die Registrateur met die titelaktes gehandel het soos in subregulasie (1) bedoel, moet hy die gemagtigde beampte in kennis stel van die betrokke endossemente of registrasies, en daarna mag die Registrateur, buite en behalwe die oordrag van 'n openbare oop ruimte soos in regulasie 25 (1) (a) beoog, geen verdere transaksies registreer ten opsigte van enige grond geleë in die voorgestelde dorp nie, tot tyd en wyl die Registrateur die skriftelike kennisgewing van die gemagtigde beampte in regulasie 25 (2) bedoel, ontvang het: Met dien verstande dat hierdie subregulasie nie uitgelê word nie as sou dit die Registrateur belet om 'n reg van huurpag ten opsigte van 'n onopgemete perseel in die voorgestelde dorp te registreer soos in artikel 52 (5) van die Wet en regulasie 20 beoog.

#### VOORTSETTING VAN AANSOEK DEUR NUWE DORPSTIGTER

22. (1) Indien die eiendomsreg van grond ten opsigte waarvan aansoek om die stigting van 'n dorp gedoen is, verander het, of die betrokke grond beskikbaar gestel is aan 'n ander persoon of liggaam ingevolge artikel 34 (9) van die Wet, as die persoon of liggaam aan wie die grond oorspronklik beskikbaar gestel was, of 'n ander persoon as die oorspronklike dorpsdigter die agent geword het van die eienaar of sy toestemming verkry het om 'n dorp op die grond te stig, en die nuwe eienaar van die grond of nuwe persoon of liggaam aan wie die grond beskikbaar gestel is, of die nuwe agent of die nuwe houer van die toestemming, die gemagtigde beampte skriftelik in kennis stel dat hy begerig is om met die aansoek voort te gaan, kan die gemagtigde beampte, indien die aansoek nie verval het nie, toestem tot die voortsetting van die aansoek deur sodanige nuwe persoon op enige voorwaarde wat hy dienstig mag ag.

(2) 'n Dorpsdigter wat kragtens subregulasie (1) voortgaan met 'n aansoek, word vir die doeleindes van hierdie regulasies geag die dorpsdigter te wees wat oorspronklik die aansoek gebring het.

writing by the authorised officer that the following requirements have been met to the satisfaction of the authorised officer, whether in respect of the whole township or of any part thereof:

- (a) The application for the establishment of a township has become an approved application in so far as it relates to the land in question.
- (b) If the township applicant is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have concluded a services agreement or, alternatively, the service responsibilities of the parties have been determined by a services arbitration board in the circumstances contemplated in regulation 26 (3).
- (c) The township applicant has complied with such conditions of establishment as the Minister has required in terms of regulation 16 (2) to be fulfilled prior to his declaring the township to be an approved township.

(2) The relevant plans, diagrams and title deeds shall be lodged by the township applicant as contemplated in subregulation (1) within three months of the date of the approval of the plans and diagrams as contemplated in regulation 19, or within such further period as the authorised officer may allow, failing which the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and in regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he may cause the necessary plans, diagrams and title deeds to be prepared and delivered to him and to be lodged with the Registrar at the expense of the township applicant.

(3) As soon as the Registrar has dealt with the title deeds as contemplated in subregulation (1), he shall notify the authorised officer of the relevant endorsements or registrations and thereafter the Registrar shall, save for the transfer of a public open space as contemplated in regulation 25 (1) (a), not register any further transactions in respect of any land situated in the proposed township until such time as he has received the written notice from the authorised officer referred to in regulation 25 (2): Provided that this subregulation shall not be construed as prohibiting the Registrar from registering a right of leasehold in respect of unsurveyed premises in the proposed township as contemplated in section 52 (5) of the Act and in regulation 20.

#### CONTINUATION OF APPLICATION BY NEW APPLICANT

22. (1) If the ownership of land in respect of which an application for the establishment of a township has been made has changed or the land concerned has been made available to a person or body as contemplated in section 34 (9) of the Act, other than the one to whom the land was originally made available, or a person other than the original township applicant has become the agent of the owner or has been granted his consent to establish a township on the land, and the new owner of the land or new person or body to whom the land was made available, or the new agent or consent holder notifies the authorised officer in writing that he wishes to continue with the application, the authorised officer may, if the application has not lapsed, consent to the continuation of the application by such new person on any condition he may deem expedient.

(2) A township applicant who continues with an application in terms of subregulation (1) shall, for the purposes of these regulations, be deemed to be the township applicant who originally made the application.

### KENNISGEWING WAT DIE DORP TOT GOEDGEKEURDE DORP VERKLAAR

23. (1) Nadat die Registrateur met die betrokke titelatkes gehandel het soos in regulasie 21 (1) beoog, en indien die Minister tevrede is dat die dorp binne 'n plaaslike owerheidsgebied geleë is of dat regulasie 3 (a) of (b) op die betrokke grond van toepassing is, verklaar die Minister die dorp tot goedgekeurde dorp by wyse van kennisgewing in die *Staatskoerant*. Met dien verstande dat die Minister, indien die vereistes in regulasie 21 (1) en in hierdie subregulasie beoog, nagekom is ten opsigte van slegs een of meer gedeeltes van die grond wat deur die aansoek geraak word, 'n goedgekeurde dorp kan verklaar ten opsigte van slegs sodanige gedeelte of gedeeltes, en hy te eniger tyd daarna, sodra aan sodanige vereistes ten opsigte van die oorblywende gedeeltes grond voldoen is, sodanige gedeeltes kan verklaar as in die goedgekeurde dorp ingesluit te wees.

(2) Met ingang van die datum van die publikasie van die kennisgewing in subregulasie (1) bedoel, vestig die eiendomsreg van enige openbare plekke in die betrokke dorp, uitgesonderd enige openbare oop ruimte wat as 'n begiftiging oorgedra moet word soos beoog in regulasie 25 (1), *ipso facto*, behoudens die bepalings van regulasie 3 (b), in die plaaslike owerheid in wie se plaaslike owerheidsgebied die dorp geleë is, en sodanige vestiging moet deur die Registrateur op 'n wyse as wat hy dienstig ag, genoteer word in ooreenstemming met enige wet wat die praktyk in sy kantoor reël.

### KONTRAKTE EN OPSIES

24. (1) Behoudens die bepalings van subregulasie (4), mag geen persoon, nadat 'n dorpsstigter stappe gedoen het om 'n dorp te stig—

- (a) enige kontrak sluit vir die verkoop, ruil, vervreemding of beskikking, op enige wyse, van of oor grond in die voorgestelde dorp nie; of
- (b) 'n opsie verleen om grond in die voorgestelde dorp te koop nie.

tordat die gemagtigde beampte die Registrateur ingevolge regulasie 25 (2) in kennis gestel het dat die grond in die dorp of in die betrokke gedeelte daarvan registreerbaar geword het uit hoofde van die feit dat aan die vereistes van daardie regulasie voldoen is: Met dien verstande dat die bepalings van hierdie subregulasie nie uitgelê word nie as sou dit belet dat—

- (i) enige persoon grond waarop hy wens 'n dorp te stig, kan koop, behoudens die voorwaarde dat, sodra die grond in die dorp of enige gedeelte daarvan in 'n registrasiekantoor registreerbaar word, soos in regulasie 25 (2) beoog, een of meer van die erwe in sodanige dorp of gedeelte daarvan aan die verkoper oorgedra sal word;
- (ii) enige persoon 'n grondbesikbaarheidsooreenkoms sluit, of
- (iii) enige dorpsstigter die reg en verpligting om grond wat aan sodanige dorpsstigter behoort, te ontwikkel, aan 'n dorpsontwikkelaar, seeder of delegeer, of, in die geval van grond wat deur sodanige dorpsstigter as die behoorlik gemagtigde agent of met die toestemming van die eienaar ontwikkel word, aan enige persoon of liggaam aan wie sodanige sessie of delegasie kragtens sodanige magtiging of toestemming verleen mag word, of, in die geval van grond wat aan sodanige dorpsstigter beskikbaar gestel is soos in artikel 34 (9) van die Wet beoog, aan enige persoon of liggaam aan wie sodanige sessie of delegasie gegee kan word ingevolge 'n grondbesikbaarheidsooreenkoms.

(2) Enige persoon wat in stryd met subregulasie (1) grond vervreem, begaan 'n misdryf.

### NOTICE DECLARING TOWNSHIP AN APPROVED TOWNSHIP

23. (1) After the Registrar has dealt with the relevant title deeds as contemplated in regulation 21 (1), and if the Minister is satisfied that the township is situated within a local authority area or that regulation 3 (a) or (b) applies to the land in question, the Minister shall declare the township an approved township by notice in the *Gazette*: Provided that the Minister may, if the requirements contemplated in regulation 21 (1) and in this subregulation have been complied with in respect of one or more portions of the land affected by the application only, declare an approved township in respect of such portion or portions only, and he may at any time or times thereafter, when such requirements have been complied with in respect of the remaining portions of the land, declare such portions to be included in the approved township.

(2) With effect from the date of publication of the notice referred to in subregulation (1), the ownership of any public places, excluding any public open space to be transferred as an endowment as contemplated in regulation 25 (1) in the township concerned shall, subject to the provisions of regulation 3 (b), *ipso facto* vest in the local authority within whose local authority area the township is situated, and such vesting shall be recorded by the Registrar subject to any law governing the practice of his office in such manner, as he may deem appropriate.

### CONTRACTS AND OPTIONS

24. (1) Subject to the provisions of subregulation (4), no person shall, after a township applicant has taken steps to establish a township—

- (a) enter into a contract for the sale, exchange, alienation or disposal in any other manner of land in the proposed township; or
- (b) grant an option to purchase land in the proposed township,

until such time as the authorised officer has notified the Registrar in terms of regulation 25 (2) that the land in the township or in the relevant portion thereof has become registrable by virtue of the fact that the requirements contemplated in that regulation have been met: Provided that the provisions of this subregulation shall not be construed as prohibiting—

- (i) any person from purchasing land on which he wishes to establish a township subject to a condition that upon the land in the township or any part thereof becoming registrable in a registration office, as contemplated in regulation 25 (2), one or more of the erven in such township or part thereof will be transferred to the seller;
- (ii) any person from concluding a land availability agreement; or
- (iii) any township applicant from ceding or delegating the right and obligation to develop any land owned by such township applicant to a township developer, or in the case of any land being developed by such township applicant as the duly authorised agent or with the consent of the owner, to any person or body to whom such cession or delegation may take place in terms of such authority or consent, or, in the case of land made available to such township applicant as contemplated in section 34 (9) of the Act, to any person or body to whom such cession or delegation may take place in terms of a land availability agreement.

(2) Any person who disposes of land in contravention of subregulation (1) shall be guilty of an offence.

## (3) Vir die doeleindes van subregulasie (1) beteken—

- (a) "stappe" ook stappe wat 'n aansoek in regulasie 7 beoog, voorafgaan;
- (b) "enige kontrak" ook 'n kontrak wat onderworpe is aan enige voorwaarde, met inbegrip van 'n opskortende voorwaarde.

(4) Ondanks die bepalings van subregulasie (1), kan 'n dorpsdigter of ander persoon of liggaam wat geregtig sou gewees het om oor grond in die voorgestelde dorp te beskik, as dit nie was vir die bepalings van subregulasie (1) nie, 'n kontrak soos beoog in daardie subregulasie sluit, insluitende 'n kontrak vir die toekennig van 'n reg van huurpag ten opsigte van 'n perseel wat nog nie opgemeet is nie, soos in artikel 52 (5) van die Wet en regulasie 20 beoog, indien—

- (a) die aansoek om die stigting van 'n dorp 'n goedgekeurde aansoek geword het vir sover dit betrekking het op grond waarop die kontrak in subregulasie (1) beoog, betrekking het; en

- (b) in die geval van 'n dorpsdigter wat nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog nie, sodanige dorpsdigter en die betrokke gesag, albei hulle diensverplichtinge nagekom het ingevolge 'n dienste-ooreenkoms of 'n bepaling van 'n dienste-arbitrasie-raad soos in regulasie 31 beoog, ten opsigte van die grond waarop die kontrak in subregulasie (1) beoog, betrekking het, of, alternatiewelik—

- (i) die dorpsdigter, ten opsigte van sodanige grond, aan die gemagtigde beampte 'n waarborg deur 'n bank, bouvereniging of ander finansiële instelling of enige ander waarborg aanvaarbaar vir die gemagtigde beampte gelewer het, wat uitgedruk word betaalbaar te wees aan die betrokke gesag, vir 'n bedrag wat voldoende is om die koste verbonde aan die voltooiing van die dienste waarvoor die dorpsdigter verantwoordelik is soos in hierdie paragraaf beoog, te dek, ingeval die dorpsdigter nie sy verplichtinge ten opsigte van sodanige dienste teen 'n datum vermeld in die waarborg nagekom het nie; en

- (ii) die betrokke gesag, ten opsigte van sodanige grond aan die gemagtigde beampte 'n onderneming deur die Staat of enige statutêre liggaam, of 'n waarborg deur 'n bank, bouvereniging of ander finansiële instelling, of enige ander waarborg aanvaarbaar vir die gemagtigde beampte, gelewer het, wat uitgedruk word betaalbaar te wees aan die dorpsdigter ten opsigte van die betrokke gesag se diensverplichtinge in hierdie paragraaf beoog, *mutatis mutandis* in die vorm in subparagraaf (i) bedoel;

- (c) in die geval van 'n plaaslike owerheid wat al die ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog, sodanige dorpsdigter alle ingenieursdienste geïnstalleer en voorsien het met betrekking tot die grond waarop die kontrak in subregulasie (1) beoog, betrekking het, .

en 'n sertifikaat deur die gemagtigde beampte uitgereik met die strekking dat aan paragrafe (a) en (b), of (a) en (c), na gelang van die geval, voldoen is ten opsigte van die betrokke grond, dien as prima facie bewys vir alle doeleindes ingevolge hierdie regulasies, dat die vereistes uiteengesit in paragrafe (a) en (b), of (a) en (c), na gelang van die geval, nagekom is: Met dien verstande dat niks in hierdie regulasie vervat, afbreuk doen aan die bepalings van regulasies 21 (3) en 25 (2) nie.

## (3) For the purposes of subregulation (1)—

- (a) "steps" includes steps preceding an application contemplated in regulation 7;
- (b) "any contract" includes a contract that is subject to any condition, including a suspensive condition.

(4) Notwithstanding the provisions of subregulation (1), a township applicant or any other person or body who or which would have been entitled to dispose of land in the proposed township were it not for the provisions of subregulation (1) may enter into a contract as contemplated in that subregulation, including a contract for a grant of a right of leasehold in respect of premises that have not yet been surveyed, as contemplated in section 52 (5) of the Act and regulation 20, if—

- (a) the application for the establishment of a township has become an approved application in so far as it relates to the land to which the contract contemplated in subregulation (1) relates; and

- (b) in the case of a township applicant who is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities in terms of a services agreement or the determination by a services arbitration board as contemplated in regulation 31 in respect of the land to which the contract contemplated in subregulation (1) relates, or, alternatively—

- (i) the township applicant has, in respect of such land, delivered to the authorised officer a guarantee by a bank, building society or other financial institution, or any other guarantee acceptable to the authorised officer, which shall be expressed to be payable to the relevant authority, in an amount sufficient to cover the costs of completion of the services for which the township applicant is responsible as contemplated in this paragraph, in the event of the township applicant not having fulfilled his obligations in respect of such services by a date stated in the guarantee; and

- (ii) the relevant authority has, in respect of such land, delivered to the authorised officer an undertaking by the State or any statutory body, or a guarantee by a bank, building society or other financial institution, or any other guarantee acceptable to the authorised officer, which shall be expressed to be payable to the township applicant, in respect of the relevant authority's service responsibilities contemplated in this paragraph, *mutatis mutandis* in the form intended in subparagraph (i);

- (c) in the case of a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant has installed and provided all engineering services in respect of the land to which the contract contemplated in subregulation (1) relates,

and a certificate issued by the authorised officer to the effect that paragraphs (a) and (b) or (a) and (c), as the case may be, have been complied with in respect of the relevant land shall serve as prima facie proof for all purposes in terms of these regulations that the requirements set out in paragraphs (a) and (b) or (a) and (c), as the case may be, have been met: Provided that nothing contained in this regulation shall detract from the provisions of regulations 21 (3) and 25 (2).



(5) Ondanks die bepalings van subregulasie (4), word niks in hierdie regulasies so uitgelê dat aan regulasie (4) voldoen moet word in geval van, of 'n verbod plaas op die toekenning van 'n reg van huurpag ten opsigte van 'n perseel wat nog nie opgemeet is nie, soos in artikel 52 (5) van die Wet beoog, waar 'n dorp nie ingevolge hierdie regulasie gestig word nie, of waar die Minister 'n persoon of liggaam van die bepalings van hierdie regulasies vrygestel het soos in regulasie 2 (b) beoog.

#### BEGIFTIGINGS EN REGISTRASIE IN REGISTRASIE-KANTOOR

25. (1) Waar van 'n dorpstigter verlang word om—

- (a) grond wat op die uitlegplan bestem is vir gebruik as 'n openbare oop ruimte aan 'n plaaslike owerheid oor te dra; of
- (b) 'n begiftiging in kontant te betaal aan die plaaslike owerheid in plaas van die oordrag van sodanige grond,

uit hoofde van 'n stigtingsvoorwaarde in regulasie 16 bedoel, moet die grond aldus oorgedra word op die koste van die dorpstigter of moet die begiftiging aldus betaal word, na gelang van die geval, binne 'n tydperk van 6 maande vanaf die datum van publikasie van die kennisgewing in regulasie 23 beoog of binne sodanige langer tydperk as wat die gemagtigde beampte mag toelaat.

(2) Sodra—

- (a) die grond of enige gedeelte daarvan kragtens regulasie 23 (1) tot goedgekeurde dorp verklaar is;
- (b) behoudens subregulasie 2 (c) of (d), alle stigtingsvoorwaardes deur die Minister kragtens regulasie 16 opgelê, nagekom is, met inbegrip van die oordrag van openbare oop ruimtes, of die betaling van 'n kontantbedrag in plaas van sodanige oordrag, by wyse van 'n begiftiging; en
- (c) in die geval van 'n dorpstigter wat nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog nie, sodanige dorpstigter en die betrokke gesag, albei hulle diensverantwoordelikhede nagekom het, of, in die alternatief, waarborge of ondernemings gelewer het, *mutatis mutandis* soos in regulasie 24 (4) (b) beoog; of
- (d) in die geval van 'n dorpstigter wat 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog, sodanige dorpstigter al sodanige ingenieursdienste geïnstalleer en verskaf het,

moet die gemagtigde beampte die Registrateur in kennis stel dat die betrokke grond geregistreer kan word deurdat die vereistes van paragrafe (a), (b) en (c), of (a), (b) en (d), na gelang van die geval, nagekom is, en moet hy ook die grond in die dorp ten opsigte waarvan sodanige vereistes nagekom is, identifiseer, en kan die Registrateur, met ingang van die datum van sodanige kennisgewing, begin om transaksies ten opsigte van die betrokke grond te registreer. Met dien verstande dat, indien die grond wat in die gemagtigde beampte se kennisgewing aan die Registrateur, soos in hierdie subregulasie beoog, geïdentifiseer is, verband hou met slegs 'n gedeelte van die voorgestelde dorp, die gemagtigde beampte, van tyd tot tyd, nadat hy sodanige kennis aan die Registrateur gegee het, die Registrateur in kennis kan stel wanneer grond in die oorblywende gedeeltes van die dorp registreerbaar word.

(5) Notwithstanding the provisions of subregulation (4), nothing contained in these regulations shall be construed as requiring subregulation (4) to be complied with in the case of or prohibiting a grant of a right of leasehold in respect of premises which have not yet been surveyed, as contemplated in section 52 (5) of the Act, where a township is not being established under these regulations or where the Minister has exempted any person or body from the provisions of these regulations as contemplated in regulation 2 (b).

#### ENDOWMENTS AND REGISTRATION IN REGISTRATION OFFICE

25. (1) Where a township applicant is required to—

- (a) transfer land designated on the layout plant for use as a public open space to a local authority; or
- (b) pay an endowment in cash to the local authority in lieu of the transfer of such land,

by virtue of a condition of establishment referred to in regulation 16, the land shall be so transferred at the cost of the township applicant or the endowment shall be so paid, as the case may be, within a period of six months from the date of publication of the notice contemplated in regulation 23 or within such further period as the authorised officer may allow.

(2) As soon as—

- (a) the land or any portion thereof has been declared an approved township in terms of regulation 23 (1);
- (b) subject to subregulation (2) (c) or (d), all conditions of establishment imposed by the Minister in terms of regulation 16 have been complied with, including the transfer of public open spaces, or the payment of an amount in cash in lieu of such transfer, by way of an endowment; and
- (c) in the case of a township applicant who is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities or, alternatively, have delivered guarantees or undertakings, *mutatis mutandis* as contemplated in regulation 24 (4) (b); or
- (d) in the case of a township applicant who is a local authority providing all engineering services in respect of the township as contemplated in regulation 30, such township applicant has installed and provided all such engineering services,

the authorised officer shall notify the Registrar that the relevant land has become registrable in that the requirements of paragraphs (a), (b) and (c) or (a), (b) and (d), as the case may be, have been met, and shall also identify the land in the township in respect of which such requirements have been met, and the Registrar may, with effect from the date of such notice, proceed to register transactions in respect of the relevant land: Provided that, if the land identified in the authorised officer's notice to the Registrar as contemplated in this subregulation relates to a portion only of the proposed township, the authorised officer may, from time to time after having given such notice to the Registrar, notify the Registrar when land in the remaining portions of the township becomes registrable.

## HOOFSTUK V INGENIEURSDIENSTE

### VOORSIENING VAN INGENIEURSDIENSTE

26. (1) Behoudens die bepalings van regulasie 30, moet elke dorp wat ingevolge hierdie regulasies gestig is, voorsien word van sodanige ingenieursdienste as wat in 'n diensteooreenkoms, tussen die dorpsdigter en die plaaslike owerheid, indien daar een is, ooreengekom is, binne wie se plaaslike owerheidsgebied die goedgekeurde dorp ingesluit sal word, of, in die afwesigheid van sodanige plaaslike owerheid, die gemagtigde beamppte handelende as die verteenwoordiger van die Minister, die betrokke administrateur, of die persoon of liggaam deur die Minister aangewys soos in regulasie 3 (b) (i) bedoel (sodanige persoon, owerheid of beamppte word die "betrokke gesag" genoem).

(2) 'n Diensteooreenkoms in subregulasie (1) beoog, moet—

- (a) wesenlik voldoen aan die riglyne in Aanhangsel E uiteengesit, of sodanige ander of bykomende riglyne as wat die gemagtigde beamppte van tyd tot tyd mag uitreik of in 'n bepaalde geval bepaal, en
- (b) voorgelê aan en goedgekeur word deur die gemagtigde beamppte: Met dien verstande dat, indien die gemagtigde beamppte die betrokke gesag is, sodanige voorlegging of goedkeuring nie verlang word nie.

(3) Indien die partye van wie vereis word om 'n diensteooreenkoms te sluit, nie tot 'n ooreenkoms kan geraak oor 'n aangeleentheid wat by die ooreenkoms ingesluit moet word nie, of hoegenaamd nie tot 'n ooreenkoms kan kom nie, moet sodanige aangeleentheidde waaroor die partye nie tot 'n vergelyk kan kom nie, deur die gemagtigde beamppte aan 'n dienstearbitrasieraad voorgelê word soos in regulasie 31 beoog.

### KLASSIFIKASIE EN VLAK VAN INGENIEURSDIENSTE

27. (1) Iedere ingenieursdiens wat vir 'n dorp voorsien word, moet, in die geval van 'n dorpsdigter wat nie 'n plaaslike owerheid is nie—

- (a) in 'n diensteooreenkoms geklassifiseer word; of
  - (b) by onstentenis van sodanige ooreenkoms, deur 'n dienstearbitrasieraad geklassifiseer word,
- as 'n interne of eksterne ingenieursdiens, ooreenkomstig die riglyne in Aanhangsel E uiteengesit, welke dienste wat aldu geklassifiseer word, in hierdie hoofstuk onderskeidelik "interne ingenieursdienste" en "eksterne ingenieursdienste", genoem word.

(2) Iedere ingenieursdiens wat vir 'n dorp voorsien moet word, moet van 'n standaard wees wat toepaslik is vir die voorsiening van ingenieursdienste in die dorp aan die betrokke gemeenskap: Met dien verstande dat indien 'n geskil met betrekking tot die ingenieursonwerpstandaarde tussen die partye wat verantwoordelik is vir die voorsiening van sodanige dienste sou ontstaan, sodanige geskil deur die gemagtigde beamppte na 'n dienstearbitrasieraad vir 'n uitsluitsel verwys kan word.

### VERANTWOORDELIKHEID VIR INSTALLERING EN VOORSIENING VAN INGENIEURSDIENSTE

28. (1) Behoudens die bepalings van regulasie 30—

- (a) is die dorpsdigter verantwoordelik vir die installering en voorsiening van interne ingenieursdienste, en
- (b) is die betrokke gesag verantwoordelik vir die installering en voorsiening van eksterne ingenieursdienste.

## CHAPTER V ENGINEERING SERVICES

### PROVISION OF ENGINEERING SERVICES

26. (1) Subject to the provisions of regulation 30, every township established under these regulations shall be provided with such engineering services as may be agreed in a services agreement between the township applicant and the local authority, if any, within whose local authority area the approved township will be included or, in the absence of such local authority, the authorised officer acting as the representative of the Minister, the relevant administrator, or the person or body designated by the Minister as contemplated in regulation 3 (b) (i) (such person, authority or officer being referred to as "the relevant authority").

(2) Any services agreement contemplated in subregulation (1) shall—

- (a) comply substantially with the guide-lines set out in Annexure E, or such other or additional guide-lines as may be issued by the authorised officer from time to time, or determined by him in any particular case; and
- (b) be submitted to and approved by the authorised officer: Provided that, if the authorised officer is the relevant authority, no such submission or approval shall be required.

(3) If the parties required to conclude the services agreement are unable to reach agreement on any matter to be included in the agreement, or at all, such matters as the parties are unable to agree shall be referred to a services arbitration board by the authorised officer, as contemplated in regulation 31.

### CLASSIFICATION AND LEVEL OF ENGINEERING SERVICES

27. (1) Every engineering service to be provided for a township shall, in the case of a township applicant who is not a local authority—

- (a) be classified in a services agreement; or
- (b) in the absence of such an agreement, be classified by a services arbitration board,

as an internal or external engineering service in accordance with the guide-lines set out in Annexure E, such services so classified being referred to in this Chapter as "internal engineering services" and "external engineering services" respectively.

(2) Every engineering service to be provided for a township shall be of such a standard as is appropriate for the provision of engineering services in the township for the community concerned: Provided that, if a dispute regarding the engineering design standards should arise between the parties responsible for the provision of such services, then such dispute may be referred by the authorised officer to a services arbitration board for decision.

### RESPONSIBILITY FOR INSTALLATION AND PROVISION OF ENGINEERING SERVICES

28. (1) Subject to the provisions of regulation 30—

- (a) the township applicant shall be responsible for the installation and provision of internal engineering services; and
- (b) the relevant authority shall be responsible for the installation and provision of external engineering services.

## (2) Ondanks die bepalings van subregulasie (1)—

- (a) kan die betrokke gesag, op versoek en op die koste van die dorpsdigter, enige interne ingenieursdiens installeer en voorsien of sodanige diens laat installeer en voorsien;
- (b) kan die dorpsdigter, op versoek en op die koste van die betrokke gesag, enige eksterne ingenieursdiens installeer en voorsien of sodanige diens laat installeer en voorsien, of
- (c) kan die dorpsdigter enige eksterne ingenieursdiens installeer en voorsien waarvan die betrokke gesag nie die verskaffer is nie, en word die koste van sodanige installering en voorsiening nie deur die betrokke gesag gedra nie.

## INGENIEURSDIENSTE MOET TOT TEVREDENHEID VAN BETROKKE GESAG WEES

29. Behoudens die bepalings van regulasie 30, moet die interne en enige eksterne ingenieursdienste geïnstalleer of voorsien deur die dorpsdigter, geïnstalleer en voorsien word ooreenkomstig die diensteooreenkoms of die besluit van die dienstearbitrasieraad, na gelang van die geval, tot tevredenheid van die betrokke gesag, en vir dié doel moet die dorpsdigter by die betrokke gesag sodanige verslae, tekeninge, en spesifikasies indien as wat die betrokke gesag mag verlang.

## INDIEN DORPSTIGTER 'N PLAASLIKE OWERHEID IS

30. Indien die dorpsdigter 'n plaaslike owerheid is, is hy verantwoordelik vir die installering en voorsiening van alle ingenieursdienste wat aan die dorp voorsien moet word.

## DIENSTEARBETRASIERADE

31. (1) Die minister kan, van tyd tot tyd, by skriftelike aanstelling, een of meer dienstearbitrasierade instel om enige aangeleentheid te ondersoek wat na hulle verwys word, en die gemagtigde beampte kan enige bepaalde vraag of algemene aangeleentheid wat hy dienstig ag of wat kragtens hierdie regulasies deur so 'n raad bepaal kan word, na so 'n raad verwys vir uitsluitel.

(2) 'n Dienstearbitrasieraad bestaan uit die volgende lede deur die Minister aangestel op sodanige bedinge en voorwaardes as wat hy mag bepaal:

- (a) 'n President, wat 'n advokaat of prokureur of afgetrede regter of landdros moet wees.
- (b) Een persoon wat as 'n professionele ingenieur geregistreer is ingevolge die Wet op Professionele Ingenieurs, 1968 (Wet 81 van 1968).
- (c) Een persoon wat as 'n rekenmeester en ouditeur geregistreer is ingevolge die Wet op Openbare Rekenmeesters en Ouditore, 1951 (Wet 51 van 1951).
- (d) Een persoon met ondervinding in plaaslike owerheidsaangeleenthede.

(3) 'n Dienstearbitrasieraad maak sy eie reëls betreffende sy prosedure en verrigtinge.

(4) Aan 'n lid van 'n dienstearbitrasieraad word sodanige gelde en toelaes betaal as wat die Tesourie van tyd tot tyd mag bepaal, hetsy in die algemeen of in die besonder.

(5) Enige party by 'n aangeleentheid wat voor 'n dienstearbitrasieraad dien, kan persoonlik verskyn of deur iemand anders verteenwoordig word.

(6) 'n Dienstearbitrasieraad kan sodanige besluit met betrekking tot koste van die verrigtinge neem as wat hy regverdig ag, en waar hy besluit dat koste teen 'n party toegerekend moet word, moet hy die bedrag daarvan in sy diskresie bepaal.

## (2) Notwithstanding the provisions of subregulation (1)—

- (a) the relevant authority may, at the request and at the expense of the township applicant, install and provide any internal engineering service or cause such service to be installed and provided;
- (b) the township applicant may, at the request and at the expense of the relevant authority, install and provide any external engineering service or cause such service to be installed and provided; or
- (c) the township applicant may install and provide any external engineering service of which the relevant authority is not the supplier, and the costs of such installation and provision shall not be borne by the relevant authority.

## ENGINEERING SERVICES TO BE TO SATISFACTION OF RELEVANT AUTHORITY

29. Subject to the provisions of regulation 30, the internal and any external engineering services installed or provided by the township applicant shall be installed and provided in accordance with the services agreement or the decision of the services arbitration board, as the case may be, to the satisfaction of the relevant authority, and for that purpose the township applicant shall lodge with the relevant authority such reports, drawings and specifications as the relevant authority may require.

## IF TOWNSHIP APPLICANT IS LOCAL AUTHORITY

30. If the township applicant is a local authority, it shall be responsible for the installation and provision of all engineering services to be provided in respect of the township.

## SERVICES ARBITRATION BOARDS

31. (1) The Minister may, from time to time, by appointment in writing, establish one or more services arbitration boards to investigate any matter referred to them, and the authorised officer may refer any particular question or general matter which he considers appropriate or which in terms of these regulations may be determined by such a board to such a board for decision.

(2) A services arbitration board shall consist of the following members appointed by the Minister on such terms and conditions as he may determine:

- (a) A president, who shall be an advocate or an attorney or a retired judge or magistrate.
- (b) One person registered as a professional engineer in terms of the Professional Engineers' Act, 1968 (Act 81 of 1968).
- (c) One person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951).
- (d) One person with experience in local government affairs.

(3) A services arbitration board may make its own rules regarding its procedure and proceedings.

(4) A member of a services arbitration board shall be paid such fees and allowances as the Treasury may from time to time determine, either generally or specifically.

(5) Any party to a matter being considered by a services arbitration board may appear before the board in person or may be represented by any other person.

(6) A services arbitration board may make such decision regarding costs of proceedings as it may deem just, and where it decides that costs shall be awarded against any party it shall, in its discretion, also determine the amount thereof.



(7) Sodra 'n dienstearbitrasieraad tot 'n besluit geraak het oor 'n aangeleentheid wat kragtens hierdie regulasie na hom verwys is, moet hy sonder versuim die gemagtigde beampte en die partye van sodanige besluit in kennis stel, en daarna word sodanige besluit afdoende en bindend vir die partye by die geskil.

(8) 'n Dienstearbitrasieraad moet, op skriftelike versoek van enige party by die aangeleentheid ten opsigte waarvan sodanige raad uitsluitel gegee het soos in subregulasie (7) beoog, sy skriftelike redes aan sodanige party versiek, en ook aan enige ander party by die geskil.

## HOOFTUK VI GRONDGEBRUIK

### GRONDGEBRUIKSVORWAARDES

32. (1) Die titelvoorwaardes of dorpsvoorwaardes wat deur die Staat, 'n administrateur, 'n plaaslike owerheid of dorpsstigter opgelê en geregistreer kan word soos in artikel 57B van die Wet beoog, is soos in Aanhangel F uiteengesit, hetsy 'n dorp ingevolge hierdie regulasies gestig is al dan nie.

(2) Die grondgebruiksvoorwaardes in subregulasie (1) bedoel, word sover doenlik by verwysing in 'n grondbrief, 'n eerste transportakte van eiendomsreg of 'n sertifikaat in artikel 57B van die Wet bedoel, ingelyf, en 'n verwysing na sodanige voorwaardes in sodanige grondbrief, transportakte of sertifikaat word gedoen wesenlik op die wyse voorgeskryf in paragraaf 7 van die aansoekvorm bedoel in regulasie 7, wat in Aanhangel B uiteengesit is, en soos bedoel in Aanhangel E van die Huurpageregulasies, 1985.

(3) Ondanks die bepalinge van subregulasies (1) en (2) is die Staat, 'n administrateur, plaaslike owerheid of dorpsontwikkelaar nie verplig om die grondgebruiksvoorwaardes in die bedoelde subregulasies beoog, op te lê en te registreer nie, maar kan, in plaas daarvan, sodanige gewysigde of vervangende voorwaardes op lê en registreer met betrekking tot die gebruik van die betrokke grond, wesenlik in die alternatiewe vorms in paragraaf 7 van Aanhangel B uiteengesit.

### TITEL

33. Hierdie regulasies heet die Dorpstigting- en Grondgebruiksregulasies, 1986.

### AANHANGSEL A

#### RIGLYNE VIR GRONDBESKIKBAARHEIDSOOREENKOMS

'n Grondbeskikbaarheidsooreenkoms in regulasie 4 bedoel, moet onder andere aan die volgende riglyne voldoen:

##### 1. PARTYE

Die name van die partye by die ooreenkoms en hulle besigheidsadresse moet vermeld word.

##### 2. DIE GROND

Daar behoort 'n voldoende omskrywing van die grond waarop die ooreenkoms betrekking het, te wees, met verwysing na byvoorbeeld enige titelakte waaronder die grond gehou word, 'n diagram voorberei deur 'n geregistreerde landmeter, of enige algemene plan wat ten opsigte van daardie grond voorberei is.

##### 3. VORWAARDES

3.1 Indien die ooreenkoms onderworpe is aan die nakoming van enige voorwaardes, moet sodanige voorwaardes duidelik vermeld word. Die voorwaardes kan byvoorbeeld voorwaardes insluit met betrekking tot—

3.1.1 die Minister se goedkeuring van die bedinge waarop die grond beskikbaar gestel word,

(7) As soon as a services arbitration board has reached its decision on any matter referred to it in terms of this regulation, it shall forthwith inform the authorised officer and the parties to the dispute of such decision, and thereupon such decision shall become final and binding on the parties to the dispute.

(8) A services arbitration board shall, at the written request of any party to any matter in respect of which such board has made a decision as contemplated in subregulation (7), furnish its reasons for such decision in writing to such party and also to any other party to the dispute.

## CHAPTER VI LAND USE

### LAND USE CONDITIONS

32. (1) Whether or not a township has been registered in terms of these regulations, the conditions of title or township conditions that may be imposed by the State, an administrator, a local authority or a township developer and registered as contemplated in section 57B of the Act shall be as set out in Annexure F.

(2) The land use conditions contemplated in subregulation (1) shall as far as possible be incorporated by reference into a deed of grant, a first deed of transfer of ownership or a certificate referred to in section 57B of the Act, and reference to such conditions in such deed of grant, deed of transfer or certificate shall be made substantially in the manner prescribed in paragraph 7 of the application form contemplated in regulation 7, which is set out in Annexure B, and as contemplated in Annexure E to the Leasehold Regulations, 1985.

(3) Notwithstanding the provisions of subregulations (1) and (2), the State, an administrator, a local authority or a township developer shall not be obliged to impose and register the land use conditions contemplated in the said subregulations, but may, instead, impose and register amended or substituting conditions relating to the use of the land in question, substantially in the alternative forms set out in paragraph 7 of Annexure B.

### TITLE

33. These regulations may be cited for all purposes as the Township Establishment and Land Use Regulations, 1986.

### ANNEXURE A

#### GUIDE-LINES FOR LAND AVAILABILITY AGREEMENT

A land availability agreement as contemplated in regulation 4 shall comply *inter alia* with the following guide-lines:

##### 1. PARTIES

The names of the parties to the agreement and their business addresses must be stated.

##### 2. THE LAND

There should be an adequate definition of the land to which the agreement relates, with reference to, for example, any title deed under which the land is held, a diagram prepared by a registered land surveyor or any general plan that has been prepared in respect of that land.

##### 3. CONDITIONS

3.1 If the agreement is made subject to the fulfilment of any conditions, these conditions must be clearly stated. They may include, for instance, conditions relating to—

3.1.1 the Minister's approval on the terms on which the land is made available,

- 3.1.2 die Minister se goedkeuring van die feit dat die bedinge waarop die grond beskikbaar gestel word, is soos in die grondbeskikbaarheidsooreenkoms uiteengesit,
- 3.1.3 die Minister se goedkeuring van die reg van die persoon of liggaam aan wie die grond beskikbaar gestel word, om enige van sy regte en verpligtinge uit hoofde van die ooreenkoms te sedgeer of te deleger (indien van toepassing),
- 3.1.4 die stigting van 'n dorp op die grond,
- 3.1.5 die inlywing van die grond in die jurisdiksiegebied van enige liggaam of owerheid.

3.2 Indien enige voorwaardes soos in paragraaf 3.1 bedoel gestel is, moet die ooreenkoms duidelik meld wat die gevolg sal wees indien sodanige voorwaardes nie nagekom word nie.

#### 4. DORPSBEPLANNINGSAANGELEENTHEDE EN AANSOEK OM STIGTING VAN DORP

4.1 Indien 'n dorp nie alreeds op die betrokke grond gestig is nie, of die toepaslike dorpsbeplanning- en opmetingswerk nog nie voltooi is nie, moet die ooreenkoms meld watter van die partye verantwoordelik sal wees om dit te laat doen en ook binne watter tydperk.

4.2 Indien die partye aldus ooreenkom, kan die persoon of liggaam aan wie die grond beskikbaar gestel word, deur die liggaam wat die grond beskikbaar stel, aangewys word om die nodige dorpsbeplanning- en opmetingswerk te laat doen en om aansoek te doen om die stigting van 'n dorp op die grond.

4.3 Die ooreenkoms behoort aangeleentheid wat betrekking het op die wyse waarop die dorp gestig sal word, byvoorbeeld die voorgestelde stigtingsvoorwaardes wat nagekom moet word, te reël.

#### 5. DIENSTE

5.1 Indien die betrokke grond nog nie van dienste voorsien is nie, en indien die persoon of liggaam wat die grond beskikbaar stel ook die betrokke gesag is waarna in regulasie 26 (1) verwys word, moet die ooreenkoms die onderskeie verantwoordelikhede van die partye om voorsiening vir dienste te maak ten opsigte van die grond, *mutatis mutandis*, in ooreenstemming met die riglyne ten opsigte van diensteooreenkomste vervat in Aanhangel E van hierdie regulasies, asook die tydperk waarbinne sodanige dienste voltooi moet wees, meld.

5.2 Indien die betrokke grond beskikbaar gestel word deur 'n ander persoon of liggaam as 'n betrokke gesag soos in paragraaf 5.1 bedoel, is dit nie nodig om die dienste in besonderhede te omskryf nie, en 'n opsomming van die vlak of vlakke van sodanige dienste sal voldoende wees.

#### 6. OPRIGTING VAN VERBETERINGE

6.1 Die onderskeie verantwoordelikhede van die partye om verbeteringe op die betrokke grond op te rig, moet duidelik uit die ooreenkoms blyk.

6.2 Met inagneming van die bepalinge van regulasie 24, behoort dit uit die ooreenkoms duidelik te blyk wanneer kontrakte vir die vervreemding van die grond gesluit kan word.

6.3 Die standaard van enige verbeteringe wat aangebring moet word, moet duidelik uit die ooreenkoms blyk.

6.4 Daar moet bepaal word wanneer die oprigting van verbeteringe 'n aanvang sal neem en wanneer sodanige verbeteringe voltooi sal wees.

6.5 Die ooreenkoms moet sover as moontlik 'n buigsame tydraamwerk daarstel, wat aan die persoon of liggaam aan wie die grond beskikbaar gestel is, 'n diskresie sal verleen om die fases, indien daar is, waarbinne die ontwikkeling sal plaasvind, te bepaal.

3.1.2 the Minister's approval of the fact that the terms on which the land is made available are as set out in the land availability agreement.

3.1.3 the approval by the Minister of the right of the person or body to whom the land is made available to cede or delegate any of its rights and obligations in terms of the agreement (if appropriate),

3.1.4 the establishment of a township on the land,

3.1.5 the incorporation of the land into the area of jurisdiction of any body or authority.

3.2 If any conditions as contemplated in paragraph 3.1 were imposed, the agreement must state clearly what the effect would be if any such conditions are not fulfilled.

#### 4. TOWN PLANNING MATTERS AND APPLICATION FOR TOWNSHIP ESTABLISHMENT

4.1 If a township has not yet been established on the land concerned, or if the relevant town planning and land survey work has not yet been completed, the agreement must state which of the parties will be responsible for having this done and also within what period of time.

4.2 If the parties so agree, the person or body to whom the land is made available may be appointed by the body making the land available to it to have the necessary town planning and land survey work done and to make application for the establishment of a township on the land.

4.3 The agreement should regulate matters relating to the manner in which the township will be established, e.g. the proposed conditions of establishment that must be fulfilled.

#### 5. SERVICES

5.1 If the land concerned has not yet been provided with services, and if the person or body making the land available is also the relevant authority referred to in regulation 26 (1), the agreement must address the relative responsibilities of the parties to provide services to the land, *mutatis mutandis* in accordance with the guidelines in respect of services agreements contained in Annexure E to these regulations, and also the time period within which services must be completed.

5.2 If the land concerned is being made available by a person or body other than the relevant authority referred to in paragraph 5.1, it is not necessary for the services to be described in detail, and a summary indicating the level or levels of such services will be sufficient.

#### 6. ERECTION OF IMPROVEMENTS

6.1 The relative responsibilities of the parties to erect improvements on the land concerned must be clear from the agreement.

6.2 Having regard to the provisions of regulation 24, it should be clear from the agreement when contracts for the disposal of the land may be concluded.

6.3 The standard of any improvements to be constructed must be clear from the agreement.

6.4 It must be stated when the construction of improvements will commence and when such improvements shall have been completed.

6.5 The agreement should as far as possible provide a flexible time framework, allowing the person or body to whom the land is made available the discretion to determine the phases, if any, in which the development will take place.

## 7. BESKIKKING

7.1 Dit moet duidelik uit die ooreenkoms blyk watter erwe of watter getal of kategorie erwe, indien daar is, die persoon of liggaam aan wie die grond beskikbaar gestel word, verplig of geregtig is om oor te beskik.

7.2 Die ooreenkoms behoort die wyse te omskryf waarop die partye beoog om aan sekere regsvereistes te voldoen, byvoorbeeld—

7.2.1 die hoedanigheid van die persoon of liggaam aan wie die grond beskikbaar gestel is by die verlening van 'n reg van huurpag of by die oordrag van enige van die grond aan kopers;

7.2.2 die wyse waarop die partye beoog om te handel met die omskepping van huurpag in eiendomsreg soos in artikel 57A van die Wet bedoel.

7.3 Die partye kan die wyse waarop dorpsontwikkelaars (met inbegrip van werkgewers wat behuising aan hulle werknemers wil verskaf), uitgesonderd die persoon of liggaam aan wie die grond beskikbaar gestel is, betrokke kan raak in die ontwikkeling, byvoorbeeld, die toepaslike persoon of liggaam kan toegelaat word om sy regte en verpligtinge te sedeer of te deleger ten opsigte van die grondbeskikbaarheidsooreenkoms aan sodanige sessionarisse of kategorieë sessionarisse as wat in die ooreenkoms beskryf word. Indien sodanige sessie of delegasie of 'n soortgelyke transaksie gaan plaasvind, behoort die ooreenkoms egter duidelik te bepaal dat die persoon of liggaam aan wie die grond beskikbaar gestel is, self ten minste die eersvolgende stap in die ontwikkeling van die grond behoort te neem, afhange van die stadium van ontwikkeling waarop die grond beskikbaar gestel is, byvoorbeeld—

7.3.1 die dorpsbeplanning en opmetingswerk is voltooi;

7.3.2 die aansoek om dorpstigting het 'n goedgekeurde aansoek geword;

7.3.3 die voorgename dorp het 'n goedgekeurde dorp geword;

7.3.4 die installering en voorsiening van dienste is afgehandel;

7.3.5 verbeterings in die vorm van wonings is opgerig.

7.4 Bepalings met betrekking tot verskeie kategorieë kopers aan wie erwe van die hand gesit sal word, kan ingesluit word, byvoorbeeld—

7.4.1 persone wat hulle wonings wil laat oprig deur die persoon of liggaam aan wie die grond beskikbaar gestel is;

7.4.2 persone wat hulle erwe van die toepaslike persoon of liggaam sal verkry, maar wat hulle wonings deur ander kontrakteurs sal laat oprig;

7.4.3 persone wat hulle wonings ingevolge 'n selfhelpbehuisingsskema of enige ander skema, bedryf deur die betrokke persoon of liggaam, sal oprig.

7.5 Waar toepaslik, kan die ooreenkoms handel oor die vraag of voorrang aan kopers wat op 'n amptelike behuisingsswaglys geregistreer is, verleen sal word, asook die wyse waarop die voorrang gereël sal word.

7.6 Die ooreenkoms behoort so duidelik as moontlik 'n datum te bepaal waarop die persoon of liggaam aan wie die grond beskikbaar gestel is, die erwe waarna in paragraaf 7.1 verwys word, van die hand gesit sal hê, en behoort die regte van die partye te reël in die geval waar sodanige persoon of liggaam nie in staat is om betyds sodanige erwe van die hand te sit nie, soos om byvoorbeeld te bepaal dat so 'n persoon of liggaam die reg sal hê om sodanige erwe te verhuur.

## 7. DISPOSAL

7.1 It must be clear from the agreement which erven or what number or categories of erven, if any, the person or body to whom the land is made available, is obliged or entitled to dispose.

7.2 The agreement should define the manner in which the parties propose to deal with certain legal requirements, for example—

7.2.1 the capacity of the person or body to whom the land is made available in granting a right of leasehold or transferring any of the land to purchasers;

7.2.2 the manner in which the parties propose to deal with the conversion of rights of leasehold to ownership as contemplated in section 57A of the Act.

7.3 The parties may describe the manner in which township developers (including employers who wish to house their staff) other than the person or body to whom the land is made available may become involved in the development, for example the relevant person or body may be allowed to cede or delegate its rights and obligations in terms of the land availability agreement to such cessionaries or categories of cessionaries as are described in the agreement. However, if such a cession or delegation or a similar transaction is to take place, the agreement should clearly provide that the person or body to whom the land is made available should itself take at least the next succeeding step in the development of the land, depending on the stage of development at which the land is made available to it, e.g.—

7.3.1 the town planning and land survey work have been completed;

7.3.2 the application for township establishment has become an approved application;

7.3.3 the proposed township has become an approved township;

7.3.4 the installation and provision of services have been completed;

7.3.5 improvements in the form of dwellings have been constructed.

7.4 Provisions may be included relating to various categories of purchasers to whom erven will be disposed of, for example—

7.4.1 person who will have their dwellings constructed by the person or body to whom the land is made available;

7.4.2 persons who will acquire erven from the relevant person or body but will have their dwellings constructed by other contractors;

7.4.3 persons who will erect their dwellings under a self-help housing scheme or any other scheme conducted by the relevant person or body.

7.5 Where appropriate, the agreement can deal with the question whether preference will be given to purchasers who are registered on any official housing waiting-list and the manner in which such preference will be regulated.

7.6 The agreement should as clearly as possible provide a date by which the person or body to whom the land is made available shall have disposed of the erven referred to in paragraph 7.1 and should regulate the rights of the parties in the event of such person or body being unable to dispose of such erven in time, such as providing that such person or body shall have the right to let such erven.

## 8. AANSPREKLIKHEID VIR PLAASLIKE OWERHEIDS- EN DIENSTEGELDE

Voorsiening behoort gemaak te word vir die betaling aan die betrokke plaaslike owerheid van plaaslike owerheidsgelde, dienstegelde en ander belastinge, deur kopers of deur die persoon of liggaam aan wie die grond beskikbaar gestel is, indien toepaslik.

## 9. BEDINGE VAN VERKOOPAKTES

(Alle persele uitgesonderd besigheids- en industriële persele)

9.1 Voorsiening behoort gemaak te word dat die persoon of liggaam aan wie die grond beskikbaar gestel is, 'n skriftelike verkoopakte kan aangaan wat voldoen aan die bepalinge van enige toepaslike wetgewing, met enige persoon aan wie hy 'n perseel vervreem (uitgesonderd 'n besigheids- of industriële perseel) ingevolge die grondbeskikbaarheids-ooreenkoms, voor of by die toewysing aan daardie persoon, van 'n voorlopige toekenning van huurpag ten opsigte van die erf, of voor die registrasie van die oordrag van die erf op die naam van sodanige persoon.

9.2 Daar behoort voorsiening vir 'n verkoopprijs gemaak te word in die verkoopakte in paragraaf 9.1 bedoel.

9.3 Dit behoort duidelik te wees op watter gedeelte van die verkoopprijs in paragraaf 9.2 bedoel, die persoon of liggaam aan wie die grond beskikbaar gestel is, geregtig is om vir sy eie rekening te behou of op welke wyse sodanige gedeelte vasgestel moet word.

9.4 Dit behoort duidelik te wees welke gedeelte van die verkoopprijs in paragraaf 9.2 bedoel deur die persoon of liggaam aan wie die grond beskikbaar gestel is, betaalbaar sal wees aan die persoon of liggaam wat die grond aldus beskikbaar gestel het, hoe so 'n gedeelte bepaal moet word, en op welke wyse en wanneer die balans betaal moet word. So 'n gedeelte mag nie minder wees nie as die gedeelte in regulasie 3(1) van die Openbare Grond: Prysregulasies, 1986, bedoel, tesame met die onkoste, indien enige, aangegaan deur die persoon of liggaam wat die grond beskikbaar stel ten opsigte van onder andere dorpsstigting en die voorsiening van dienste aan die betrokke perseel.

9.5 Voorsiening kan gemaak word vir die insluiting van 'n klousule in elke verkoopakte wat die aandag van elke persoon wat 'n erf uit hoofde van daardie ooreenkoms verkry, vestig op die feit dat hy aanspreeklik sal wees vir plaaslike owerheidsgelde, gemeterde en ongemeterde dienstegelde en diensinspeksiegelde, vasgestel in ooreenstemming met die toepaslike verordeninge en/of regulasies wat van tyd tot tyd geld.

9.6 Voorwaardes kan in die grondbeskikbaarheidsooreenkoms ingesluit word betreffende die bepalinge van enige verkoopakte wat gebruik behoort te word ten opsigte van enige spesiale behuisingsskema wat bedryf sal word deur 'n persoon of liggaam aan wie die grond beskikbaar gestel is (insluitende 'n selfhelpbehuisingsskema), wat onder andere oor die volgende handel:

- 9.6.1 Die voorbereiding en voorlegging van bouplanne aan die betrokke plaaslike owerheid.
- 9.6.2 Die finansiering van bouwerke.
- 9.6.3 Die aanstelling van argitekte, bourekenaars, ingenieurs, boukontraheurs en subkontraheurs.
- 9.6.4 Die toesig oor en administrasie van bouwerke deur die persoon of liggaam aan wie die grond beskikbaar gestel is.
- 9.6.5 Maatstawe om die tydigte voltooiing van bouwerk te verseker.
- 9.6.6 Die oprigting van tydelike strukture terwyl die bouwerk aan die gang is.

## 8. LIABILITY FOR LOCAL AUTHORITY AND SERVICE CHARGES

Provision should be made for the payment to the relevant local authority of local authority charges, service charges and other imposts by the person or body to whom the land is made available, if appropriate, and by purchasers.

## 9. TERMS OF DEEDS OF DISPOSAL

(All sites other than sites intended for business or industrial purposes)

9.1 Provision should be made for the person or body to whom the land is made available to enter into a written deed of disposal complying with any relevant law with any person to whom it alienates a site (other than a business or industrial site) pursuant to the land availability agreement, prior to or upon the allocation to that person of a provisional grant of leasehold in respect of the erf, or prior to the registration of transfer of that erf into the name of such person.

9.2 Provision should be made for a disposal price in any deed of disposal referred to in paragraph 9.1.

9.3 It should be clear what portion of the disposal price referred to in paragraph 9.2 the person or body to whom the land is made available shall be entitled to retain for its own account, or how such portion is to be determined.

9.4 It should be clear what portion of the disposal price referred to in paragraph 9.2 shall be payable by the person or body to whom the land is made available to the person or body making the land available to it, or how such portion is to be determined, and it shall also be stated in what manner and when such balance shall be payable. Such portion shall not be less than the portion contemplated in regulation 3 (1) of the Public Land Price Regulations, 1986, together with the costs incurred by the person or body making the land available, if any, in respect of *inter alia* township establishment and the provision of services relating to the site in question.

9.5 Provision may be made for inclusion of a clause in every deed of disposal drawing the attention of any person acquiring an erf in terms of that deed to the fact that he shall be liable for the local authority charges, metered and unmetered service charges and service inspection fees determined in accordance with the relevant by-laws and/or regulations in force from time to time.

9.6 Provisions may be included in the land availability agreement regarding the terms of any deed of disposal that should be used in respect of any special housing scheme to be conducted by the person or body to whom the land is made available (including a self-help housing scheme) dealing *inter alia* with the following:

- 9.6.1 The preparation and submission to the relevant local authority of building plans.
- 9.6.2 The financing of the building works.
- 9.6.3 The appointment of architects, quantity surveyors, engineers, building contractors and subcontractors.
- 9.6.4 The supervision and administration by the person or body to whom the land is made available of building works.
- 9.6.5 Measures to ensure that the building works are completed in good time.
- 9.6.6 The erection of temporary structures while construction is in progress.

# 10. VERVREEMDING VAN BESIGHEIDS- EN INDUSTRIËLE PERSELE

Voorsiening behoort gemaak te word vir die wyse en bedinge waarop enige van die partye, erwe bedoel vir besigheids- of industriële doeleindes, kan vervreem. Die volgende moet in gedagte gehou word:

10.1 Daar behoort 'n skriftelike verkoopakte soos in paragraaf 9.1 bedoel, te wees, en die riglyne in paragrawe 9.2 en 9.3 behoort ook gevolg te word. Die minister sou egter nie 'n grondprys ten opsigte van 'n besigheids- of industriële perseel soos in regulasie 3 van die Openbare Grond: Prysregulasies, 1986, bedoel, bepaal het nie.

10.2 Dit is nie nodig dat oor die grond by wyse van openbare tender, soos in die Openbare Grond: Prysregulasies, 1986, beoog, beskik word nie. Die metode van openbare tender is egter nie uitgesluit nie en kan gebruik word.

## 11. KONTRAKBREUK

Die ooreenkoms kan sodanige bedinge en voorwaardes met betrekking tot kontrakbreuk of -beëindiging bevat as waaroor die partye mag ooreenkom en wat nie onbestaanbaar met die bepalinge van artikel 34 (9) van die Wet is nie: Met dien verstande dat die ooreenkoms uitdruklik moet bepaal dat versuim deur enige persoon om dorpsbeplanning en opmetingswerk binne die tydperk in paragraaf 4.1 bedoel, te voltooi, die installering en voorsiening van dienste binne die tydperk in paragraaf 5.1 bedoel, te voltooi, en die oprigting van verbeteringe binne die tydperk in paragraaf 6.4 bedoel, te voltooi, geag sal word 'n verbreking te wees van die voorwaardes waarop die grond beskikbaar gestel is, soos in artikel 34 (9) (c) (i) van die Wet bedoel, en dat die grond wat aldus beskikbaar gestel is, daarop teruggeneem kan word en daarmee handel kan word volgens daardie artikel.

## 12. ALGEMEEN

Daar kan sodanige ander bedinge en voorwaardes wees wat nie met hierdie riglyne onbestaanbaar is nie, waarop die partye mag ooreenkom.

# 10. DISPOSAL OF BUSINESS AND INDUSTRIAL SITES

Provision should be made for the manner and terms of disposal by any of the parties of any erven intended for business or industrial purposes. The following should be borne in mind:

10.1 There should be a written deed of disposal as contemplated in paragraph 9.1, and the guide-lines in paragraphs 9.2 and 9.3 should also be followed. However, the Minister would not have determined a land price in respect of a business or industrial site, as contemplated in regulation 3 of the Public Land Price Regulations, 1986.

10.2 It is not necessary for the land to be disposed of by way of public tender as contemplated in the Public Land Price Regulations, 1986. However, the method of public tender is not excluded, and may be used.

## 11. BREACH OF CONTRACT

The agreement may contain such terms and conditions relating to breach of contract or termination as the parties may agree and as are not inconsistent with the provisions of section 34 (9) of the Act: Provided that the agreement shall expressly provide that a failure by any person to complete town planning and land survey work within the time period contemplated in paragraph 4.1, the installation and provision of services within the time period contemplated in paragraph 5.1, and the erection of improvements within the period contemplated in paragraph 6.4 shall be regarded as a breach of the terms on which the land was made available as contemplated in section 34 (9) (c) (i) of the Act and that thereupon the land thus made available may be withdrawn and dealt with in terms of that section.

## 12. GENERAL

There may be such other terms and conditions not inconsistent with these guide-lines as the parties may agree.

### AANHANGSEL B

#### AANSOEK OM DORPSTIGTING

(Aansoek kragtens regulasie 7 van die Dorpstigting- en Grondgebruiksregulasies, 1986)

#### DEEL 1: ERKENNING VAN ONTVANGS

AAN: .....

.....

.....

.....

(dorpstigter moet sy naam en adres invoeg).

Ek erken hierby ontvangs van die oorspronklike en twee afskrifte van Dele II en III van hierdie vorm asook die dokumente hieronder vermeld (dorpstigter moet omskrywing van dokumente invoeg) en ek ken hierby verwysingsnommer..... aan hierdie aansoek toe.

1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

9.....

10.....

Gemagtigde beampte

Datum van ontvangs

## DEEL II: AANSOEK

Die Gemagtigde Beamppte

(Vu! adres in)

Dorpstigter se adres:

Tel. No.:

Dorpstigter se verwysing:

Meneer

VOORGESTELDE DORP:

GELEË TE:

Ek, die ondergetekende,

synde—

\*die geregistreerde eienaar van die grond soos hierin beskryf

OF

\*die behoorlik gevolmagtigde agent van die geregistreerde eienaar van die grond hierin beskryf,

OF

\*die persoon of liggaam met toestemming van die geregistreerde eienaar van die grond hierin beskryf, om 'n dorp op die grond in my eie naam te stig,

OF

\*die persoon of liggaam aan wie die grond hierin beskryf, beskikbaar gestel is soos in artikel 34 (9) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, beoog,

doen hierby aansoek om toestemming om 'n dorp te stig op die hierinvermelde grond en verstrek die besonderhede wat hierna verskyn.

Datum

Handtekening

\* Skrap wat nie van toepassing is nie.

JA NEE NVT

## 1. DOKUMENTE INGESLUIT BY AANSOEK

(Maak asseblief 'n kruisie in die toepaslike kolom)

- |      |   |       |       |       |
|------|---|-------|-------|-------|
| 1.1  | Twee afskrifte van voltooide aansoekvorm, wat elk vergesel gaan van die dokumente soos hieronder aangedui   | ..... | ..... | ..... |
| 1.2  | 'n Afdruk van die voorgestelde dorpsuitleg  | ..... | ..... | ..... |
| 1.3  | 'n Afskrif van die memorandum ter ondersteuning van die aansoek   | ..... | ..... | ..... |
| 1.4  | 'n Afskrif van die titelakte(s)   | ..... | ..... | ..... |
| 1.5  | 'n Afskrif van enige akte van serwituut wat op die grond van toepassing is  | ..... | ..... | ..... |
| 1.6  | 'n Afskrif van enige verbandakte(s) wat op die grond van toepassing is  | ..... | ..... | ..... |
| 1.7  | 'n Afskrif van die sertifikaat van mineraalregte of die sessie van mineraalregte  | ..... | ..... | ..... |
| 1.8  | 'n Afskrif van die eienaar se toestemming of sy volmag, indien van toepassing   | ..... | ..... | ..... |
| 1.9  | 'n Afskrif van die dorpstigter se maatskappybesluit, indien van toepassing  | ..... | ..... | ..... |
| 1.10 | 'n Vloedwaterlynsertifikaat wat aandui of die grond onderhewig is of nie is nie aan 'n 1-in-50-jaar-vloed   | ..... | ..... | ..... |
| 1.11 | 'n Afskrif van die verbandhouer se toestemming, indien van toepassing   | ..... | ..... | ..... |
| 1.12 | 'n Afskrif van die mineraalregtehouer se toestemming, indien van toepassing   | ..... | ..... | ..... |
| 1.13 | Bewys van reservering vir doeleindes van 'n dorp ingevolge artikel 184 van die Wet op Mynregte, 1967, indien van toepassing   | ..... | ..... | ..... |
| 1.14 | 'n Afskrif van 'n geotegniese verslag   | ..... | ..... | ..... |
| 1.15 | 'n Sertifikaat van 'n landmeter, dorpsbeplanner of prokureur wat bepaal dat die titelvoorwaardes of serwituut(ute) soos in die titelakte(s) verskyn nie die voorgestelde dorp affekteer nie, of wat die wyse waarop elke serwituut gekanselleer of gewysig sal word, aandui | ..... | ..... | ..... |
| 1.16 | 'n Afskrif van die grondbeskikbaarheidsooreenkoms; indien daar een is   | ..... | ..... | ..... |
| 1.17 | 'n Afskrif van die diensteooreenkoms, indien reeds aangegaan  | ..... | ..... | ..... |
| 1.18 | 'n Aansoek om aanwysing as 'n ontwikkelingsgebied ingevolge artikel 33 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, indien nodig   | ..... | ..... | ..... |
| 1.19 | Indien die antwoord "nee" of "nie van toepassing" is ten opsigte van enige van die vooraangaande dokumente, moet redes daarvoor verstrek word (lang verduidelikings kan aangeheg word as aanhangsels):  | ..... | ..... | ..... |

[illegible]

2.1. Naam van die beoogde dorp (dui ook aan of die naam deur die toepaslike gesag goedgekeur is, en indien wel, deur wie):

2.2 Naam van die dorpsdigter

2.3 Eiendom:

**Titelbeskrywing van elke deel van die plaas/kleinhoewe\* waarop die beoogde dorp gestig staan te word:**

(i) Titelakte No.

(ii) Titelakte No.

(iii) Titelakte No.

2.4 Volle naam van die geregistreerde eienaar van die grond:

2.5 Die grond is/is nie\* onder verband (nie)\* en die besonderhede van die betrokke verbandaktes is soos volg:

### 2.5.1 Eiendom

(i) Verband No.

ten gunste van

(ii) Verband No.

ten gunstie van

(iii) Verband No.

ten gunste van

### 2.5.2 Eiendom

(i) Verband No.

ten gunste van

(ii) Verband No.

ten gunste van

(iii) Verband No.

ten gunste van

2.6 Mineraalregte is/is nie\* geskei van die eiendomsreg van die grond (nie)\* en word gehou deur:

Kragtens Seritikaat No.

Kragtens Serifikaat No.

kragiens Sertifikaat No.

2.7 'n Huurkontrak van die mineraalrege is/is nie\* toegestaan (nie)\*/'n Prospekteerkontrak is/is nie\* aangegaan nie\*, waarvan die besonderhede soos volg is\*:

## 2.8 Status van die grond ingevolge die Wet op Mynregte, 1967:

2.8.1 Die grond is/is nie\* geproklameer ingevolge die Wei (nie)\* (verskaf besonderhede):

2.8.2 Die grond is/is nie\* uitgehou vir dorpsdoeleindes ingevolge artikel 184 van die Wet (nie)\* (verskaf besonderhede):

2.8.3 Die grond is/is nie\* gemyn vir edelmetale of onedele metale soos omskryf in artikel 1 van die Wet (nie)\* (verskaf besonderhede):

2.9 Die dorpsdigter is van voorneme om nog die volgende stappe te doen ten opsigte van die posisie soos uiteengesit in paragrawe 2.6, 2.7, 2.8.1, 2.8.2 en 2.8.3 hierbo (dui volle besonderhede aan van die stappe wat die dorpsdigter van plan is om te doen en wanneer dit waarskynlik afgehandel sal wees soos in regulasie 8 (2) bedoel);



- 2.10 Die dorpsdigter versoek dat die Minister die aansoek goedkeur ondanks die feit dat die stappe genoem in 2.9 hierbo, nie alreeds gedoen is nie en versoek die Minister voorts om die volgende voorwaardes in dié verband van toepassing te maak ooreenkomstig regulasie 16 (1):

2.11 Die beoogde dorp—

2.11.1 is geleë binne die munisipale of plaaslike owerheidsgebied van.....

2.11.2 grens aan die volgende munisipale of plaaslike owerheidsgebiede:

2.11.3 sal gestig word op grond wat aangewys is, of wat geag word aangewys te wees as 'n ontwikkelingsgebied soos bedoel in artikel 33 (1) of (4) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 by (meld toepaslike *Staatskoerant* verwysing):

2.12 Die beoogde dorp is geleë in die gebied van die ..... dorpsbeplanningskema/is nie geleë in die gebied van enige dorpsbeplanningskema nie.\*

2.13 Die voorgestelde grondgebruik(e) en die getal erwe bestem vir elke gebruik:

Voorgestelde grondgebruik	Getal erwe
Residensieel	
Besigheid	
Industrieel	
Gemeenskapsfasiliteit	
Munisipaal	
Onbepaald	
Openbare oop ruimte	
Ander	

2.14 Dui in detail aan hoe elk van die voorwaardes en serwitute in die akte(s) van oordrag van die eiendom die beoogde dorp raak en hoe met elk van hierdie voorwaardes en serwitute gehandel staan te word:

(Waar aangedui word dat 'n titelvoorwaarde of serwitut nie die beoogde dorp raak nie, moet 'n sertifikaat van 'n geregistreerde landmeter of dorpsbeplanner of prokureur ingedien word.)

2.15 Die grond waarop die dorp gestig sal word—

\*is aan die dorpsdigter beskikbaar gestel deur.....

soos in artikel 34 (9) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, beoog, en die voorwaardes waarop die grond aldus beskikbaar gestel is, is vervat in 'n grondbeskikbaarheidsooreenkoms, waarvan 'n afskrif aan hierdie aansoek geheg is/is by die gemagtigde beampte vir sy goedkeuring ingedien op..... (meld die datum)\*

OF

\* sal deur die dorpsdigter ontwikkel word ten behoeve van.....

..... (voeg volle naam van eienaar in) uit hoofde van 'n volmag, waarvan 'n afskrif by hierdie aansoek aangeheg is,

OF

\*sal deur die dorpsdigter ontwikkel word op die grond van.....

(voeg volle naam van eienaar in) in die dorpsdigter se eie naam uit hoofde van 'n toestemming verleen deur bogenoemde eienaar, waarvan 'n afskrif by hierdie aansoek aangeheg is.

\* Skrap wat nie van toepassing is nie.

### DEEL III: STIGTINGSVOORWAARDES

[Kyk Regulasie 7 (1) (b). Die Minister sal hierdie Deel van die aansoek as basis gebruik vir die ople van stigtingsvoorwaardes kragtens regulasie 16.]

#### 3. OPSOMMING VAN DORPSBESONDERHEDE

(Paragraaf 3 dien as 'n opsomming en 'n kontroleblad. Met uitsondering van paragraaf 3.8 hieronder, moet die dorpsdigter besonderhede verskaf.)

- 3.1 Voorgestelde naam van dorp .....
- 3.2 Bevattende (getal erwe en gebouke) .....
- 3.3 Soos getoon op uitlegplan No. ....
- 3.4 Geleë te .....
- 3.5 In die jurisdiksiegebied van (plaaslike owerheid) .....
- 3.6 Transportakte(s) No. ....



- 5.6.2 Die betrokke gesag bedoel in regulasie 26, voorsien en installeer alle eksterne dienste in die dorp in ooreenstemming met die diensteooreenkoms of 'n besluit van die dienste-arbitrasieraad, na gelang van die geval.

#### 5.7 ANDER VOORWAARDES

(Voeg ander voorwaardes waaraan voldoen moet word voordat die grond registreerbaar word, in, byvoorbeeld voorwaardes met betrekking tot begifugings, of voorwaardes betreffende mineraalregte wat nagekom moet word na goedkeuring van die dorp.)

#### 6. VOORGESTELDE GEBRUIKE VAN GROND MOET DEUR MINISTER GOEDGEKEUR WORD

(Voeg die ernommers soos dit op die uitlegplan verskyn in. Indien dieselfde erwe uiteindelik ander nommers op 'n algemene plan deur die Landmeter-generaal uit hoofde van regulasie 19 toegeken word nadat die Minister hierdie aansoek kragtens regulasie 16 goedgekeur het, kan oordrag van sodanige erwe gegee word met verwysing na die nommers soos dit op die algemene plan verskyn.)

- 6.1 Residensiële: Erfnommers .....
- 6.2 Besigheid: Erfnommers .....
- 6.3 Industriële: Erfnommers .....
- 6.4 Gemeenskapsfasiliteit: Erfnommers .....
- 6.5 Munisipaal: Erfnommers .....
- 6.6 Openbare oop ruimte: Erfnommers .....
- 6.7 Onbepaald: Erfnommers .....

#### 7. ONTWERP-TITELVOORWAARDES

(Kyk Grondgebruiksvoorwaardes gepubliseer in Aanhangel F van die Dorpstigting- en Grondgebruiksregulasies. Indien verskillende voorwaardes van toepassing sal wees op verskillende kategorieë van erwe, moet die dorpstigter aantoon op welke erwe sodanige voorwaardes van toepassing sal wees.)

- 7.1 \*Die volgende voorwaardes moet ingesluit word by die titelakte van elke erf (slegs van toepassing waar die dorpstigter die dorpstigtingsvoorwaardes sonder wysiging wil aanwend):

Die gebruik van die voormelde perseel is .....  
 (voeg in die gebruik van die betrokke perseel soos deur die Minister goedgekeur—kyk paragraaf 6 hierbo), soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aanhangel F van die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat, op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié in voormelde Grondgebruiksvoorwaardes vervang, soos beoog in artikel 57B van die gemelde Wet.

OF

\*Die volgende voorwaardes moet by die titelakte van elke erf ingesluit word (slegs van toepassing waar die dorpstigter die grondgebruiksvoorwaardes behoudens sekere wysigings wil aanwend):

Die gebruik van die voormelde perseel is .....  
 (voeg die goedgekeurde gebruik in) soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aanhangel F van die Dorpstigting- en Grondgebruiksregulasies uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat die volgende spesiale voorwaardes van toepassing is bykomend tot/in plaas van\* genoemde Grondgebruiksvoorwaardes:

- 1. ....
- 2. ....
- 3. ....

Met dien verstande voorts, dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié in voormelde Grondgebruiksvoorwaardes, en in hierdie voorwaardes vervang, soos in artikel 57B van die gemelde Wet beoog.

OF

\*Die volgende voorwaardes moet by die titelakte van elke perseel ingesluit word (voltooi indien Grondgebruiksvoorwaardes in Aanhangsel F van die Dorpstigting- en Grondgebruiksregulasies, 1986 nie gebruik sal word nie):

- Met dien verstande dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié vervang wat in hierdie voorwaardes vervat is en wat daarna geen verdere regs-krag of effek het nie.
- 7.2.1 Die erf is onderworpe aan 'n serwituut, 1 meter wyd, ten gunste van die plaaslike owerheid, vir riool- en ander munisipale doeleindes, langs enige twee grense uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut van 1 meter wyd, vir munisipale doeleindes, oor die toegangsdeel van die erf, indien en wanneer deur die plaaslike owerheid benodig: Met dien verstande dat die plaaslike owerheid vrystelling kan verleen van die nakoming van hierdie serwituutreg.
  - 7.2.2 Geen gebou of ander struktuur mag opgerig word binne die bogenoemde serwituutgebied nie en geen grootwortelbome mag in die gebied van sodanige serwituut of binne 1 meter daarvan geplant word nie.
  - 7.2.3 Die plaaslike owerheid is daarop geregtig om tydelik op die grond aangrensend aan die voorgenoemde serwituutgebied, sodanige materiaal te stort as wat uitgegrawe mag word in die loop van die konstruksie, onderhoud of verwydering van sodanige hooftoeleidings of ander werk as wat hy na sy oordeel nodig ag en is voorts geregtig op redelike toegang tot genoemde grond vir bogenoemde doel, onderworpe daaraan dat enige skade aangerig tydens die proses van konstruksie, instandhouding of verwydering van sodanige hooftoeleidings en ander werk, goed te maak deur die plaaslike owerheid.

\* Skrap wat nie van toepassing is nie.

### AANHANGSEL C

#### VORM VAN KENNISGEWING WAT AAN SEKERE PERSONE OF LIGGAME GEGEE MOET WORD

[Regulasie 9 (1)]

NEEM ASSEBLIEF KENNIS DAT .....

(die dorpsstigter) 'n aansoek om dorpsstigting in die vorm van die twee aangehegte afskrifte van die aansoek by die gemagtigde beampte opsoos bedoel in die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, ingedien het.

NEEM VOORTS ASSEBLIEF KENNIS DAT u, binne 'n tydperk van 30 (dertig) dae vanaf die datum van hierdie kennisgewing, 'n beswaar of vertoë ten opsigte van die aansoek, by of aan die genoemde gemagtigde beampte kan indien of rig soos in regulasie 11 van die bovermelde Regulasies bedoel, of, indien u nie in staat is om so 'n beswaar of sodanige vertoë binne sodanige tydperk in te dien of te rig nie, of die aansoek binne daardie tydperk onoordeelkundig kan ondersoek nie, kan u binne daardie tydperk die genoemde beamptes skriftelik versoek om die tydperk te verleng en die tydperk noem wat u in die beswaar of vertoë, asook die aard van die beswaar of vertoë wat u beoog of na verdere ondersoek sou, wenslik vind.

NEEM VOORTS ASSEBLIEF KENNIS DAT enige beswaar, vertoë of versoek om uitstel by die kantoor van die gemagtigde beampte te..... afgelewer moet word.

Dorpsstigter .....

Datum .....

### AANHANGSEL D

#### VORM VAN KENNISGEWING WAT IN KOERANT GEPUBLISEER MOET WORD

[Regulasie 10 (1)]

NEEM ASSEBLIEF KENNIS DAT die ondergenoemde dorpsstigter 'n aansoek om die stigting van die dorp hieronder beskryf, soos bedoel in die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, by die gemagtigde beampte ingedien het.

NEEM ASSEBLIEF VERDER KENNIS DAT die toepaslike plan(ne), dokument(e) en inligting vir inspeksie by die kantoor van die dorpsstigter (hieronder aangedui) vir 'n tydperk van 30 (dertig) dae vanaf ..... (vul datum in van eerste publikasie van hierdie kennisgewing) ter insae lê.

NEEM ASSEBLIEF VERDER KENNIS DAT iemand wat beswaar wil maak teen of vertoë wil rig ten opsigte van die bestaan van die aansoek, sodanige beswaar of vertoë tesame met die redes daarvoor, binne genoemde tydperk van 30 (dertig) dae aan die gemagtigde beampte by sy adres hieronder uiteengesit, moet aflewer.

Naam van dorp .....

Naam van dorpsstigter .....

Adres van dorpsstigter waar dokumente geïnspekteer kan word .....

Adres van gemagtigde beampte .....

Getal en sonering van erwe .....

Ligging en beskrywing van grond .....

## AANHANGSEL E

## \*RIGLYNE VIR DIENSTEOORENKOMS

(\*Hierdie ooreenkoms kan ook deel vorm van die grondbeskikbaarheidsooreenkoms waar van toepassing—kyk paragraaf 5 van Aanhangsel A.)

Enige diensteooreenkoms soos in regulasie 26 bedoel, moet onder andere aan die volgende riglyne voldoen:

## 1. PARTYE

Die name van die partye by die kontrak en hulle besigheidsadresse met vermeld word.

## 2. DIE GROND

Daar behoort 'n voldoende beskrywing te wees van die grond waarop die ooreenkoms betrekking het, met verwysing na byvoorbeeld enige titelakte waaronder die grond gehou word, 'n diagram deur 'n geregistreerde landmeter voorberei en enige algemene plan wat ten opsigte van die grond voorberei is. Daarby behoort daar aangedui te word of die dorpsdigter die eienaar of agent van die eienaar van die grond is, of hy in sy eie naam optree met die toestemming van die eienaar, alternatiewelik, of die grond aan hom beskikbaar gestel is ingevolge artikel 34 (9) van die Wet.

## 3. VOORWAARDES

3.1 Indien die ooreenkoms onderworpe is aan die nakoming van enige voorwaardes, moet hierdie voorwaardes duidelik gemeld word. Hulle kan byvoorbeeld voorwaardes insluit met betrekking tot—

3.1.1 die insluiting van die grond wat ontwikkel moet word by 'n plaaslike owerheidsgebied deur 'n Administrateur handelende kragtens die Wet op Swan Plaaslike Owerheide, 1982 (Wet 102 van 1982), gelees met die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet 91 van 1983); of

3.1.2 die oorgaan van die aansoek om dorpsdigting tot 'n goedgekeurde aansoek.

3.2 Indien enige van die voorwaardes in 3.1 bedoel, opgelê is, moet die ooreenkoms duidelik meld wat die gevolg sou wees indien sodanige voorwaardes nie nagekom sou word nie.

## 4. KLASSIFIKASIE VAN INGENIEURSDIENSTE

Die ingenieursdienste wat vir die dorp voorsien moet word, behoort geklassifiseer te word as interne of eksterne ingenieursdienste soos in regulasie 27 beoog op die grondslag dat—

4.1 "eksterne ingenieursdienste" uit beide "grootmaatsdienste" en "koppeldienste" bestaan;

4.2 "grootmaatsdienste" al die primêre water-, riool-, elektrisiteit- en stormwaterdienste, asook die padnetwerk in die stelsel waaraan die interne dienste gekoppel moet word, beteken;

4.3 "koppeldienste" alle nuwe dienste wat nodig is om die interne dienste te koppel met die grootmaatsdienste, beteken;

4.4 "interne dienste" alle dienste binne die grense van die nuwe dorp wat nodig is vir die daarstelling van gedienste erwe in ooreenstemming met die vlak van dienste waarop ooreengekom is tussen die dorpsdigter en die betrokke gesag in regulasie 26 (1) Bedoel, beteken;

4.5 indien 'n diens binne die grense van 'n nuwe dorp ook 'n ander dorp binne die jurisdiksiegebied van die betrokke gesag in regulasie 26 (1) bedoel, bedien, sodanige diens en die koste van die voorsiening daarvan as 'n interne ingenieursdiens hanteer moet word in die mate wat dit die nuwe dorp dien, en as 'n eksterne ingenieursdiens in die mate wat dit enige sodanige ander dorp of ontwikkeling dien.

## 5. ONTWIKKELINGSVERANTWOORDELIKHEDE

## 5.1 Dorpsbeplanning en Opmeting

As 'n algemene reël behoort die dorpsdigter verantwoordelik te wees vir alle opmetingswerk, dorpsbeplanning en aanverwante werk wat nodig is vir die doeleindes van registrasie van die algemene plan wat op die nuwe dorp betrekking het, en behoort hy alle koste aldus aangegaan, te verhaal deur die verkoop van gedienste erwe.

## 5.2 Verantwoordelikheid vir Ingenieursdienste

Daar moet duidelike bepalings wees wat die verantwoordelikhede vir die installering en voorsiening van interne en eksterne ingenieursdienste soos in regulasie 28 (1) beoog, van die onderskeie partye by die diensteooreenkoms bepaal. Met dien verstande dat indien enige van die partye 'n ingenieursdiens moet voorsien en installeer op versoek en koste van die ander, soos in regulasie 28 (2) bedoel, die dienste wat aldus geïnstalleer en verskaf moet word, duidelik geïdentifiseer word en die bedrag, of die wyse van vasstelling van die bedrag, van enige uitgawe waarna in daardie subregulasie verwys word, duidelik uiteengesit moet word.

## 5.3 Aanvullende Grootmaatsdienste

Dit moet duidelik wees of aanvullende grootmaatsdienste deur die betrokke gesag soos in regulasie 26 (1) bedoel, geïnstalleer en voorsien moet word, en indien wel, moet sodanige dienste geïdentifiseer word.

## 5.4 Bydrae tot Koste van Dienste

Die ooreenkoms behoort nie voorsiening te maak dat die dorpsdigter bydra tot die koste van die installering en voorsiening van eksterne ingenieursdienste nie, en omgekeerd, behoort die ooreenkoms ook nie voorsiening te maak dat die betrokke gesag in regulasie 26 (1) bedoel, bydra tot die installering en voorsiening van interne ingenieursdienste nie. Die enigste uitsondering op hierdie riglyn sal 'n geval wees waar die dorpsdigter eksterne ingenieursdienste installeer en voorsien waarvan die betrokke owerheid nie die verskaffer is nie, en verkies om sy eie koste in hierdie verband te dra, soos in regulasie 28 (2) (c) bedoel.

## 5.5 Dienskoppelings

Daar moet bepaal word welke party verantwoordelik sal wees vir die installasie en voorsiening van dienskoppelings aan woon-, besigheids-, industriële, gemeenskapsfasiliteit- en munisipale erwe, of aan enige sodanige erwe soos bedoel in die Grondgebruiksvoorwaardes wat Aanhangsel F van hierdie regulasies uitmaak, asook hoe die koste van sodanige dienskoppelings verhaal sal word. Die dienskoppelings wat gemaak word, moet voldoende beskryf word in die diensteooreenkoms, en kan alle koppelings insluit tussen die betrokke interne dienste en die betrokke erf, wat byvoorbeeld bestaan uit—

5.5.1 'n waterrioolpyp wat by 'n rioolaansluiting eindig;

5.5.2 'n waterpyp wat by 'n watermeter eindig;

5.5.3 'n elektriese huisaansluitingskabel wat op die betrokke erf eindig.

## 5.6 Vlak en Standaard van Interne Dienste

Die vlak en standaard van die interne dienste wat deur die dorpsdigter geïnstalleer en voorsien moet word, behoort duidelik geïdentifiseer te word, met verwysing na onder andere—

5.6.1 waternetwerk;

5.6.2 rioolnetwerk;

5.6.3 paaie en stormwaterdreinerings;

5.6.4 elektrisiteitsnetwerk (hoog- en laagspanning); en

5.6.5 straatverligting,

behoudens die oorwegings waarna in regulasie 27 (2) verwys word.

## 5.7 Voltuiging van Dienste



skriftelik deur die gemagtigde beampte in kennis gestel is, dat die volgende vereistes tot tevreedenheid van die gemagtigde beampte nagekom is, hetsy ten opsigte van die geheel of ten opsigte van 'n gedeelte van die dorp:

- (a) Die aansoek om die stigting van 'n dorp 'n goedgekeurde aansoek geword het vir sover dit op die betrokke grond betrekking het.
- (b) Indien die dorpsdigter nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp voorsien soos in regulasie 30 bedoel nie, sodanige dorpsdigter en die betrokke gesag 'n diensteooreenkoms gesluit het, of, alternatiewelik, die diensteverantwoordelikhede van die partye deur 'n dienste-arbitrasieraad bepaal is in die omstandighede in regulasie 26 (3) beoog.
- (c) Die dorpsdigter voldoen het aan sodanige stigtingsvoorwaardes as wat die Minister ingevolge regulasie 16 (2) vereis het vervul moet word voordat hy die dorp tot 'n goedgekeurde dorp verklaar.

(2) Die betrokke planne, diagramme en titelaktes moet deur die dorpsdigter ingedien word soos in subregulasie (1) beoog binne drie maande vanaf die datum van die goedkeuring van die planne en diagramme soos in regulasie 19 beoog, of binne sodanige langer tydperk as wat die gemagtigde beampte toelaat, by gebreke waarvan die aansoek verval: Met dien verstande dat indien 'n reg van huurpag ten opsigte van 'n onopgemete perseel soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie verval of nie verval het nie, en hy verder die nodige planne, diagramme en titelaktes kan laat voorberei en aan hom laat lewer en dit by die Registrateur laat indien op koste van die dorpsdigter.

(3) Sodra die Registrateur met die titelaktes gehandel het soos in subregulasie (1) bedoel, moet hy die gemagtigde beampte in kennis stel van die betrokke endossemente of registrasies, en daarna mag die Registrateur, buite en behalwe die oordrag van 'n openbare oop ruimte soos in regulasie 25 (1) (a) beoog, geen verdere transaksies registreer ten opsigte van enige grond geleë in die voorgestelde dorp nie, tot tyd en wyl die Registrateur die skriftelike kennisgewing van die gemagtigde beampte in regulasie 25 (2) bedoel, ontvang het: Met dien verstande dat hierdie subregulasie nie uitgelê word nie as sou dit die Registrateur belet om 'n reg van huurpag ten opsigte van 'n onopgemete perseel in die voorgestelde dorp te registreer soos in artikel 52 (5) van die Wet en regulasie 20 beoog.

#### VOORTSETTING VAN AANSOEK DEUR NUWE DORPSDIGTER

22. (1) Indien die eiendomsreg van grond ten opsigte waarvan aansoek om die stigting van 'n dorp gedoen is, verander het, of die betrokke grond beskikbaar gestel is aan 'n ander persoon of liggaam ingevolge artikel 34 (9) van die Wet, as die persoon of liggaam aan wie die grond oorspronklik beskikbaar gestel was, of 'n ander persoon as die oorspronklike dorpsdigter die agent geword het van die eienaar of sy toestemming verkry het om 'n dorp op die grond te stig, en die nuwe eienaar van die grond of nuwe persoon of liggaam aan wie die grond beskikbaar gestel is, of die nuwe agent of die nuwe houer van die toestemming, die gemagtigde beampte skriftelik in kennis stel dat hy begerig is om met die aansoek voort te gaan, kan die gemagtigde beampte, indien die aansoek nie verval het nie, toestem tot die voortsetting van die aansoek deur sodanige nuwe persoon op enige voorwaarde wat hy dienstig mag ag.

(2) 'n Dorpsdigter wat kragtens subregulasie (1) voortgaan met 'n aansoek, word vir die doeleindes van hierdie regulasies geag die dorpsdigter te wees wat oorspronklik die aansoek gebring het.

writing by the authorised officer that the following requirements have been met to the satisfaction of the authorised officer, whether in respect of the whole township or of any part thereof:

- (a) The application for the establishment of a township has become an approved application in so far as it relates to the land in question.
- (b) If the township applicant is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have concluded a services agreement or, alternatively, the service responsibilities of the parties have been determined by a services arbitration board in the circumstances contemplated in regulation 26 (3).
- (c) The township applicant has complied with such conditions of establishment as the Minister has required in terms of regulation 16 (2) to be fulfilled prior to his declaring the township to be an approved township.

(2) The relevant plans, diagrams and title deeds shall be lodged by the township applicant as contemplated in subregulation (1) within three months of the date of the approval of the plans and diagrams as contemplated in regulation 19, or within such further period as the authorised officer may allow, failing which the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and in regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he may cause the necessary plans, diagrams and title deeds to be prepared and delivered to him and to be lodged with the Registrar at the expense of the township applicant.

(3) As soon as the Registrar has dealt with the title deeds as contemplated in subregulation (1), he shall notify the authorised officer of the relevant endorsements or registrations and thereafter the Registrar shall, save for the transfer of a public open space as contemplated in regulation 25 (1) (a), not register any further transactions in respect of any land situated in the proposed township until such time as he has received the written notice from the authorised officer referred to in regulation 25 (2): Provided that this subregulation shall not be construed as prohibiting the Registrar from registering a right of leasehold in respect of unsurveyed premises in the proposed township as contemplated in section 52 (5) of the Act and in regulation 20.

#### CONTINUATION OF APPLICATION BY NEW APPLICANT

22. (1) If the ownership of land in respect of which an application for the establishment of a township has been made has changed or the land concerned has been made available to a person or body as contemplated in section 34 (9) of the Act, other than the one to whom the land was originally made available, or a person other than the original township applicant has become the agent of the owner or has been granted his consent to establish a township on the land, and the new owner of the land or new person or body to whom the land was made available, or the new agent or consent holder notifies the authorised officer in writing that he wishes to continue with the application, the authorised officer may, if the application has not lapsed, consent to the continuation of the application by such new person on any condition he may deem expedient.

(2) A township applicant who continues with an application in terms of subregulation (1) shall, for the purposes of these regulations, be deemed to be the township applicant who originally made the application.





(3) Indien die dorpsdigter versuim om binne 'n redelike tyd nadat hy die planne, diagramme of ander dokumente bedoel in subregulasie (1) ingedien het, te voldoen aan enige vereistes wat die Landmeter-generaal regtens kan stel, kan die Landmeter-generaal die gemagtigde beampte dienooreenkomstig in kennis stel, en indien die gemagtigde beampte tevrede is, nadat hy die dorpsdigter aangehoor het, dat die dorpsdigter sonder grondige rede versuim het om aan enige sodanige vereistes te voldoen, moet die gemagtigde beampte die dorpsdigter van sy bevinding in kennis stel, en daarop verval die aansoek: Met dien verstande dat, indien enige reg van huurpag ten opsigte van onopgemete persele soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie moet verval of nie verval het nie, en hy dan geregtig is om op koste van die dorpsdigter te laat voldoen aan die vereistes van die Landmeter-generaal.

(4) Nadat die planne, diagramme of dokumente wat die Landmeter-generaal vereis tot sy tevredeheid by hom ingedien is, handel hy met sodanige planne, diagramme of ander dokumente ooreenkomstig die Opmetingswet, 1927.

(5) 'n Algemene plan deur die Landmeter-generaal goedgekeur, handelende soos in subregulasie (4) beoog, of enige algemene plan wat voor die inwerkingtreding van die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986, kragtens die Wet goedgekeur is, kan deur die Landmeter-generaal gewysig word of gedeeltelik of in die geheel gekanselleer word of die grond wat op sodanige algemene plan aangetoon word kan gekonsolideer of onderverdeel word op sodanige bedinge en voorwaardes as wat die Minister mag goedkeur of gelas.

(6) Die dorpsdigter is verantwoordelik vir die indiening by die Landmeter-generaal van enige aansoek om die wysiging of gedeeltelike of totale kansellering van 'n algemene plan in subregulasie (5) bedoel, tesame met enige goedkeuring of lasgewing in daardie subregulasie bedoel, en sodanige wysigende algemene plan moet aan die vereistes van die Opmetingswet, 1927, voldoen.

(7) Enige beding of voorwaarde deur die Minister goedgekeur of gelas soos in subregulasie (5) beoog, kan enige voorwaarde betreffende die betaling van vergoeding, indien daar is, of die sluiting van 'n openbare plek insluit.

(8) Nadat die algemene plan met betrekking tot die dorp, of enige gedeelte daarvan, deur die Landmeter-generaal goedgekeur is, is die dorpsdigter daarvoor verantwoordelik om sodanige gevolglike wysigings aan die betrokke uitlegplan aan te bring as wat die vorm waarin die algemene plan goedgekeur is, mag vereis, en is dit nie nodig dat 'n nuwe of bykomende aansoek gedoen word of goedkeuring verleen word ten opsigte van 'n uitlegplan wat aldus gewysig is nie.

(9) Die dorpsdigter moet, binne 'n tydperk van drie maande na die datum waarop die planne en diagramme aan die Landmeter-generaal voorgelê en deur hom goedgekeur is, 'n gesertifiseerde afskrif of natreksel van die algemene plan van die dorp, tesame met 'n afskrif van die uitlegplan soos in subregulasie (8) bedoel, by die gemagtigde beampte indien en, indien die goedgekeurde dorp binne die plaaslike owerheidsgebied van 'n plaaslike owerheid geleë sal wees, ook by daardie plaaslike owerheid.

#### HURPAG Kragtens Artikel 52 (5) van die Wet Gedurende Dorpsdigting

20. (1) Ondanks enige andersluidende bepalings van hierdie regulasies, met inbegrip van, maar nie beperk nie tot—

- (a) die vereiste dat die Registrateur normaalweg met die betrokke titelaktes met betrekking tot 'n voorgestelde dorp kragtens Hoofstuk IV van die Registrasie van Aktes Wet, 1937, handel soos in regulasie 21 (1) beoog;

(3) If the township applicant fails, within a reasonable time after he has lodged the plans, diagrams or other documents referred to in subregulation (1), to comply with any requirements the Surveyor-General may lawfully lay down, the Surveyor-General may notify the authorised officer accordingly, and if the authorised officer is satisfied, after hearing the township applicant, that the township applicant has failed to comply with any such requirement without sound reason, the authorised officer shall notify the applicant that he is so satisfied, and thereupon the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he shall be entitled to cause the requirements of the Surveyor-General to be complied with at the expense of the township applicant.

(4) After the Surveyor-General shall have been satisfied that the required plans, diagrams or documents have been lodged with him, he shall deal with such plans, diagrams or documents in accordance with the Land Survey Act, 1927.

(5) A general plan approved by the Surveyor-General, acting as contemplated in subregulation (4), or any general plan approved under the Act prior to the coming into force of the Black Communities Development Amendment Act, 1986, may be amended or partially or totally cancelled by the Surveyor-General on the land shown on such general plan may be consolidated or subdivided, on such terms and conditions as the Minister may approve or direct.

(6) The township applicant shall be responsible for submitting any application for the amendment or partial or total cancellation of a general plan referred to in subregulation (5) to the Surveyor-General, together with any approval or direction referred to in that subregulation, and such amending general plan shall comply with the requirements of the Land Survey Act, 1927.

(7) Any term or condition approved or directed by the Minister as contemplated in subregulation (5) may include any condition as to the payment of compensation, if any, or the closing of any public place.

(8) After the general plan relating to the township, or any part thereof, has been approved by the Surveyor-General, the township applicant shall be responsible for making such consequential amendments to the relevant layout plan as may be dictated by the form in which the general plan was approved, and it shall not be necessary for any new or additional application to be made or approval to be granted in respect of a layout plan so amended.

(9) The township applicant shall, within a period of three months after the date on which the Surveyor-General has approved the plans and diagrams submitted to him, lodge a certified copy or tracing of the general plan of the township, together with a copy of the layout plan, amended as contemplated in subregulation (8), with the authorised officer and, if the approved township will be within the local authority area of any local authority, also with that local authority.

#### LEASEHOLD IN TERMS OF SECTION 52 (5) OF THE ACT DURING TOWNSHIP ESTABLISHMENT

20. (1) Notwithstanding anything to the contrary contained in these regulations, including, but not limited to—

- (a) the requirement that the Registrar must in the ordinary course deal with the relevant title deeds relating to a proposed township in terms of Chapter IV of the Deeds Registries Act, 1937, as contemplated in regulation 21 (1);



verstande dat waar die betrokke grond onderworpe is aan enige regte, of geproklameerde grond is, soos in regulasie 8 (1) (a), (b) of (c) bedoel, die Minister die aansoek kan goedkeur, onderworpe aan sodanige voorwaardes, indien daar is, betreffende die regte van die houer of huurder van mynregte, die deproklamerings van die grond kragtens die Wet op Mynregte, 1967, of die afsondering van die betrokke grond vir dorpsdoeleindes soos in artikel 184 van daardie Wet beoog, as wat hy na oorleg, indien hy dit nodig ag, met die Minister van Mineraal- en Energiesake, of sy behoorlik aangewese verteenwoordiger mag bepaal.

(2) Wanneer die Minister 'n aansoek goedkeur, kan hy, benewens 'n voorwaarde in subregulasie (1) beoog, enige voorwaarde wat hy raadsaam ag opelê, met inbegrip van die voorwaarde dat 'n begiftiging *in natura* of in kontant vereis word: Met dien verstande dat sodanige begiftiging slegs betrekking mag hê op die oordrag aan of vestiging in 'n plaaslike owerheid of enige persoon of liggaam, of 'n administrateur, soos in regulasie 3 beoog, van grond wat bestem is vir gebruik as 'n openbare oop ruimte op die uitlegplan, of die betaling van 'n geldsom in plaas van sodanige oordrag of vestiging.

(3) Nadat die Minister 'n aansoek of enige gedeelte daarvan goedgekeur het, moet die gemagtigde beampte die dorpsdigter, die Registrateur, die Landmeter-generaal en die plaaslike owerheid, indien daar een is, wie se plaaslike owerheidsgebied die goedgekeurde dorp sal insluit, skriftelik in kennis stel van sodanige goedkeuring en van enige voorwaarde deur die Minister opgelê.

(4) Indien die Minister die aansoek geweier of 'n besluit daarvoor uitgestel het, hetsy in die geheel of gedeeltelik, of voorwaardes kragtens subregulasie (2) opgelê het wat wesenlik verskil van die voorwaardes voorgelê in die dorpsdigter se aansoek in regulasie 7 beoog, moet die gemagtigde beampte, op skriftelike versoek van die dorpsdigter, 'n afskrif van die Minister se skriftelike redes vir sy besluit of uitstel aan die dorpsdigter stuur.

(5) Nadat die dorpsdigter in kennis gestel is dat sy aansoek goedgekeur is, maar voordat 'n registrasie of endossement plaasgevind het soos in regulasie 21 (1) beoog, kan die Minister enige voorwaarde deur hom opgelê, wysig of skrap, of enige verdere voorwaarde byvoeg, en is die bepaling van subregulasie (4) ten opsigte van sodanige wysiging of skapping *mutatis mutandis* van toepassing.

#### WYSIGING NA GOEDKEURING VAN AANSOEK

17. (1) 'n Dorpsdigter wat in kennis gestel is dat sy aansoek goedgekeur is soos in regulasie 16 beoog, kan te eniger tyd voordat die algemene plan met betrekking tot die voorgestelde dorp goedgekeur is soos in regulasie 19 beoog, op sodanige wyse as wat die gemagtigde beampte bepaal by die Minister aansoek doen om die wysiging van die uitlegplan met betrekking tot die voorgestelde dorp, of om die verdeling van die dorp in twee of meer afsonderlike dorpe.

(2) By ontvangs van 'n aansoek in subregulasie (1) bedoel, kan die Minister—

- (a) waar die dokumente in regulasie 19 beoog, nie reeds by die Landmeter-generaal ingedien is nie; of
- (b) waar die dokumente in regulasie 19 beoog, wel by die Landmeter-generaal ingedien is, maar nie reeds deur hom soos in daardie regulasie bedoel, goedgekeur is nie, na oorlegpleging met die Landmeter-generaal,

toestem tot 'n wysiging van die uitlegplan of tot 'n verdeling van die dorp in subregulasie (1) bedoel, onderworpe aan enige voorwaardes wat die Minister dienstig mag ag.

(3) Waar die toestemming in subregulasie (2) beoog, verleen is, moet die gemagtigde beampte die dorpsdigter skriftelik daarvan en van enige voorwaarde opgelê, in kennis stel.

is subject to any rights or is proclaimed land as contemplated in regulation 8 (1) (a), (b) or (c), the Minister may approve the application subject to such conditions, if any, regarding the rights of the holder or lessee of mining rights, the deproclamation of the land under the Mining Rights Act, 1967, or the reservation of the land in question for township purposes as contemplated in section 184 of that Act, as he may determine after consultation, if deemed necessary by him, with the Minister of Mineral and Energy Affairs or his duly appointed representative.

(2) When the Minister approves an application, he may, in addition to any condition contemplated in subregulation (1), impose any condition he may deem expedient, including a condition requiring the provision of an endowment in kind or in cash: Provided that such an endowment may relate only to the transfer to or vesting in the local authority or any other person or body, or an administrator, as contemplated in regulation 3, of land designated for use as a public open space on the layout plan, or the payment of an amount of money in lieu of such transfer or vesting.

(3) After the Minister has approved an application or any part thereof, the authorised officer shall in writing notify the township applicant, the Registrar, the Surveyor-General and the local authority, if any, whose local authority area will include the approved township of such approval, and of any condition imposed by the Minister.

(4) If the Minister has refused the application or postponed a decision thereon either wholly or in part, or has imposed conditions under subregulation (2) that are materially different from the conditions submitted in the township applicant's application contemplated in regulation 7, the authorised officer shall, on the township applicant's written request, forward a copy of the Minister's written reasons for his decision to the township applicant.

(5) After the township applicant has been notified that his application has been approved, but before a registration or endorsement has taken place as contemplated in regulation 21 (1), the Minister may amend or delete any condition imposed by him or add any further condition, and the provisions of subregulation (4) shall apply, *mutatis mutandis* in respect of such amendment or deletion.

#### AMENDMENT AFTER APPROVAL OF APPLICATION

17. (1) A township applicant who has been notified that his application has been approved as contemplated in regulation 16 may, at any time prior to the general plan relating to the proposed township having been approved as contemplated in regulation 19, apply to the Minister in such manner as the authorised officer may determine for the amendment of the layout plan relating to the proposed township, or for the division of the township into two or more separate townships.

(2) On receipt of an application referred to in subregulation (1) the Minister may—

- (a) where the documents contemplated in regulation 19 have not yet been lodged with the Surveyor-General; or
- (b) where the documents contemplated in regulation 19 have been lodged with the Surveyor-General but not yet approved by him as intended in that regulation, after consultation with the Surveyor-General,

consent to an amendment of the layout plan or to a division of the township referred to in subregulation (1) subject to any conditions that the Minister may deem expedient.

(3) Where the consent contemplated in subregulation (2) has been granted, the authorised officer shall notify the township applicant in writing thereof and of any condition imposed.

*Melamed Mord Lee Bay*



indiening van die beswaar of vertoë moet verleen, sowel as die aard van die beswaar of vertoë wat sodanige persoon of liggaam van voorneme is om te maak of rig, of, na verdere ondersoek van die aansoek, sou kon of waarskynlik maak of rig.

(2) Enige persoon kan, binne 'n tydperk van 30 dae vanaf die datum van die eerste publikasie van die openbare kennisgewing in regulasie 10 beoog, 'n skriftelike beswaar of skriftelik vertoë ten opsigte van die aansoek indien by of rig aan die gemagtigde beampte.

(3) Nadat die 30-daertydperke vir die indiening van besware, vertoë of versoeke soos in subregulasie (1) en (2) beoog, verstryk het, moet die gemagtigde beampte 'n afskrif van enige sodanige beswaar of vertoë wat by hom ingedien is, asook van elke versoek in subregulasie (1) bedoel wat deur hom ontvang is, aan die dorpstigter stuur.

(4) Enige persoon of liggaam wat vertoë rig of 'n beswaar indien soos in subregulasie (1) beoog, moet, saam met sy vertoë of beswaar een van die afskrifte van die aansoek wat by die kennisgewing in regulasie 9 (1) bedoel, ingesluit was, aan die gemagtigde beampte lewer.

(5) Nadat die 30-daertydperke vir die indiening van besware of vertoë beoog in subregulasie (1) en (2) verstryk het, en geen beswaar of vertoë van enige persoon of liggaam in subregulasies (1) en (2) beoog, deur die gemagtigde beampte ontvang is nie, word sodanige persoon of liggaam geag geen beswaar te hê teen of vertoë wens te rig ten opsigte van die aansoek nie: Met dien verstande dat—

- (a) die gemagtigde beampte, indien hy by oorweging van enige skriftelike versoek in subregulasie (1) bedoel, of op enige ander grond, tevrede is dat 'n persoon of liggaam aan wie kennis kragtens regulasie 9 gegee is, 'n beswaar wil indien of behoort in te dien of vertoë wil rig of behoort te rig maar nie in staat is om dit binne die 30-daertydperk in subregulasie (1) toegelaat, te doen nie, en dat sodanige beswaar of vertoë, indien gehandhaaf, die stigting van die dorp wesenlik sal beïnvloed of effektief sal voorkom of waarskynlik, indien gehandhaaf, wesenlik sal beïnvloed of effektief sal voorkom, behoudens die bepalings van regulasie 12, die tydperk toegelaat vir die indiening van sodanige beswaar of die rig van sodanige vertoë kan verleng vir die periode of periodes wat hy dienstig ag, en dat die gemagtigde beampte die dorpstigter dienooreenkomstig in kennis moet stel;
- (b) die gemagtigde beampte, indien hy, behoudens die bepalings van regulasie 12, tevrede is dat die aansoek voortgesit mag word, hetsy in geheel of gedeeltelik, terwyl 'n beswaar of vertoë afgewag word, die toepassing van die bepalings van hierdie regulasies *mutatis mutandis* kan toelaat ten opsigte van die aansoek of enige gedeelte daarvan, op sodanige voorwaardes as wat hy bepaal;
- (c) dit nie soos in hierdie subregulasie beoog, beskou word dat 'n persoon of liggaam in subregulasies (1) en (2) bedoel, geen beswaar het teen of vertoë het in verband met die aansoek nie, tensy die gemagtigde beampte die bewys ontvang het dat kennis aan sodanige persoon of liggaam gegee is soos in regulasie 9 (3) of in regulasie 10 (3) beoog, na gelang van die geval.

#### ANTWOORD DEUR DORPSTIGTER

12. (1) Die dorpstigter kan, binne 14 dae of sodanige langer tydperk as wat die gemagtigde beampte mag toelaat, na ontvangs deur die dorpstigter van die afskrifte, van besware, vertoë en versoeke soos in regulasie 11 (3) beoog, of na die verstryking van 'n verlengingstydperk soos in regulasie 11 (5) (a) beoog, na gelang van die geval, skriftelik aan die gemagtigde beampte—

- (a) sy antwoord besorg op 'n beswaar of vertoë wat aan hom gelewer is soos in regulasie 11 (3) beoog, en

period within which it requests the authorised officer to allow it to lodge the objection or submission, as well as the nature of the objection or representations that such person or body intends to or, upon further investigation of the application, might or is likely to lodge or make.

(2) Any person may, within a period of 30 days from the date of the first publication of the public notice contemplated in regulation 10, lodge a written objection with or make representations in writing to the authorised officer in respect of the application.

(3) After the 30-day periods for lodging objections, representations or requests as contemplated in subregulations (1) and (2) have expired, the authorised officer shall forward to the township applicant a copy of any such objection or representation lodged with him and also of every request contemplated in subregulation (1) that has been received by him.

(4) Any person or body lodging an objection or making representations as contemplated in subregulation (1) shall, together with his representations or objection, deliver to the authorised officer one of the copies of the application enclosed with the notice contemplated in regulation 9 (1).

(5) After the 30-day periods for lodging objections or representations contemplated in subregulations (1) and (2) have expired, and if no objection or representations were received by the authorised officer from any person or body contemplated in subregulations (1) and (2), it shall be deemed that such person or body has no objection to or representations in respect of the application: Provided that—

- (a) the authorised officer may, if, upon consideration of any written request referred to in subregulation (1), or on any other ground, he is satisfied that any person or body to whom notice was given in terms of regulation 9 wishes to or should lodge an objection or make representations but is unable to do so within the 30-day period allowed in subregulation (1) and that such objection or representations will, if upheld, materially affect or effectively preclude or are likely, if upheld, materially to affect or effectively to preclude establishment of the township, subject to the provisions of regulation 12, extend the period allowed for the lodging of such objection or the making of representations by such period or periods of time as he may deem appropriate, and the authorised officer shall inform the township applicant accordingly;
- (b) the authorised officer may, if, subject to the provisions of regulation 12, he is satisfied that the application may proceed, either wholly or in part, while any objection or representation is awaited, allow the provisions of these regulations to be applied in respect of the application or any part thereof, *mutatis mutandis*, on such conditions as he may determine;
- (c) it shall not be deemed as contemplated in this subregulation that a person or body contemplated in subregulations (1) and (2) has no objection to or representations in respect of the application, unless the authorised officer has received the proof that notice was given to such person or body as contemplated in regulation 9 (3) or in regulation 10 (3), as the case may be.

#### REPLY BY TOWNSHIP APPLICANT

12. (1) The township applicant may, within 14 days or such longer period as the authorised officer may allow, after the receipt by the township applicant of the copies of objections, representations and requests as contemplated in regulation 11 (3), or after the expiry of any period of extension as contemplated in regulation 11 (5) (a), as the case may be, deliver in writing to the authorised officer—

- (a) his reply to any objection or representations delivered to him as contemplated in regulation 11 (3); and





- (b) die eienaar van die grond waarop 'n dorpsdigter begerig is om 'n dorp te stig, 'n huur van regte op minerale toegestaan het of 'n prospekterkontrak gesluit het, waarvan die een of albei ingevolge die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), geregistreer is, of 'n notariële akte verly het soos in artikel 8 van die Wet op Edelgesteentes, 1964 (Wet 73 van 1964), of artikel 19 (1) van die Wet op Mynregte, 1967, bedoel, welke notariële akte geregistreer is of geag word geregistreer te wees; of
- (c) die grond waarop die dorpsdigter begerig is om 'n dorp te stig, geproklameer is soos in die Wet op Mynregte, 1967, beoog,
- moet die dorpsdigter die inligting in subregulasies (2) en (3) bedoel, insluit in die aansoek in regulasie 7 beoog.
- (2) 'n Dorpsdigter moet in sy aansoek in die omstandighede in subregulasie (1) bedoel, aandui—
- (a) of die houer of huurder van die mineraalregte of die houer van die regte uit hoofde van 'n prospekterkontrak of 'n notariële akte, toegestem het tot die stigting van die dorp, of, ondanks redelike pogings om hom op te spoor, nie opgespoor kan word nie;
- (b) of die dorpsdigter die betrokke Administrateur, soos in artikel 4 van die Wet op Onteining van Minerale (Dorpe), 1969 (Wet 96 van 1969), beoog, versoek het om die mineraalregte te onteien;
- (c) of die geproklameerde grond in regulasie 8 (1) (c) beoog, vir die doel van 'n dorp uitgehou is ingevolge artikel 184 van die Wet op Mynregte, 1967, of nie gebruik word vir myndoeleindes of 'n doel wat daarmee in verband staan nie en die eienaar van die grond, met die skriftelike toestemming van die Staatsmyn-ingenieur soos in artikel 1 van die Wet op Mynregte, 1967, bedoel, versoek is om toe te stem of toegestem het dat 'n dorp op die grond gestig word;
- (d) of enige ander stappe ten opsigte van sodanige grond gedoen is.
- (3) Indien enige van of al die stappe in paragraaf (a), (b) of (c) van subregulasie (2) vermeld nie gedoen is nie, of waarskynlik nie voltooi sal wees voor die aansoek 'n goedgekeurde aansoek word nie, of, na die oordeel van die dorpsdigter, nie gedoen kan word sonder dat dit 'n wesenlike vertraging in die ontwikkeling van die dorp sal veroorsaak nie, moet die dorpsdigter in sy aansoek in subregulasie (1) bedoel, vermeld of hy versoek dat die Minister die aansoek goedkeur soos in regulasie 16 (1) beoog, ondanks die feit dat sodanige stappe nog nie gedoen is nie of waarskynlik nie voor sodanige goedkeuring voltooi sal wees nie, en indien wel, moet die aansoek ook die voorwaardes, indien daar is, wat die dorpsdigter die Minister versoek om in hierdie verband op risiko van die dorpsdigter te stel, soos in regulasie 16 (1) bedoel, vermeld.

#### KENNISGEWING AAN SEKERE LIGGAME

9. (1) So gou doenlik na indiening van sy aansoek by die gemagtigde beampte soos in regulasie 7 beoog, moet die dorpsdigter skriftelike kennis, wesenlik in die vorm van Aanhangsel C, vergesel van twee afskrifte van die aansoek met meegaande dokumente wat by die gemagtigde beampte ingevolge regulasie 7 ingedien is, tesame met 'n afskrif van 'n erkenning van ontvangs in regulasie 7 (2) beoog, gee aan—

- (a) die plaaslike owerheid, indien daar een is, in wie se plaaslike owerheidsgebied die grond wat die onderwerp van die aansoek is, geleë is; en
- (b) 'n persoon of liggaam aangewys kragtens subregulasie (2), wat, na die oordeel van die gemagtigde beampte, sodanige kennisgewing behoort te ontvang synde 'n party wat belang by die aansoek het.

- (b) the owner of the land on which the township applicant wished to establish a township has granted a lease of the rights to minerals or has entered into a prospecting contract, either or both of which is or are registered in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or has executed a notarial deed contemplated in section 8 of the Precious Stones Act, 1964 (Act 73 of 1964), or section 19 (1) of the Mining Rights Act, 1967, which notarial deed is registered or deemed to be registered; or
- (c) the land on which the township applicant wishes to establish a township is proclaimed land as contemplated in the Mining Rights Act, 1967,
- the township applicant shall include in the application contemplated in regulation 7 the information referred to in subregulations (2) and (3).

(2) The township applicant shall in his application in the circumstances contemplated in subregulation (1) indicate whether—

- (a) the holder or lessee of the rights to the minerals or the holder of the rights in terms of the prospecting contract or notarial deed has consented to the establishment of the township, or cannot be traced, despite reasonable efforts to trace him;
- (b) the applicant has requested the relevant Administrator as contemplated in section 4 of the Expropriation of Mineral Rights (Townships) Act, 1969 (Act 96 of 1969), to expropriate the right to minerals;
- (c) the proclaimed and contemplated in regulation 8 (1) (c) has been reserved for the purposes of a township in terms of section 184 of the Mining Rights Act, 1967, or is not used for mining purposes or purposes incidental thereto and the owner of the land, with the written consent of the Government Mining Engineer referred to in section 1 of the Mining Rights Act, 1967, has been requested to consent to or has consented to a township being established on the land;
- (d) any other steps have been taken in respect of such land.

(3) If any or all of the steps contemplated in paragraph (a), (b) or (c) of subregulation (2) have not been taken, are not likely to be completed prior to the application being coming an approved application or, in the opinion of the township applicant, cannot be taken without causing substantial delay to the development of the township, then the township applicant shall indicate in his application referred to in subregulation (1) whether he requests that the Minister approve the application as contemplated in regulation 16 (1) notwithstanding the fact that such steps have not yet been taken or are not likely to be completed prior to such approval, and, if so, the application shall also state the conditions, if any, that the township applicant requests the Minister to impose in this connection at the risk of the township applicant as contemplated in regulation 16 (1).

#### NOTICE TO CERTAIN BODIES

9. (1) As soon as possible after lodging his application with the authorised officer as contemplated in regulation 7, the township applicant shall give written notice substantially in the form of Annexure C, enclosing two copies of the application and accompanying documents lodged with the authorised office in terms of regulation 7, together with a copy of an acknowledgement of receipt contemplated in regulation 7 (2), to—

- (a) the local authority, if any, in whose local authority area the land forming the subject to the application is situated; and
- (b) any person or body designated in terms of subregulation (2) who should in the opinion of the authorised officer receive such notice as a party interested in the application.



hierdie regulasies, watter datum ook al die laaste datum is, (in hierdie regulasie die "effektiewe datum" genoem) word soos volg hanteer:

(1) Indien, op die effektiewe datum, 'n persoon of liggaam, met inbegrip van 'n plaaslike owerheid of dorpsontwikkelaar, besig is met die ontwikkeling van die betrokke grond ingevolge 'n ooreenkoms met 'n administrateur of 'n plaaslike owerheid, met inbegrip van enige sodanige ooreenkoms wat, waar nodig, deur die Minister voor die effektiewe datum goedgekeur is soos in die Wet beoog, geniet die bedinge van dié ooreenkoms voorkeur bo die bepalings van hierdie regulasies in die mate dat die bepalings van hierdie regulasies en die bedinge van die ooreenkoms met mekaar onbestaanbaar is: Met dien verstande dat—

(a) die bepalings van hierdie regulasies sover as wat redelikerwys moontlik is, nagekom word op die wyse en op die stadiums in subregulasie (2) beoog;

(b) indien daar tot tevredeheid van die gemagtigde beampte aangetoon word dat alhoewel 'n bepaling van hierdie regulasies nie met 'n ooreenkoms soos beoog in hierdie subregulasie onbestaanbaar is nie, dit duidelik onvanpas is of dat dit in die openbare belang is dat sodanige bepaling nie ten opsigte van die betrokke aansoek toegepas moet word nie, hy kan bepaal dat sodanige bepaling nie op die betrokke aansoek van toepassing is nie.

(2) Behoudens die bepalings van subregulasie (1)—

(a) indien, op die effektiewe datum, 'n aansoek om die goedkeuring van 'n uitlegplan reeds by die Minister ingedien is maar nog nie deur hom goedgekeur is nie, is die bepalings van Hoofstuk III, behalwe in soverre die gemagtigde beampte anders gelas, nie van toepassing op die aansoek nie en word die aansoek geag 'n goedgekeurde aansoek te wees sodra die Minister die betrokke uitlegplan goedgekeur het: Met dien verstande dat—

(i) die bepalings van regulasies 16 en 17 *mutatis mutandis* van toepassing is ten opsigte van die aansoek;

(ii) met ingang van die datum waarop die aansoek geag word 'n goedgekeurde aansoek te wees soos in hierdie paragraaf beoog, die bepalings van Hoofstukke IV, V en VI *mutatis mutandis* van toepassing is op die aansoek, behalwe in soverre daar in enige stigtingsvoorwaarde bedoel in regulasie 16 anders aangedui word of in soverre die gemagtigde beampte anders gelas; en

(iii) 'n uitlegplan wat voor die effektiewe datum vir goedkeuring by 'n plaaslike owerheid ingedien is, maar op daardie datum nog nie soos in hierdie paragraaf beoog, by die Minister ingedien is nie, geag word by die Minister ingedien te wees soos in hierdie paragraaf bedoel: Met dien verstande dat indien sodanige uitlegplan op 'n datum vier maande na die effektiewe datum nog nie deur die plaaslike owerheid goedgekeur is en inderdaad by die Minister ingedien is nie, die betrokke aansoek as 'n nuwe aansoek ingevolge Hoofstuk III behandel word;

of 1986), and these regulations came into force, whichever is the later date (in this regulation referred to as "the effective date"), shall be dealt with as follows:

(1) If on the effective date any person or body, including a local authority or township developer, is conducting the development of the relevant land in terms of an agreement with an administrator or a local authority, including any such agreement that was, where necessary, approved by the Minister as contemplated in the Act prior to the effective date, the provisions of such agreement shall take precedence over the provisions of these regulations, to the extent that the provisions of these regulations and the terms of such agreement are mutually inconsistent: Provided that—

(a) the provisions of these regulations shall as far as reasonably possible be complied with in the manner and at the stages contemplated in subregulation (2);

(b) if it is shown to the satisfaction of the authorised officer that any provision of these regulations not inconsistent with an agreement as contemplated in this subregulation is nevertheless clearly inappropriate or that it is in the public interest that such provision should not be applied in respect of the relevant application, he may direct that such provision shall not apply to the relevant application.

(2) Subject to the provisions of subregulation (1)—

(a) if on the effective date an application for the approval of a layout plan has been lodged with the Minister but not yet approved by him, the provisions of Chapter III shall, save to the extent otherwise directed by the authorised officer, not apply in respect of the application, and the application shall be deemed to be an approved application upon the Minister having approved the relevant layout plan: Provided that—

(i) the provisions of regulation 16 and 17 shall be applied *mutatis mutandis* in respect of the application;

(ii) with effect from the date on which the application is deemed to be an approved application as contemplated in this paragraph, the provisions of Chapters IV, V and VI shall apply to the application, *mutatis mutandis*, except to the extent otherwise indicated in any condition of establishment referred to in regulation 16, or otherwise directed by the authorised officer; and

(iii) any layout plan submitted to a local authority for approval prior to the effective date, but on that date not yet lodged with the Minister as contemplated in this paragraph, shall be deemed to have been lodged with the Minister as intended in this paragraph: Provided that, if by a date four months after the effective date such layout plan has not yet been approved by the local authority and actually lodged with the Minister, the relevant application shall be treated as a new application in terms of Chapter III;



## HOOFSTUK II

## ALGEMEEN

## TOEPASSING VAN REGULASIES

2. 'n Dorp mag slegs deur 'n dorpsdigter gestig word en slegs soos in hierdie regulasies beoog. Met dien verstande dat—

- (a) enige persoon grond kan gebruik vir die doel van bewoning deur werknemers van 'n mynonderneming, waar ten opsigte van sodanige gebruik—
  - (i) 'n oppervlakteregpermit kragtens die Wet op Mynregte, 1967 (Wet 20 van 1967), uitgereik is in ooreenstemming met die gemagtigde beampte; of
  - (ii) 'n permit soos geëig in artikel 6 (1) van die Wet op Fisiese Beplanning, 1967 (Wet 86 van 1967), uitgereik is vir die oprigting van wonings;
- (b) die Minister, behoudens sodanige bedingte en voorwaardes as wat hy mag bepaal, vrystelling van enige of al die vereistes van hierdie regulasies kan verleen aan—
  - (i) 'n statutêre liggaam,
  - (ii) enige persoon wat betrokke is in bona fide-mynbedrywighede,
  - (iii) 'n eienaar of okkupeerder van grond waarvan die ontwikkeling of uitleg, na die oordeel van die Minister, 'n vakansieoord, openbare oord of soortgelyke oord uitmaak of sal uitmaak,
  - (iv) 'n koöperasie soos in artikel 1 (1) van die Wet op Koöperasies, 1981 (Wet 91 van 1981) omskryf.
  - (v) 'n welsynsorganisasie kragtens artikel 13 van die Nasionale Welsynswet, 1978 (Wet 100 van 1978), geregistreer,
  - (vi) 'n administrateur of 'n dorpsontwikkelaar wat 'n dorp buite 'n plaaslike owerheidsgebied stig soos in regulasie 3 (b) beoog,
  - (vii) enige persoon wat 'n informele nedersetting stig, ontwikkel of verbeter in omstandighede uitdruklik deur die Minister toegelaat, of deur of kragtens enige ander wet toegelaat;
  - (viii) enige ander persoon of liggaam, in 'n geval waar die Minister van oordeel is dat sodanige vrystelling spoedige ontwikkeling tot gevolg sal hê en dat sodanige ontwikkeling in die openbare belang sal wees;
- (c) enige persoon wat in bona fide-boerderybedrywighede betrokke is die grond waarop hy aldus betrokke is, kan gebruik vir die behuising van enige persone wat wettiglik op sodanige grond mag woon, met inbegrip van *bona fide*- heeltydse werknemers in sy diens op daardie grond asook die afhanklikes van sodanige werknemers;
- (d) indien die Staat 'n dorp stig, hy nie gebonde is aan hierdie regulasies nie, en die dorp, wanneer 'n uitlegplan en 'n algemene plan opgestel en goedgekeur is, geag word gestig te wees soos in artikel 35 (1) van die Wet beoog;

## GROND

3. 'n Dorp mag slegs in 'n ontwikkelingsgebied gestig word en die betrokke grond moet ook binne 'n plaaslike owerheidsgebied wees. Met dien verstande dat—

- (a) die Minister 'n dorp kan goedkeur in 'n deel van 'n ontwikkelingsgebied wat nog nie in 'n plaaslike owerheidsgebied val nie, maar wat, na die mening

## CHAPTER II

## GENERAL

## APPLICATION OF REGULATIONS

2. A township may be established only by a township applicant and only as contemplated in these regulations: Provided that—

- (a) any person may use land for the residential purposes of employees of a mining undertaking, where in respect of such use—
  - (i) a surface right permit has been issued in terms of the Mining Rights Act, 1967 (Act 20 of 1967), in consultation with the authorised officer; or
  - (ii) a permit contemplated in section 6 (1) of the Physical Planning Act, 1967 (Act 86 of 1967), has been issued for the erection of dwellings;
- (b) the Minister may, on such terms and conditions as he may determine, exempt from any or all of the requirements of these regulations—
  - (i) a statutory body,
  - (ii) any person engaged in bona fide mining operations,
  - (iii) an owner or occupier of land the development or layout of which, in the opinion of the Minister, constitutes or will constitute a holiday resort, public resort or similar resort,
  - (iv) a co-operative as defined in section 1 (1) of the Co-operatives Act, 1981 (Act 91 of 1981),
  - (v) a welfare organisation registered in terms of section 13 of the National Welfare Act, 1978 (Act 100 of 1978),
  - (vi) an administrator or a township developer who establishes a township outside a local authority area as contemplated in regulation 3 (b),
  - (vii) any person who establishes, develops or improves an informal settlement in circumstances expressly allowed by the Minister or allowed by or under any other law,
  - (viii) in any case where the Minister considers that such exemption would facilitate speedy development and that such development would be in the public interest, any other person or body;
- (c) any person engaged in bona fide farming operations may use the land on which he is so engaged for the housing of any persons who may lawfully reside on such land, including *bona fide* full-time employees in his service on such land and the dependants of such employees;
- (d) if the State establishes a township, it shall not be bound by these regulations, and the township shall be deemed to have been established as contemplated in section 35 (1) of the Act, upon a layout plan and a general plan having been prepared and approved.

## LAND

3. A township may be established only in a development area, and the land concerned must also be in a local authority area: Provided that—

- (a) the Minister may approve a township in a part of a development area that is not yet in a local authority area, but which, in the opinion of the Minister, will or





## DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. R. 1897

12 September 1986

### REGULASIES BETREFFENDE DORPSTIGTING- EN GRONDGEBRUIK

Ek, Jan Christiaan Heunis, Minister van Staatskundige Ontwikkeling en Beplanning, vaardig hierby kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), die regulasies uit vervat in die bygaande Bylae, welke regulasies in werking tree op 15 September 1986.

J. C. HEUNIS,  
Minister van Staatskundige Ontwikkeling en Beplanning.

#### BYLAE

#### HOOFSTUK I

#### WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“administrateur” behalwe waar ‘n Administrateur kragtens die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), optree soos in regulasie 3 bedoel, of kragtens enige ander wet as die Wet optree, ‘n

## DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. R. 1897

12 September 1986

### REGULATIONS RELATING TO TOWNSHIP ESTABLISHMENT AND LAND USE

I, Jan Christizan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984), make the regulations contained in the accompanying Schedule, which regulations shall come into operation on 15 September 1986.

J. C. HEUNIS,  
Minister of Constitutional Development and Planning.

#### SCHEDULE

#### CHAPTER I

#### DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

“administrator” means, except where an Administrator acts under the Black Local Authorities Act, 1982 (Act 102 of 1982), as contemplated in regulation 3, or under any law other than the Act, an administrator in whom the assets, liabilities, rights, duties and obligations of a

- 5.7.1 Dit moet duidelik of bepaalbaar wees wanneer die dorpsdigter en die betrokke gesag waarna in regulasie 26 (1) verwys word, sal begin met die konstruksie van interne en eksterne ingenieursdienste, teen watter tempo die konstruksie van sodanige dienste behoort te vorder, en wanneer sodanige dienste voltooi sal wees.
- 5.7.2 Voorsiening moet gemaak word vir die inspeksie en afgee van interne ingenieursdienste aan die betrokke gesag, en vir die datum wanneer alle risiko en eiendomsreg ten opsigte van sodanige dienste op die betrokke owerheid sal oorgaan.
- 5.8 Instandhouding van Dienste  
Voorsiening vir die volgende verantwoordelikhede behoort gemaak te word nadat die interne dienste aan die betrokke owerheid soos in regulasie 26 (1) bedoel, afgegee is:
- 5.8.1 Wanneer normale onderhoud deur die betrokke gesag 'n aanvang sal neem.
- 5.8.2 Die verantwoordelikheid van die dorpsdigter vir die regstelling van defekte in materiaal en vakmanskap, uitgesluit normale slytasie.
- 5.8.3 Die regte van sodanige betrokke gesag waar die dorpsdigter versuim het om enige defekte reg te stel binne 'n redelike tydperk nadat hy versoek is om dit te doen.
6. VERSEKERING  
Voorsiening behoort gemaak te word dat elke party genoegsame versekeringsdekking verkry ten opsigte van versekerbare risiko's tydens die duur van die ontwikkeling van die nuwe dorp.
7. WAARBORGE  
Indien dit beoog word dat die dorpsdigter ooreenkomste sal sluit om oor erwe in die nuwe dorp te beskik voordat die grond in die dorp in 'n aktekantoor soos in regulasie 25 (2) bedoel, registreerbaar word, en ook voor die voltooiing van of eksterne of interne ingenieursdienste, soos in regulasie 24 (4) (b) beoog, behoort voorsiening gemaak te word om die onderlinge verhouding tussen die partye en hulle verantwoordelikheid vir waarborge en ondernemings, soos in regulasie 24 (4) (b) (i) en (ii) bedoel, te reël, en sodanige voorsiening kan benewens die vereistes in daardie subregulasie uiteengesit, ook bepaal dat enige sodanige waarborg of onderneming—
- 7.1 onherroeplik moet wees, gedurende die tydperk van geldigheid, waarvoor die instansie of liggaam die waarborg of onderneming uitgereik het;
- 7.2 oordraagbaar moet wees deur die persoon of liggaam aan wie sodanige waarborg of onderneming uitgedruk is betaalbaar te wees.
8. BRONNE VAN FINANSIERING  
Daar kan voorsiening gemaak word vir die wyse waarop die partye onderneem om hulle onderskeie verantwoordelikhede ingevolge die diens-ooreenkoms te finansier, en waar toepaslik, kan die dorpsdigter onderneem om enige oorbruggingsfinansiering aan die betrokke gesag in regulasie 26 (1) bedoel, te verskaf op sodanige bedinge en voorwaardes as waarop tussen die partye ooreengekom mag word en wat normaal en gebruiklik is in die handelspraktyk.
9. KONTRAKBREUK EN ARBITRASIE  
Die ooreenkoms behoort duidelik voorsiening te maak vir die wyse waarop die partye die dienste-ooreenkoms kan beëindig (as 'n algemene reël, op voldoende kennisgewing deur die gekrenkte party aan die party in verstek) en die ooreenkoms kan spesifiek sodanige bedinge as waartoe die partye ooreenkom, boekstaaf, met betrekking tot onder andere—
- 9.1 die uitgawes, finansierings- en renteheffings en ander verlies of skade wat een party geregtig sal wees om, in die geval van kontrakbreuk, van die ander party te verhaal, of die beëindiging van die kontrak om enige ander rede;
- 9.2 aangeleenthede wat, in die geval van enige dispuut tussen die partye, vir arbitrasie verwys kan word en die besonderhede van die verwysing na arbitrasie soos in die Wet op Arbitrasie, 1965, (Wet 42 van 1965) bedoel.
10. ALGEMEEN  
Daar kan sodanige ander bedinge en voorwaardes wees wat nie met hierdie riglyne onbestaanbaar is nie, as waarop die partye ooreenkom.

## AANHANGSEL F

### GRONDGEBRUIKSVOORWAARDES

(Titelvoorwaardes of dorpsvoorwaardes bedoel in artikel 57B van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984)

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## DEEL 1

## GRONDGEBRUIKSVOORWAARDES

## ALGEMEEN

## 1. OMSKRYWINGS

In hierdie voorwaardes, tensy dit uit die samehang anders blyk, beteken—

“besigheidsdoeleindes” die gebruik van 'n gebou en/of grond vir kantore, uitstallokale, restaurante of vir enige ander besigheids- of kommersiële doel uitgesonderd 'n plek van onderrig, 'n winkel, 'n openbare garage, 'n industrie, 'n hinderlike industrie, 'n bouerswerf of 'n skroofterf;

“dekking” die oppervlakte van 'n eiendom wat deur geboue gedek word, gemeet oor die buitemure, vertikaal van bo-af beskou, en uitgedruk as 'n persentasie van die oppervlakte van die eiendom;

“eienaar” met betrekking tot grond of 'n gebou—

(a) die geregistreerde eienaar;

(b) die geregistreerde houer van 'n reg van huurpag soos in die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, bedoel;

(c) 'n persoon wat die boedel administreer van iemand in (a) of (b) hierbo bedoel, hetsy as eksekuteur, trustee of voog of in enige ander hoedanigheid;

(d) 'n persoon wat betaling ontvang van enige okkupeerder, of 'n persoon wat betaling sal ontvang indien sodanige grond of gebou verhuur sou word, vir sy eie rekening of as agent vir iemand wat daarop geregtig is of wat 'n belang daarby het, en

(e) die behoorlik gemagtigde agent van 'n persoon bedoel in (a) tot (d) hierbo;

“eiendom” enige gedeelte van grond of 'n huurpagperseel wat as 'n aparte eenheid in 'n aktekantoor geregistreer is, asook onopgemete persele soos in artikel 52 (5) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, bedoel;

“gebou” ook 'n konstruksie of 'n struktuur van water aard ook al;

“gebruiksone” 'n sone wat onderworpe is aan die beperkings op die oprigting en gebruik van geboue of die gebruik van grond vermeld in Tabel A;

“gemeenskapsaal” 'n gebou wat ontwerp is vir gebruik of hoofsaaklik gebruik word vir sosiale byeenkomste, samekomste, vergaderings of ontspanningsdoeleindes;

“hinderlike industrie” 'n industrie of bedryf wat as gevolg van geraas of afvalstowwe gevaarlik of hinderlik vir die gesondheid en welstand van die breë publiek is, byvoorbeeld maar nie beperk tot die smelt van erts en minerale, werke vir die maak van sulfaatkleurmiddels of die sintering van sulfaatdraende stowwe

“industrie” 'n aktiwiteit op enige perseel wat neerkom op die gebruik van sodanige perseel as 'n “fabriek” soos bedoel in die omskrywing van dié begrip in die Algemene Administratiewe Regulasies kragtens artikel 35 van die Wet op Masjinerie- en Beroepsveiligheid, 1983 (Wet 6 van 1983), uitgevaardig by Goewermentskennisgewing R. 2206 van 5 Oktober 1984;

“inrigting” 'n gebou wat ontwerp is of hoofsaaklik gebruik word as liefdadigheidsinrigting, hospitaal, verpleeginrigting, sanatorium of kliniek, of enige ander inrigting, hetsy openbaar of privaat;

“okkupeerder” in verband met enige gebou, struktuur of grond, ook enige persoon wat so 'n gebou, struktuur of grond okkupeer of wetiglik geregtig is om dit te okkupeer of enigiemand wat die beheer of besuur daaroor het en ook die agent van so 'n persoon wat afwesig is uit die gebied of ten opsigte van wie dit nie seker is waar hy hom bevind nie;

“openbare garage” 'n gebou wat ontwerp is of grond wat hoofsaaklik gebruik word vir die onderhoud, herstel of die vulling met brandstof van motorvoertuie en aanverwante doeleindes;

“plek van onderrig” grond wat gebruik word of 'n gebou wat ontwerp is of hoofsaaklik gebruik word vir 'n skool, tegniese kollege, lesingsaal, instituut of ander opvoedkundige sentrum en ook 'n kleuterskool, 'n monikke- of nonneklouster, 'n openbare biblioteek, 'n kunsgalery, 'n museum en 'n gimnasium;

“plek vir openbare godsdienstebeoefening” 'n gebou wat ontwerp is vir gebruik, of hoofsaaklik gebruik word, as 'n kerk, kapel, bidvertrek, bedehuis, sinagoge, moskee, of ander plek van openbare godsdienstebeoefening, asook 'n gebou bestem en gebruik vir godsdienstoneindig en 'n instituut op dieselfde terrein as, en verbonde aan bogenoemde geboue wat bedoel is om vir gesellige verkeer en ontspanning gebruik te word, maar nie 'n begrafniskapel nie, wat geag word 'n “spesiale doel” te wees;

“residensiële gebou” 'n gebou ontwerp vir of hoofsaaklik gebruik vir bewoning deur mense en die gebruikte toegelaat ingevolge paragraaf 8, wat een of meer wooneenhede kan bevat;

“spesiale doel” 'n doel waarvoor grond en geboue gebruik mag word wat nie in hierdie voorwaardes gespesifiseer is nie;

“verantwoordelike owerheid” die owerheid bedoel in paragraaf 3;

“verdieping” die ruimte binne 'n gebou wat tussen een vloervlak en die volgende vloervlak geleë is of tussen een vloervlak en die plafon of dak daarbo;

“vloeroppervlakte” die somtotaal van die oppervlakte wat 'n gebou op die vloervlak van elke verdieping beslaan;

“winkel” grond gebruik of 'n gebou wat ontwerp is vir gebruik, of hoofsaaklik gebruik word vir die doel om kleinhandel met die nodige gepaardgaande opberging en verpakking te dryf, en omvat 'n bygaande gebruik op dieselfde perseel welke gebruik voortspruitend uit en ondergeskik is aan die kleinhandel wat daarin bedryf word;

“wooneenheid” 'n onderling verbindende stel kamers, wat 'n kombuis of opwasplek kan insluit, ontwerp vir menslike bewoning.

## 2. TOEPASSING VAN DOKUMENT

2.1 Hierdie voorwaardes geld vir enige eiendom met 'n titelvoorwaarde wat daarna verwys op die wyse in regulasie 32 van die Grondstigting- en Grondgebruiksregulasies, 1986, bedoel.

2.2 Die bepalings van hierdie voorwaardes maak geen bestaande gebou onwettig wat wetiglik ooreenkomstig goedgekeurde bouplanne opgerig is nie: Met dien verstande dat veranderings, uitgesonderd klein veranderings, of die verandering van die gebruik van so 'n gebou ooreenkomstig hierdie voorwaardes moet geskied.

## 3. VERANTWOORDELIKE OWERHEID

Die plaaslike owerheid, of, indien daar geen sodanige plaaslike owerheid is nie, die persoon of liggaam wat verantwoordelik is vir die beheer oor die betrokke grond, is die owerheid verantwoordelik vir die toepassing en administrasie van hierdie voorwaardes.

## DEEL 2

## KANTRUIMTE EN AGTERRUIMTE

## 4. KANTRUIMTE EN AGTERRUIMTE

4.1 Geen gebou, uitgesonderd grensmure, heinings of tydelike geboue wat benodig word in verband met bouwerk wat op 'n eiendom gedoen word, mag opgerig word nie sonder 'n ruimte, vry van enige gebou of struktuur, tussen die gebou en een van die sygrense asook tussen die gebou en die agterste grens van die eiendom.

4.2 Die ruimte aan die kant van die gebou moet minstens een meter wyd wees.

4.3 Die ruimte aan die agterkant van die gebou moet minstens een meter wyd wees.

#### 5. VERSLAPPING VAN KANTRUIMTE EN AGTERRUIMTE

5.1 By ontvangs van 'n skriftelike aansoek kan die verantwoordelike owerheid die oprigting van 'n gebou binne die kantruimte of agterruimte toelaat.

5.2 Enige toestemming kragtens paragraaf 5.1 verleen, is geldig vir die duur van die bestaansduur van die betrokke gebou.

### DEEL 3

#### BOUBEPERKINGS EN GRONDGEBRUIKE

#### 6. OPRIGTING EN GEBRUIK VAN GEBOUE OF GEBRUIK VAN GROND

Die doel waarvoor grond en geboue in elk van die gebruiksones in kolom 1 van Tabel A gespesifiseer—

6.1 opgerig en/of gebruik mag word;

6.2 opgerig en/of gebruik mag word slegs met die toestemming van die verantwoordelike owerheid;

6.3 nie opgerig en/of gebruik mag word nie,

word onderskeidelik in die tweede, derde en vierde kolom van Tabel A getoon.

TABEL A

Gebruiksones	Toegelate gebouke	Gebruike toegelaat slegs met toestemming van die verantwoordelike owerheid	Verbode gebouke
(1)	(2)	(3)	(4)
Residensiële .....	Residensiële geboue .....	Plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport en ontspanningsdoeleindes, inrigtings, mediese suites, spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie.
Besigheid.....	Winkels, besigheidsdoeleindes, residensiële geboue, plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings	Gebruike nie in kolom (2) of (4) nie .....	Hinderlike industrieë.
Industrieel.....	Industrie, besigheidsdoeleindes, winkels, openbare garages, skrotoerwerke, parkeer-ruimtes	Hinderlike industrieë, en spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie
Gemeenskapsfasiliteit	Plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings	Residensiële geboue, spesiale doeleindes ....	Gebruike nie in kolom (2) of (3) nie.
Munisipaal .....	Munisipale doeleindes.....	Residensiële geboue, spesiale doeleindes ....	Gebruike nie in kolom (2) of (3) nie.
Onbepaald.....	Geen .....	Gebruike nie in kolom (4) Nie.....	Hinderlike industrieë.
Openbare oop ruimtes	Parke, sport- en ontspanningsfasiliteite en geboue wat vir verwante doeleindes gebruik word	Residensiële geboue, spesiale doeleindes ....	Gebruike nie in kolom (2) of (3) nie.

#### 7. VOORWAARDES VAN TOEPASSING OP ALLE EIENDOMME

7.1 Behalwe met skriftelike toestemming van die verantwoordelike owerheid en onderworpe aan die voorwaardes wat hy mag opleë, het geen eienaar of enige ander persoon—

7.1.1 die reg om; behalwe om die erf vir boudoeleindes voor te berei, enige materiaal daarvan te verwyder nie;

7.1.2 die reg om enige boorgate of putte daarop te sink nie of ondergrondse water daaruit te onttrek nie.

7.2 Indien dit onprakties is om stormwater van hoër liggende eiendomme direk na 'n openbare straat te dreineer, is die eienaars van die laer liggende eiendomme verplig om die afloop van stormwater oor hulle eiendomme te ontvang: Met dien verstande dat die eienaar van 'n hoër liggende eiendom, waarvan die stormwater oor 'n laer liggende eiendom vloei, verplig is om 'n prorata-gedeelte van die koste te betaal van enige pypleiding of drein wat die eienaar van sodanige laer liggende eiendom nodig vind om te bou vir die doel om die stormwater wat aldus oor sy eiendom vloei, weg te lei.

7.3 Die plasing van 'n gebou met inbegrip van buitegeboue, op 'n eiendom en van ingange tot en uitgange uit 'n openbare straatstelsel, tot tevredenheid van die verantwoordelike owerheid moet wees.

7.4 Die eienaar is verantwoordelik vir die onderhoud van die hele ontwikkeling op die eiendom.

#### 8. BYKOMENDE GEBRUIKE TOEGELAAT OP RESIDENSIËLE EIENDOMME

8.1 Die getal wooneenhede en die grootte van 'n residensiële gebou wat op 'n eiendom opgerig mag word, word slegs deur die hoogte- en dekkingsbepalings van hierdie voorwaardes en enige toepaslike gesondheids- en bouregulasies, beperk.

8.2 Die okkupeerders van 'n residensiële gebou kan hulle godsdienst- en sosiale bedrywighede, hulle nering, professies of ambagte, met inbegrip van kleinhandelsbedrywighede, op die eiendom waarop sodanige residensiële gebou opgerig is, beoefen: Met dien verstande dat—

8.2.1 die oorheersende gebruik van die eiendom residensiël bly;

8.2.2 die nering, ambag of professie of ander aktiwiteit of bedrywigheid nie hinderlik is nie; en

8.2.3 die nering, ambag of professie nie met die bevaligheid van die omgewing inmeng nie.

#### 9. SPESIALE VOORWAARDES VAN TOEPASSING OP OPENBARE GARAGES

9.1 Daar mag niks opgeberg en geen herstelwerk van enige aard aan voertuie of uitrusting gedoen word in 'n openbare garage nie, behalwe in 'n gedeelte wat vir daardie doel afgeskort is tot tevredenheid van die verantwoordelike owerheid.

9.2 Die verantwoordelike owerheid kan die beperking in paragraaf 9.1 verslap in die geval waar die eiendom omring is deur of aangrensend is aan industriële gebouke.

## 10. VERGUNNINGSGEBRUIK OF GOEDKEURING DEUR VERANTWOORDELIKE OWERHEID

- 10.1 'n Aansoek aan die verantwoordelike owerheid om die goedkeuring van 'n vergunningsgebruik ten opsigte van die betrokke eiendom wat gelys is in kolom 3 van Tabel A moet gedoen word deur die eienaar van die grond of gebou waarop die aansoek betrekking het. Met dien verstande dat die bepalings van hierdie paragraaf en paragrawe 11 en 12, nie van toepassing is nie op enige aansoek aan of toestemming of goedkeuring deur die verantwoordelike owerheid nie vir enige doeleindes ingevolge hierdie voorwaardes uitgesonderd dié in kolom 3 van Tabel A bedoel.
- 10.2 Die bevoegdheid van die verantwoordelike owerheid om sy stemming of goedkeuring kragtens paragraaf 10.1 te verleen, sluit die bevoegdheid in om toestemming of goedkeuring te weier, en, indien toestemming of goedkeuring verleen is, ook die bevoegdheid om die voorwaardes op te lê wat hy nodig ag.
- 10.3 Indien die eienaar van die betrokke eiendom 'n voorwaarde waarop die toestemming of goedkeuring deur 'n verantwoordelike owerheid soos in paragraaf 10.2 bedoel, verleen is, verbreek het, kan die verantwoordelike owerheid 'n kennisgewing aan die eienaar of die okkuperder van die betrokke eiendom beteken waarin hy aangesê word om die verbreking te herstel, en indien die verbreking nie herstel word soos in die kennisgewing vereis nie, kan sodanige goedkeuring of toestemming deur die verantwoordelike owerheid beëindig word.
- 10.4 Die kennisgewing in paragraaf 10.3 vermeld, moet 'n spesifieke tydperk voorskryf waarbinne die verbreking herstel moet word.
- 10.5 'n Aansoeker wat gegrief voel oor enige besluit van die verantwoordelike owerheid soos in hierdie paragraaf bedoel, kan binne 28 dae vanaf die besluit by die gemagtigde beamppte appél aanteken. Met dien verstande dat indien die verantwoordelike owerheid weier om 'n besluit te neem oor enige aansoek of die neem van 'n besluit onredelik vertraag, die aansoeker na die gemagtigde beamppte kan appelleer asof hy appelleer teen 'n besluit van die verantwoordelike owerheid.

## 11. AANSOEK OM VERGUNNINGSGEBRUIK EN BESWARE

- 11.1 'n Eienaar wat van voorneme is om by die verantwoordelike owerheid om toestemming soos bedoel paragraaf 10.1 aansoek te doen, moet voor die indiening van sodanige aansoek—
- 11.1.1 'n kennisgewing op die eiendom of gebou waarop dit betrekking het, aanbring, vertoon en in stand hou vir 'n tydperk van veertien dae; en
- 11.1.2 veertien dae skriftelik kennis gee aan die eienaars van aanliggende eiendomme en van die eiendomme direk oorkant die straat van die eiendom wat die onderwerp van die aansoek vorm.
- 11.2 'n Kennisgewing in paragraaf 11.1 bedoel, moet meld dat enige persoon wat enige beswaar teen die aansoek wil inbring, so 'n beswaar skriftelik by die verantwoordelike owerheid en by die aansoeker kan indien, binne veertien dae na die laaste dag waarop die kennisgewing vertoon is.
- 11.3 Bewys van die vertoning van die kennisgewing bedoel in paragraaf 11.1.1, en 'n lys van die eienaars bedoel in paragraaf 11.1.2, en hul adresse, moet die aansoek aan die verantwoordelike owerheid vergesel.
- 11.4 Die verantwoordelike owerheid moet enige besware wat binne die kennisgewingtydperke van veertien dae bedoel in paragraaf 11.1 ontvang is, oorweeg, en moet binne 60 dae na die vervaldatum van sodanige kennisgewingtydperke die aansoeker en die beswaarmakers, indien daar is, van sy besluit verwittig deur 'n afskrif van sodanige besluit aan die betrokke persoon/persone te lewer.
- 11.5 'n Besluit deur die verantwoordelike owerheid bedoel in 11.4, tree nie in werking alvorens die briewe van kennisgewing aan die aansoeker en beswaarmakers deur hulle ontvang is, soos in paragraaf 11.4 bedoel, of, indien 'n appél ingedien is ingevolge paragraaf 10.5, totdat 'n beslissing ten opsigte van sodanige appél bereik is.

## 12. VERVAL VAN GOEDKEURING OF VERGUNNING

Indien die regte wat uit hoofde van die verlening deur die verantwoordelike owerheid van 'n goedkeuring of vergunning ingevolge paragraaf 10 nie binne een en twintig maande vanaf die verlening van sodanige goedkeuring of vergunning uitgeoefen is nie, of, as die regte uitgeoefen is, maar die vergunde gebruik vir 'n aaneenlopende periode van agtien maande onderbreek word, vervall die betrokke goedkeuring of vergunning, behalwe indien enige voorwaarde waarop sodanige goedkeuring of vergunning verleen is, spesifiek anders bepaal, of as die eienaar bewys tot tevredenheid van die verantwoordelike owerheid lewer dat hy voornemens is om die uitoefening van sy regte te hervat.

## 13. ONDERVERDELING EN KONSOLIDASIE VAN EIENDOMME

Geen eiendom word onderverdeel of gekonsolideer nie, behalwe ooreenkomstig regulasie 19 (5) en (6) van die Dorpsstiging- en Grondgebruikregulasies, 1986, en enige tersaaklike bepaling van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984.

## 14. VOORSIENING VAN PARKERING

- 14.1 Genoegsame parkeer ruimte moet voorsien word ten opsigte van die gebruike in Tabel B gelys: Met dien verstande dat sodanige parkeer ruimte uitgelê moet word tot tevredenheid van die verantwoordelike owerheid.
- 14.2 Die verantwoordelike owerheid kan op aansoek van die eienaar van die betrokke eiendom, toestemming verleen vir 'n verslapping van die vereistes vir parkering soos in Tabel B uiteengesit:

TABEL B

Gebruik	Perseeloppervlakte	Minimum vereistes vir parkering
Residensiële geboue .....	Minder as 2 000 m <sup>2</sup> .....	Nul.
	2 000 m <sup>2</sup> en meer .....	1 ruimte per wooneenheid.
Winkels .....	Minder as 2 000 m <sup>2</sup> .....	Nul.
	2 000 tot 2 999 m <sup>2</sup> .....	3 ruimtes per 100 m <sup>2</sup> winkelvloeroppervlakte.
	3 000 m <sup>2</sup> en meer .....	4 ruimtes per 100 m <sup>2</sup> winkelvloeroppervlakte.
Kantore .....	Minder as 2 000 m <sup>2</sup> .....	Nul.
	2 000 m <sup>2</sup> en meer .....	2 ruimtes per 100 m <sup>2</sup> kantoorvloeroppervlakte.
Industriële en besigheidsdoeleindes .....	Minder as 2 000 m <sup>2</sup> .....	Nul.
	2 000 m <sup>2</sup> en meer .....	1 ruimte per 100 m <sup>2</sup> vloeroppervlakte.

## 15. BEPERKINGS OP HOOGTE VAN GEBOUE

- 15.1 Geboue opgerig op eiendomme in residensiële gebruike sones mag nie twee verdiepings oorskry sonder die toestemming van die verantwoordelike owerheid nie.
- 15.2 Geboue opgerig op eiendomme in gebruike sones, uitgesonderd residensiële gebruike sones, mag nie drie verdiepings oorskry sonder die toestemming van die verantwoordelike owerheid nie.
- 15.3 Die aantal verdiepings in hierdie paragraaf bedoel, sluit die grondverdieping in, maar nie kelderverdiepings onder die grondvlak nie.

## 16. BEPERKINGS OP DEKKING VAN GEBOUE

- 16.1 Geboue mag nie die dekking in Tabel C gespesifiseer, oorskry nie: Met dien verstande dat die verantwoordelike owerheid, op skriftelike aansoek, goedkeuring kan verleen vir 'n verdere dekking wat nie tien persent te bowe mag gaan nie.



TABEL C

Gebruiksone	Toelaatbare dekking
Residensieel .....	60%
Besigheid .....	70%
Industrieel .....	70%
Gemeenskapsfasiliteit .....	70%
Munisipaal .....	Tot tevredenheid van die verantwoordelike owerheid
Openbare oop ruimte .....	
Onbepaalde .....	

## DEEL 4

## ALGEMENE BEVALLIGHEID EN GERIEF

## 19. ALGEMENE BEVALLIGHEID EN GERIEF

- 19.1 Ondanks enige andersluidende bepalinge van hierdie voorwaardes, gebruik of ontwikkel niemand 'n eiendom op sodanige wyse wat afbreuk doen aan die bevalligheid of gerief van die gebied waarbinne dit geleë is nie.
- 19.2 Die bepalinge van hierdie paragraaf is deur die verantwoordelike owerheid of enige ander party, teen 'n huurder of geregistreerde eienaar van die betrokke eiendom soos in paragraaf 19.1 beoog, afdwingbaar.

## DEEL 5

## DIVERSE

## 20. BETEKENING VAN KENNISGEWINGS

'n Kennisgewing wat ingevolge hierdie voorwaardes beteken kan of moet word, kan beteken word—

- 20.1 deur die kennisgewing aan 'n persoon of aan sy behoorlik gevolmagtigde agent persoonlik, te lewer; of
- 20.2 per geregistreerde pos.

## 21. OORTREDINGS

Enige persoon wat enige bepaling van hierdie voorwaardes oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

## 22. TITEL

Hierdie voorwaardes heet die Grondgebruiksvoorwaardes.

## ANNEXURE B

## APPLICATION FOR TOWNSHIP ESTABLISHMENT

(Application in terms of regulation 7 of the Township Establishment and Land Use Regulations, 1986)

## PART I: ACKNOWLEDGEMENT OF RECEIPT

TO: .....

.....

.....

(applicant to insert his name and address)

I hereby acknowledge receipt of the original and two copies of Parts II and III of this form, together with the documents referred to below (township applicant to insert description of documents), and I hereby allocate the reference number ..... to this application.

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....

.....  
 Authorised Officer

.....  
 Date of receipt

## PART II: APPLICATION

The Authorised Officer

.....  
 .....  
 .....

(insert address)

Township applicant's address: .....

Tel. No.: .....

Township applicant's reference: .....

Sir

PROPOSED TOWNSHIP: .....

SITUATED ON: .....

I, the undersigned, .....  
being—

\*the registered owner of the land described herein,

OR

\*the duly authorised agent of the registered owner of the land described herein,

OR

\*the person or body with the consent of the registered owner of the land described herein to establish a township on such land in my own name,

OR

\*the person or body to whom the land described herein has been made available as contemplated in section 34 (9) of the Black Communities Development Act, 1984,

hereby apply for permission to establish a township on the land described herein and submit the particulars that appear hereafter.

Date .....

Signature

\* Delete that which is not applicable.

		YES	NO	N/A
1.	DOCUMENTS INCLUDED IN APPLICATION (Please make a cross in the appropriate columns)			
1.1	Two copies of completed application form, each accompanied by the documents as indicated below	.....	.....	.....
1.2	A print of the proposed township layout	.....	.....	.....
1.3	A copy of the memorandum in support of the application	.....	.....	.....
1.4	A copy of the title deed(s)	.....	.....	.....
1.5	A copy of any deed of servitude that applies to the land	.....	.....	.....
1.6	A copy of any mortgage bond(s) relating to the land	.....	.....	.....
1.7	A copy of the mineral rights certificate or mineral rights cession	.....	.....	.....
1.8	A copy of the owner's consent or power(s) of attorney, if applicable	.....	.....	.....
1.9	A copy of the township applicant's company resolution, if applicable	.....	.....	.....
1.10	A floodline certificate indicating whether the land is or is not subject to a 1 in 50 year flood	.....	.....	.....
1.11	A copy of the mortgagee's consent, if applicable	.....	.....	.....
1.12	A copy of the mineral right holder's consent, if applicable	.....	.....	.....
1.13	Proof of reservation for township purposes in terms of section 184 of the Mining Rights Act, 1967, if applicable	.....	.....	.....
1.14	A copy of a geotechnical report	.....	.....	.....
1.15	A certificate from a land surveyor, town planner or attorney stating that the conditions of title or servitude(s) recorded in the title deed(s) do not affect the proposed township, or stating the manner in which each servitude is to be cancelled or amended	.....	.....	.....
1.16	A copy of the land availability agreement, if any	.....	.....	.....
1.17	A copy of the services agreement, if already concluded	.....	.....	.....
1.18	An application for designation as a development area in terms of section 33 of the Black Communities Development Act, 1984, if required	.....	.....	.....
1.19	If the answer is "no" or "not applicable" in respect of any of the foregoing documents, give reasons (lengthy explanations can be attached as annexures)	.....	.....	.....

## 1.20 Other documents attached

## 2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

2.1 Name of proposed township (also indicate whether name has been approved by the appropriate authority and, if so, by whom):

2.2 Name of township applicant:

2.3 Property

Title deed description of every portion of the farm/smallholding\* on which the proposed township is to be established:

(i) Title Deed No.:

(ii) Title Deed No.:

(iii) Title Deed No.:

2.4 Full name of registered owner of the land:

2.5 The land is/is not\* mortgaged and particulars of the relevant mortgage bonds are as follows:

2.5.1 Property:

(i) Bond No. .... in favour of .....

(ii) Bond No. .... in favour of .....

(iii) Bond No. .... in favour of .....

2.5.2 Property:

(i) Bond No. .... in favour of .....

(ii) Bond No. .... in favour of .....

(iii) Bond No. .... in favour of .....

2.6 Mineral rights have/have not\* been severed from the ownership of the land and are held by:

.....under Certificate No. ....

.....under Certificate No. ....

.....under Certificate No. ....

2.7 A lease of the rights to minerals has/has not\* been granted/A prospecting contract has/has not\* been entered into, the particulars of which are as follows\*:

2.8 Status of land in terms of the provisions of the Mining Rights Act, 1967:

2.8.1 The land has/has not\* been proclaimed in terms of the Act (furnish details):

2.8.2 The land has/has not\* been reserved for township purposes in terms of section 184 of the Act (furnish details):

2.8.3 The land has/has not\* been mined for precious metals or base metals as defined in section 1 of the Act (furnish details):

2.9 The township applicant proposes still to take the following steps in respect of the position set out in paragraphs 2.6, 2.7, 2.8.1, 2.8.2 and 2.8.3 above (indicate full particulars of the steps that the township applicant proposes to take and when they are likely to be completed, as contemplated in regulation 8 (2)):

2.10 The township applicant requests that the Minister approve the application notwithstanding the fact that the steps referred to in paragraph 2.9 above have not yet been taken, and further requests that the Minister imposes the following conditions in this regard, as contemplated in regulation 16 (1):

2.11 The proposed township—

2.11.1 is situated within the municipal or local authority area of .....

2.11.2 adjoins the following municipal or local authority areas:

2.11.3 will be established on land that has been designated or that is deemed to have been designated as a development area as contemplated in section 33 (1) or (4) of the Black Communities Development Act, 1984, under (state relevant *Gazette* reference):

2.12 The proposed township falls within the area of the ..... town planning scheme/does not fall within the area of any town planning scheme\*

2.13 Proposed land use(s) and total number of erven intended for each use:

*Proposed use*

*Number of erven*

Residential

Business

Industrial

Community facility

Municipal

Undetermined

Public open space

Other

2.14 Indicate in detail how each of the conditions and servitudes contained in the deed(s) of transfer of the properties affects the proposed township and how these conditions and servitudes are to be dealt with:

(Where it is indicated that any condition of title or servitude does not affect the proposed township, a certificate to this effect from a registered land surveyor or town planner or attorney shall be submitted.)

2.15 The land on which the township will be established—

\*has been made available to the township applicant by .....

..... as contemplated in section 34 (9) of the Black Communities Development Act, 1984, and the conditions on which the land has been so made available are contained in a land availability agreement, a copy of which is attached to this application/has been lodged with the authorised officer of approval on ..... (state the date)\*

OR

\*will be developed by the township applicant on behalf of .....

..... (insert full name of owner) by virtue of a power of attorney, a copy of which is attached to this application

OR

\*will be developed by the township applicant on the land of .....

..... (insert full name of owner) in the township applicant's own name by virtue of a consent granted by the above-mentioned owner, a copy of which is attached to this application

\* Delete that which is not applicable.

### PART III: CONDITIONS OF ESTABLISHMENT

[See regulation 7 (1) (b). The Minister will use this part of the application as the basis for imposing conditions of establishment in terms of regulation 16.]

#### 3. SUMMARY OF TOWNSHIP PARTICULARS

(Paragraph 3 serves as a summary and check sheet. With the exception of paragraph 3.8 below, the township applicant must provide details.)

- 3.1 Proposed name of township .....
- 3.2 Comprising (number of erven and uses) .....
- 3.3 As shown on layout plan No. ....
- 3.4 Situate on .....
- 3.5 In the area of jurisdiction of (local authority) .....
- 3.6 Deed(s) of Transfer No. ....
- 3.7 Dated (state date of this application) .....
- 3.8 Amendments, if any (to be completed by authorised officer) .....

## 1.20 Other documents attached

.....

.....

.....

.....

.....

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.....

## 2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

2.1 Name of proposed township (also indicate whether name has been approved by the appropriate authority and, if so, by whom):

.....

2.2 Name of township applicant:

.....

2.3 Property

Title deed description of every portion of the farm/smallholding\* on which the proposed township is to be established:

.....

(i) Title Deed No.:

.....

(ii) Title Deed No.:

.....

(iii) Title Deed No.:

.....

2.4 Full name of registered owner of the land:

.....

2.5 The land is/is not\* mortgaged and particulars of the relevant mortgage bonds are as follows:

2.5.1 Property:

(i) Bond No. .... in favour of .....

(ii) Bond No. .... in favour of .....

(iii) Bond No. .... in favour of .....

2.5.2 Porperty:

(i) Bond No. .... in favour of .....

(ii) Bond No. .... in favour of .....

(iii) Bond No. .... in favour of .....

2.6 Mineral rights have/have not\* been severed from the ownership of the land and are held by:

..... under Certificate No. ....

..... under Certificate No. ....

..... under Certificate No. ....

2.7 A lease of the rights to minerals has/has not\* been granted/A prospecting contract has/has not\* been entered into, the particulars of which are as follows\*:

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2.8 Status of land in terms of the provisions of the Mining Rights Act, 1967:

2.8.1 The land has/has not\* been proclaimed in terms of the Act (furnish details):

.....

2.8.2 The land has/has not\* been reserved for township purposes in terms of section 184 of the Act (furnish details):

.....

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.....

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.....

.....

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2.11.1 is situated within the municipal or local authority area of .....

2.11.2 adjoins the following municipal or local authority areas:

.....

.....

.....

.....

.....

.....

2.11.3 will be established on land that has been designated or that is deemed to have been designated as a development area as contemplated in section 33 (1) or (4) of the Black Communities Development Act, 1984, under (state relevant *Gazette* reference):

2.12 The proposed township falls within the area of the .....  
town planning scheme/does not fall within the area of any town planning scheme\*

2.13 Proposed land use(s) and total number of erven intended for each use:

*Proposed use*

*Number of erven*

Residential	
Business	
Industrial	
Community facility	
Municipal	
Undetermined	
Public open space	
Other	

2.14 Indicate in detail how each of the conditions and servitudes contained in the deed(s) of transfer of the properties affects the proposed township and how these conditions and servitudes are to be dealt with:

(Where it is indicated that any condition of title or servitude does not affect the proposed township, a certificate to this effect from a registered land surveyor or town planner or attorney shall be submitted.)

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\*has been made available to the township applicant by .....

..... as contemplated in section 34 (9) of the Black Communities Development Act, 1984, and the conditions on which the land has been so made available are contained in a land availability agreement, a copy of which is attached to this application/has been lodged with the authorised officer of approval on ..... (state the date)\*

OR

\*will be developed by the township applicant on behalf of .....

..... (insert full name of owner) by virtue of a power of attorney, a copy of which is attached to this application

OR

\*will be developed by the township applicant on the land of .....

(insert full name of owner) in the township applicant's own name by virtue of a consent granted by the above-mentioned owner, a copy of which is attached to this application

\* Delete that which is not applicable.

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- 3.4 Situate on .....
- 3.5 In the area of jurisdiction of (local authority) .....
- 3.6 Deed(s) of Transfer No. ....
- 3.7 Dated (state date of this application) .....
- 3.8 Amendments, if any (to be completed by authorised officer) .....



UNDER REGULATION 23  
(The conditions stated in paragraph 4 are guide-lines only and the township applicant may suggest amended and/or different conditions in appropriate cases.)

The applicant shall at his own expense cause the following conditions and servitudes to be cancelled or otherwise dealt with as follows:

.....

**CONSOLIDATION OF COMPONENT PORTIONS**  
The township applicant shall at his own expense cause the component portions comprising the township to be consolidated where necessary.

MINERAL RIGHTS  
[Propose the conditions relating to mineral rights as contemplated in regulations 8 (3) and 16 (1).]

.....

GENERAL

(The conditions stated in paragraph 5 are guide-lines only and the township applicant may suggest amended or different conditions in appropriate cases.)

The name of the township shall be.....

The township shall consist of crven and streets as indicated on plan.....

DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven except the following erven shall be made subject to existing conditions and servitudes not cancelled or otherwise dealt with in terms of paragraph 4.1 above, if any, including the reservation of rights to minerals:

**DEMOLITION OF BUILDINGS AND STRUCTURES**

The township applicant shall at his own expense cause all existing buildings and structures situated within the side space and rear space or over common boundaries to be demolished to the satisfaction of the authorised officer when required by the authorised officer to do so.

**REPOSITIONING OF ELECTRICAL CIRCUITS**  
If, by reason of the establishment of the township, it should become necessary to reposition any existing circuits of the Electricity Supply Commission, the cost thereof shall be borne by the township applicant.

**PROVISION AND INSTALLATION OF SERVICES**  
The township applicant shall provide and install all internal 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.

The relevant authority referred to in regulation 26 shall provide and install all external 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.

OTHER CONDITIONS  
(Insert other conditions to be complied with before the land becomes registrable, for example conditions relating to endowments or conditions in respect of mineral rights to be met after approval of the township.)

.....

## 6. SUGGESTED LAND USES TO BE APPROVED BY MINISTER

(Insert the erf numbers as they appear on the layout plan. If the same erven eventually bear different numbers on a general plan approved by the Surveyor-General in terms of regulation 19, after the Minister has approved this application in terms of regulation 16, transfer may be given of such erven with reference to the numbers as they appear on the general plan.)

- 6.1 Residential: Erven Numbers.....  
 6.2 Business: Erven Numbers.....  
 6.3 Industrial: Erven Numbers.....  
 6.4 Community facility: Erven Numbers.....  
 6.5 Municipal: Erven Numbers.....  
 6.6 Public open space: Erven Numbers.....  
 6.7 Undetermined: Erven Numbers.....

## 7. DRAFT CONDITIONS OF TITLE

(Refer to Land Use Conditions published in Annexure F to the Township Establishment and Land Use Regulations. If different conditions will apply to various categories of erven, the township applicant must indicate to which erven such conditions will apply.)

- 7.1 \*The following conditions shall be included in the title deed of each erf (applicable only where township applicant wishes to apply the land use conditions without amendment):

The use of the aforesaid site shall be .....  
 (insert the use for the relevant site approved by the Minister—see paragraph 6 above), as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, as contemplated in section 57B of the said Act.

OR

\*The following conditions shall be included in the title deed of each erf (applicable only where the township applicant wishes to apply the land use conditions subject to certain amendments):

The use of the aforesaid site shall be ..... (insert approved use), as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that the following special conditions shall apply in addition to/instead of\* the said Land Use Conditions:

1. ....  
 2. ....  
 3. ....

Provided further that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, and in these conditions, as contemplated in section 57B of the said Act

OR

\*The following conditions shall be included in the title deed of each site (complete if the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986 will not be used):

- .....  
 .....  
 .....

Provided that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in these conditions, which shall thereafter be of no force or effect.

- 7.2.1 The erf is subject to a servitude, 1 metre 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 1 metre wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may waive compliance with the requirements of this servitude.
- 7.2.2 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 1 metre thereof.
- 7.2.3 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.

\* Delete that which is not applicable.

## ANNEXURE C

## FROM OF NOTICE TO BE GIVEN TO CERTAIN PERSONS OR BODIES

[Regulation 9 (1)]

## PLEASE TAKE NOTICE THAT.....

..... (the township applicant) has lodged an application for township establishment in the form of the enclosed two copies of the application with the authorised officer as contemplated in the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984.

PLEASE TAKE NOTICE FURTHER THAT you may within a period of 30 (Thirty) days from the date of this notice, lodge an objection with or make representations in respect of the application to the said authorised officer as contemplated in regulation 11 of the above-mentioned regulations or, if you are unable to lodge such objection or make such representations within such period, or sufficiently to investigate the application within that period, you may, within that period, request the said authorised officer in writing to extend the said period, stating the period within which you will be able to lodge an objection or make representations as well as the nature of the objection or representations that you intend to or, upon further investigation, might or are likely to lodge or make.

PLEASE TAKE NOTICE FURTHER THAT any objection, representation or request for extension must be delivered to the office of the authorised officer at.....

Township Applicant .....

Date .....

# ANNEXURE D FORM OF NOTICE TO BE PUBLISHED IN NEWSPAPER

[Regulation 10 (1)]

PLEASE TAKE NOTICE THAT the township applicant mentioned below has lodged an application for the establishment of the township described below with the authorised officer as contemplated in the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984.

PLEASE TAKE NOTICE FURTHER THAT the relevant plan(s), document(s) and information are available for inspection at the office of the township applicant (indicated below) for a period of 30 (Thirty) days from ..... (insert date of first publication of this notice).

PLEASE TAKE NOTICE FURTHER THAT any person who desires to object to or make representations in respect of the granting of the application must deliver such objection or representation together with the reasons therefor to the authorised officer at his address set out below within the said period of 30 (Thirty) days.

Name of township.....

Name of township applicant.....

Address of township applicant where documents can be inspected.....

Address of authorised officer.....

Number and zoning of erven.....

Locality and description of land.....

## ANNEXURE E

### \*GUIDE-LINES FOR SERVICES AGREEMENT

(\*This agreement can also form part of the land availability agreement, where appropriate—see paragraph 5 of Annexure A.)

Any services agreement as contemplated in regulation 26 shall comply *inter alia* with the following guide-lines:

#### 1. PARTIES

The names of the parties to the agreement and their business addresses must be stated.

#### 2. THE LAND

There should be an adequate definition of the land to which the agreement relates, with reference to, for example, any title deed under which the land is held, a diagram prepared by a registered land surveyor and any general plan that has been prepared in respect of the land. In addition, it should be recorded whether the township applicant is the owner or the agent of the owner of the land or acting in his own name with the consent of such owner or whether the land has been made available to him in terms of section 34 (9) of the Act.

#### 3. CONDITIONS

3.1 If the agreement is made subject to the fulfilment of any conditions, these conditions must be clearly stated. They may include, for instance, conditions relating to—

3.1.1 the inclusion of the land to be developed in a local authority area by an Administrator acting under the Black Local Authorities Act, 1982 (Act 102 of 1982), as read with the Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983); or

3.1.2 the application for township establishment becoming an approved application.

3.2 If any conditions as contemplated in paragraph 3.1 are imposed, the agreement must state clearly what the effect would be if any such conditions were not fulfilled.

#### 4. CLASSIFICATION OF ENGINEERING SERVICES

The engineering services to be provided for the township should be classified as internal or external engineering services, as contemplated in regulation 27, on the basis that—

4.1 "external engineering services" consist of both "bulk services" and "link services";

4.2 "bulk services" means all the primary water, sewerage, electricity and stormwater services, as well as the road network in the system to which the internal services are to be linked;

4.3 "link services" means all new services necessary to link the internal services to the bulk services;

4.4 "internal services" means all services within the boundaries of the new township that are necessary for the establishment of serviced erven in accordance with the level of services agreed between the township applicant and the relevant authority contemplated in regulation 26 (1);

4.5 if a service within the boundaries of the new township also serves any other township within the area of jurisdiction of the relevant authority referred to in regulation 26 (1), such service and the costs of its provision shall be treated as an internal engineering service to the extent that it serves the new township and as an external engineering service to the extent that it serves any such other township or development.

#### 5. DEVELOPMENT RESPONSIBILITIES

##### 5.1 Town planning and land surveying

As a general rule, the township applicant should be responsible for all land surveying, town planning and related work required for the purposes of registering the general plan relating to the new township, and he should recover all costs so incurred through the sale of serviced erven.

##### 5.2 Responsibility for engineering services

There must be clear provisions recording the responsibilities of the relative parties to the services agreement for the installation and provision of internal and external engineering services as contemplated in regulation 28 (1): Provided that if any one of the parties is to provide and install an engineering service at the request and at the expense of the other, as contemplated in regulation 28 (2), the services to be so installed and provided shall be clearly identified and the amount or the manner of determining the amount of any expense referred to in that subregulation shall be clearly set out.

##### 5.3 Additional bulk services

It must be clear whether additional bulk services are to be installed and provided by the relevant authority contemplated in regulation 26 (1), and if so, such services should be identified.

## 5.4 Contribution to costs of services

The agreement should not provide for the township applicant to contribute to the costs of the installation and provision of external engineering services and conversely the agreement should also not provide for the relevant authority referred to in regulation 26 (1) to contribute to the costs of the installation and provision of internal engineering services. The only exception to this guideline will be a case where the township applicant installs and provides external engineering services of which the relevant authority is not the supplier and elects to bear his own costs in this regard as contemplated in regulation 28 (2) (c).

## 5.5 Service connections

It must be stated which party shall be responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, or to any of such erven, as contemplated in the Land Use Conditions which form Annexure F to these regulations, and how the costs of such service connections shall be recovered. The service connections to be made shall be adequately defined in the services agreement, and may include all connections between the internal services concerned and the individual erf concerned, consisting of, for example—

5.5.1 a water-borne sewerage pipe terminating at a sewer connection;

5.5.2 a water pipe terminating at a water meter;

5.5.3 an electricity house connection cable terminating on the relevant erf.

## 5.6 Level and standard of internal services

The level and standard of the internal services to be installed and provided by the township applicant should be clearly identified with reference to *inter alia*—

5.6.1 water reticulation;

5.6.2 sewerage reticulation;

5.6.3 roads and stormwater drainage;

5.6.4 electricity reticulation (high and low tension); and

5.6.5 street lighting, subject to the considerations referred to in regulation 27 (2).

## 5.7 Completion of services

5.7.1 It must be clear or determinable when the township applicant and the relevant authority referred to in regulation 26 (1) shall have commenced construction of internal and external engineering services, at what rate the construction of such services should proceed and when such services shall have been completed.

5.7.2 Provision must be made for the inspection and handing over of internal engineering services to the relevant authority and for the date on which all risk and ownership in respect of such services shall pass to such relevant authority.

## 5.8 Maintenance of services

Provision should be made for the following responsibilities after the internal services have been handed over to the relevant authority contemplated in regulation 26 (1):

5.8.1 When normal maintenance by that relevant authority shall commence.

5.8.2 The responsibility of the township applicant for the rectification of defects in material and workmanship, other than normal wear and tear.

5.8.3 The rights of such relevant authority where the township applicant has failed to rectify any defects within a reasonable period after having been requested to do so.

## 6. INSURANCE

Provision should be made for each of the parties to take out adequate insurance cover in respect of such risks as are insurable for the duration of the development of the new township.

## 7. GUARANTEES

If it is contemplated that the township applicant will enter into contracts for the disposal of erven in the new township prior to the land in the township becoming registrable in a deeds registry as contemplated in regulation 25 (2) and also before the completion of either external or internal engineering services as contemplated in regulation 24 (4) (b), provision should be made to regulate the relationship between the parties and their responsibilities for the provision of guarantees and undertakings as intended in regulation 24 (4) (b) (i) and (ii), and such provisions may, in addition to the requirements set out in that subregulation, also state that any such guarantee or undertaking shall—

7.1 be irrevocable during its period of validity by the institution or body that issued the guarantee or undertaking;

7.2 be transferable by the person or body to whom such guarantee or undertaking is expressed to be payable.

## 8. SOURCES OF FINANCING

Provision may be made for the manner in which the parties undertake to finance their relative responsibilities in terms of the services agreement, and, where appropriate, the township applicant may undertake to provide any bridging finance to the relevant authority contemplated in regulation 26 (1), on such terms and conditions as may be agreed between the parties and as may be normal and usual in commercial practice.

## 9. BREACH OF CONTRACT AND ARBITRATION

The agreement should clearly provide the manner in which any of the parties may terminate the services agreement (as a general rule, on adequate notice by the aggrieved party to the defaulting party) and the agreement may specifically record such terms as the parties may agree relating to *inter alia*—

9.1 the expenditure, finance and interest charges and other loss or damage that any one party shall be entitled to recover from the other in the event of a breach of the agreement by any party or the termination of the agreement for any other reason;

9.2 matters that may be referred to arbitration in the event of any dispute between the parties, and the details of the referral to arbitration as contemplated in the Arbitration Act, 1965 (Act 42 of 1965).

## 10. GENERAL

There may be such other terms and conditions not inconsistent with these guide-lines as the parties may agree.

## ANNEXURE F LAND USE CONDITIONS

(Conditions of title or township conditions contemplated in section 57B of the Black Communities Development Act, 1984)

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**PART 1****LAND USE CONDITIONS****GENERAL****1. DEFINITIONS**

In these conditions, unless the context otherwise indicates—

"building" includes a construction or structure of any nature;

"business purposes" means a use of a building and/or land for offices, showrooms, restaurants or any other business or commercial purposes other than for a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrapyard;

"coverage" means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;

"dwelling unit" means an interconnected suite of rooms, designed for human habitation that may contain a kitchen or scullery;

"floor area" means the sum of the areas covered by the building at the floor level of each storey;

"industry" means an activity on any premises amounting to the use of such premises as a factory as contemplated in the definition of that word in the General Administrative Regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), under Government Notice R. 2206 of 5 October 1984;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;

"noxious industry" includes any industry or trade that by virtue of noise or effluents is dangerous or harmful to the health and welfare of the general public, such as but not limited to smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur-bearing materials;

"occupant" in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown;

"owner" in relation to a building or land, means—

(a) the registered owner;

(b) the registered holder of a right of leasehold as contemplated in the Black Communities Development Act, 1984;

(c) a person who administers the estate of any person mentioned in (a) or (b) above, whether as executor, administrator or guardian or in any other capacity;

(d) a person who receives payment from any occupant, or a person who would receive payment should such building or land be let, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and

(e) the duly authorised agent of a person contemplated in (a) to (d) above;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;

"place of public worship" means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as and associated with any of the foregoing buildings that is intended to be used for social intercourse and recreation, but does not include a funeral chapel, which shall be deemed to be a "special purpose";

"property" means any portion of land or a leasehold site that is registered as a separate unit in a deeds registry, and includes unsurveyed premises contemplated in section 52 (5) of the Black Communities Development Act, 1984;

"public garage" means a building designed for or land used primarily for the maintenance, repair or fuelling of vehicles and purposes ancillary thereto;

"residential building" means a building designed or used primarily for human habitation and the uses permitted in terms of paragraph 8, which may include one or more dwelling units;

"responsible authority" means the authority referred to in paragraph 3;

"shop" means land used or a building designed or used primarily for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site that is incidental and subordinate to the conduct of the retail trade;

"social hall" means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes;

"special purposes" means purposes for which land or buildings may be used that are not specified in these conditions;

"storey" means the space in a building between one floor level and the following floor level or between one floor level and the ceiling or roof above;

"use zone" means a zone that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained in Table A.

## 2. APPLICATION OF DOCUMENT

- 2.1 These conditions shall apply to any property with a condition of title that refers to it in the manner contemplated in regulation 32 of the Township Establishment and Land Use Regulations, 1986.
- 2.2 The provisions of these conditions shall not render unlawful any existing building that has been lawfully erected in accordance with approved building plans: Provided that alterations, other than minor alterations, or a change of use of such building shall be effected in accordance with these conditions.

## 3. RESPONSIBLE AUTHORITY

The local authority, or, if there is no such local authority, the person or body responsible for the control of the relevant land shall be the authority responsible for enforcing and administering the provisions of these conditions.

## PART 2

## SIDE AND REAR SPACE

## 4. SIDE AND REAR SPACE

- 4.1 No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
- 4.2 The space at the side of the building shall be a minimum of one metre wide.
- 4.3 The space at the rear of the building shall be a minimum of one metre wide.

## 5. RELAXATION OF SIDE AND REAR SPACE

- 5.1 On receipt of a written application, the responsible authority may permit the erection of a building within the side or rear space.
- 5.2 Any permission granted in terms of paragraph 5.1 shall be valid for the life of the building concerned.

## PART 3

## BUILDING RESTRICTIONS AND USE OF LAND

## 6. ERECTION AND USE OF BUILDING OR USE OF LAND

The purposes for which buildings and land in each of the use zones specified in column 1 of Table A may—

- 6.1 be erected and/or used;
- 6.2 be erected and/or used only with the consent of the responsible authority; or
- 6.3 not be erected and/or used,
- are shown in the second, third and fourth columns of Table A respectively.

TABLE A

Use zone	Permitted uses	Uses permitted only with the consent of the responsible authority	Prohibited uses
(1)	(2)	(3)	(4)
Residential .....	Residential buildings .....	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, special purposes	Uses not under column (2) or (3).
Business .....	Shops, business purposes, residential buildings, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Uses not under column (2) or (4) .....	Noxious industries.
Industrial .....	Industry, business purposes, shops, public garages, scrapyards, parking areas	Noxious industries, special purposes .....	Uses not under column (2) or (3).
Community facility ...	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Residential buildings, special purposes .....	Uses not under column (2) or (3).
Municipal .....	Municipal purposes .....	Residential buildings, special purposes .....	Uses not under column (2) or (3).
Undetermined .....	Nothing .....	Uses not under column (4) .....	Noxious industries.
Public open space .....	Parks, sports and recreational facilities and buildings used in connection therewith	Residential buildings, special purposes .....	Uses not under column (2) or (3).

## 7. CONDITIONS APPLICABLE TO ALL PROPERTIES

- 7.1 Except with the written consent of the responsible authority, and subject to such conditions as it may impose neither the owner nor any other person shall—
- 7.1.1 have the right, except to prepare the erf for building purposes, to excavate any material therefrom;
- 7.1.2 have the right to sink any wells or boreholes thereon or abstract any subterranean water therefrom.
- 7.2 Where 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 stormwater 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 a lower-lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.
- 7.3 The siting of buildings, including outbuildings, on any property and of entrances to and exits from a public street system shall be to the satisfaction of the responsible authority.
- 7.4 The owner shall be responsible for the maintenance of the entire development on the property.

## 8. ADDITIONAL USES PERMITTED IN RESPECT OF RESIDENTIAL PROPERTIES

- 8.1 The number of dwelling units and the size of a residential building that may be erected on a property shall be limited only by the height and coverage provisions of these conditions and by any applicable health and building regulations.
- 8.2 The occupants of a residential building may practise, *inter alia*, their social and religious activities and their occupations, professions, or trades, including retail trade, or the property on which such residential building is erected: Provided that—
- 8.2.1 the dominant use of the property shall remain residential;
- 8.2.2 the occupation, trade or profession or other activity shall not be noxious; and
- 8.2.3 the occupation, trade or profession shall not interfere with the amenity of the neighbourhood.

## 9. SPECIAL CONDITIONS APPLYING TO PUBLIC GARAGES

- 9.1 Nothing shall be stored and no repairs of any nature to vehicles or equipment shall be undertaken in a public garage, except in an area that is screened to the satisfaction of the responsible authority for such purposes.
- 9.2 The responsible authority may relax the restriction contained in paragraph 9.1 in a case where the property is adjacent to or surrounded by industrial uses.

## 10. CONSENT USE OR APPROVAL BY THE RESPONSIBLE AUTHORITY

- 10.1 Any application to the responsible authority for the approval of a consent use in respect of the relevant property that is listed in column 3 of Table A, shall be made by the owner of the land or building to which the application relates: Provided that the provisions of this paragraph 10 and of paragraphs 11 and 12 shall not apply to any application to or approval or consent by the responsible authority for any purposes in terms of these conditions other than those contemplated in column 3 of Table A.
- 10.2 The power of the responsible authority to grant its consent or its approval in terms of paragraph 10.1 shall include the power to refuse consent or approval and, if consent or approval has been granted, the power to impose any conditions that it may deem fit.
- 10.3 If the owner of the relevant property is in breach of a condition upon which any consent or approval was granted by a responsible authority as contemplated in paragraph 10.2, the responsible authority may serve a notice upon such owner or the occupant of the property concerned calling on him to remedy such breach, and if the relevant breach is not remedied as required in such notice such consent or approval may be terminated by the responsible authority concerned.
- 10.4 The notice referred to in paragraph 10.3 shall require that the breach be remedied within a specified period.
- 10.5 Any applicant who feels aggrieved by any decision of the responsible authority as contemplated in this paragraph may appeal to the authorised officer within twenty-eight days of the decision: Provided that, if the responsible authority refuses to give a decision on any application or delays unreasonably in giving a decision, the applicant may appeal to the authorised officer as if he were appealing against a decision of the responsible authority.

## 11. APPLICATIONS FOR CONSENT USE AND OBJECTIONS

- 11.1 Any owner intending to apply to the responsible authority for its consent as contemplated in paragraph 10.1 shall, prior to the submission of such application—
- 11.1.1 affix, display and maintain a notice of such application on the land or building to which it applies for a period of fourteen days; and
- 11.1.2 give fourteen days written notice to the owners of adjacent properties and of the properties directly across the street from the property that forms the subject of the application.
- 11.2 A notice referred to in paragraph 11.1 shall state that any person having any objection to the application may lodge such objection in writing with the responsible authority and with the applicant within fourteen days after the date of the last day on which the notice was displayed.
- 11.3 Proof of the display of the notice contemplated in paragraph 11.1.1 and a list of the owners contemplated in paragraph 11.1.2 and their address shall accompany the application to the responsible authority.
- 11.4 The responsible authority shall consider any objections received within the fourteen-day notice periods contemplated in paragraph 11.1 and shall, within 60 days after the expiry of such notice periods, notify the application and the objectors, if any, of its decision by delivering a copy of such decision to the persons concerned.
- 11.5 A decision by the responsible authority contemplated in paragraph 11.4 shall not take effect until the letters of notification to the applicant and objectors have been received by such persons as contemplated in paragraph 11.4 or, if an appeal is lodged in terms of paragraph 10.5, until a decision has been reached in respect of such appeal.

## 12. LAPSING OF APPROVAL OR CONSENT

If the rights obtained by virtue of the grant by the responsible authority of an approval or consent in terms of paragraph 10 are not exercised within twenty-four months of the grant of such approval or consent, or if the rights have been exercised but the use permitted thereunder is interrupted for a continuous period of eighteen months, the relevant approval or consent shall lapse, unless any condition upon which such approval or consent was granted specifically provides otherwise or the owner proves to the satisfaction of the responsible authority that he intends to resume the exercise of his rights.

## 13. SUBDIVISION AND CONSOLIDATION OF PROPERTIES

No property shall be subdivided or consolidated except than in accordance with regulation 19 (5) and (6) of the Township Establishment and Land Use Regulations, 186, and any relevant provision of the Black Communities Development Act, 1984.

## 14. PROVISION OF PARKING

- 14.1 Sufficient parking space shall be provided in respect of the uses listed in Table B: Provided that such parking space shall be laid out to the satisfaction of the responsible authority.
- 14.2 The responsible authority may, on application by the owner of the relevant property, grant permission for a relaxation of the parking requirements set out in Table B.

TABLE B

Use	Site Area	Minimum parking requirements
Residential buildings	Less than 2 000 m <sup>2</sup> 2 000 m <sup>2</sup> and over	Nil. 1 Space per dwelling unit.
Shops .....	Less than 2 000 m <sup>2</sup> 2 000 to 2 999 m <sup>2</sup> 3 000 m <sup>2</sup> and over	Nil. 3 spaces per 100 m <sup>2</sup> of shopping floor area. 4 spaces per 100 m <sup>2</sup> of shopping floor area.
Offices .....	Less than 2 000 m <sup>2</sup> 2 000 m <sup>2</sup> and over	Nil. 2 spaces per 100 m <sup>2</sup> of office floor area.
Industry and business purposes	Less than 2 000 m <sup>2</sup> 2 000 m <sup>2</sup> and over	Nil. 1 space per 100 m <sup>2</sup> of floor area.

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## 15. RESTRICTIONS ON HEIGHT OF BUILDINGS

- 15.1 Buildings erected on properties in residential use zones shall not exceed two storeys without the consent of the responsible authority.
- 15.2 Buildings erected on properties in use zones other than residential use zones shall not exceed three storeys without the consent of the responsible authority.
- 15.3 The number of storeys contemplated in this paragraph shall include the storey at ground level but shall not include basement storeys that are below ground level.

## 16. RESTRICTIONS ON COVERAGE OF BUILDINGS

Buildings shall not exceed the coverage specified in Table C: Provided that on written application the responsible authority may grant consent for a maximum of 10 % additional coverage.

TABLE C

Use zone	Permissible coverage
Residential .....	60 %
Business .....	70 %
Industrial .....	70 %
Community facility .....	70 %
Municipal Public open space Undetermined	To the satisfaction of the responsible authority

## PART 4

## GENERAL AMENITY AND CONVENIENCE

## 19. GENERAL AMENITY AND CONVENIENCE

- 19.1 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 of convenience of the area within which it is located.
- 19.2 The provisions of this paragraph shall be enforceable by the responsible authority or any other party against any lessee or registered owner of the relevant property as contemplated in paragraph 19.1.

## PART 5

## MISCELLANEOUS

## 20. SERVING OF NOTICES

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

- 20.1 by delivering the notice to any person or to his duly authorised agent personally; or
- 20.2 by registered post.

## 21. OFFENCES

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

## 22. TITLE

These conditions may be referred to for all purposes as the Land Use Conditions.