OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

PUBLISHED BY AUTHORITY — UITGAWE OP GESAG

10c | Tuesday 3 July 1973 | WINDHOEK | Dinsdag 3 Julie 1973 | No.3334

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Government Notice

The following Government Notice is published for general information.

H. P. F. GOUS,
Acting Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 106]. [3 July 1973.

ORDINANCE, 1973: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.

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Goewermentskennisgewing

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Waarnemende Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 106]. [3 Julie 1973.

ORDONNANSIE, 1973: UITVAARDIGING VAN

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet.

No.	*Titel*	*Bladsy*
11	Dorpsbeplanningswysigingsordonnansie, 1973	672

No. 11 of 1973.]

TOWN PLANNING AMENDMENT ORDINANCE, 1973.

(Assented to 27 June 1973.)

(English text signed by the Administrator.)

(Date of commencement 3 July 1973.)

ORDINANCE

To amend the Town Planning Ordinance, 1954, so as to substitute the expression "Executive Committee" for the word "Administrator"; to extend the definition of "local authority" and to define the expression "Executive Committee"; to extend the functions, powers and duties of the South West African Planning Advisory Board; to amend the provisions in respect of the provision of parking and loading areas at buildings with a view to preventing obstruction of traffic; to amend section 47 so as to substitute the word "State" for the word "Crown" and the word "commission" for the word "board"; and to provide for incidental matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:-

Amendment of Ordinance 18 of 1954 to substitute the expression "Executive Committee" for the word "Administrator".

1. The Town Planning Ordinance, 1954 (Ordinance 18 of 1954) — hereinafter referred to as the principal Ordinance — is hereby amended by the substitution for the word "Administrator" wherever it appears of the expression "Executive Committee".

Amendment of section 2 of Ordinance 18 of 1954, as amended by section 2 of Ordinance 13 of 1970.

2. Section 2 of the principal Ordinance is hereby amended —

(a) by the insertion before the definition of "local authority" of the following definitions:

" "building", without in any way limiting the ordinary meaning of the word, includes —

(a) any structure, whether it be of a permanent or temporary nature, erected or used for the housing or accommodation of human beings or for the storage, manufacture or sale of goods or materials or for the destruction or treatment of refuse or other waste materials;

(b) a wall, swimming pool, swimming bath, reservoir, tower, bridge, chimney, mast, summer-house and hot-house and any structure appertaining thereto or erected or used in connection therewith;

(c) any boundary fence or boundary wall;

(d) any projection from a building;

No. 11 van 1973.]

DORPSBEPLANNINGSWYSIGINGSORDONNANSIE, 1973.

(Goedgekeur 27 Junie 1973.)

(Engelse teks deur die Administrateur geteken.)

(Datum van inwerkingtreding 3 Julie 1973.)

ORDONNANSIE

Tot wysiging van die Dorpsbeplanningsordonnansie 1954, om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang; om die woordbepaling van "plaaslike bestuur" uit te brei en die uitdrukking "Uitvoerende Komitee" te omskryf; om die funksies, bevoegdhede en pligte van die Suidwes-Afrikaanse Beplanningsadviesraad uit te brei; om die bepalings met betrekking tot die verskaffing van parkeer- en laairuimte by geboue ten einde verkeersbelemmering te voorkom, te wysig; om artikel 47 te wysig om die woord "Kroon" deur die woord "Staat" en die woord "raad" deur die woord "kommissie" te vervang; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:-

Wysiging van Ordonnansie 18 van 1954 om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang.

1. Die Dorpsbeplanningsordonnansie 1954 (Ordonnansie 18 van 1954) — hieronder die Hoofordonnansie genoem — word hierby gewysig deur die woord "Administrateur" oral waar dit voorkom deur die uitdrukking "Uitvoerende Komitee" te vervang.

Wysiging van artikel 2 van Ordonnansie 18 van 1954, soos gewysig deur artikel 2 van Ordonnansie 13 van 1970.

2. Artikel 2 van die Hoofordonnansie word hierby gewysig —

(a) deur voor die woordbepaling van "plaaslike bestuur" die volgende woordbepalings in te voeg:

"omvat "gebou" sonder om die gewone betekenis van die woord enigsins te beperk, ook —

(a) enige struktuur, ongeag of dit van 'n permanente of tydelike aard is, wat opgerig is of gebruik word vir die huisvesting of herberg van mense of vir die opberging, vervaardiging of verkoop van goedere of materiaal, of vir die vernietiging of behandeling van vuilgoed of ander afvalmateriaal;

(b) 'n muur, swempoel, swembad, reservoir, toring, brug, skoorsteen, mas, somerhuisie en kweekhuis en enige struktuur wat daarby hoort of in verband daarmee opgerig is of gebruik word;

(c) enige grensheining of grensmuur;

(d) enige uitsteeksel van 'n gebou;

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"Executive Committee" means the Administrator-in-Executive Committee as referred to in section 6 of the South West Africa Constitution Act, 1968 (Act 39 of 1968);"; and

(b) by the substitution for the definition of "local authority" of the following definition:

" "local authority" means the council of a municipality constituted or established in terms of the provisions of the Municipal Ordinance, 1963 (Ordinance 13 of 1963), a Village Management Board constituted in terms of the provisions of the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963) and the Peri-Urban Development Board established in terms of the provisions of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);".

Amendment of section 12 of Ordinance 18 of 1954, as amended by section 4 of Ordinance 13 of 1970.

3. Section 12 of the principal Ordinance is hereby amended by the insertion after paragraph (g) of subsection (2) of the following paragraphs:

"(gA) to advise the Executive Committee on the desirability for and necessity of establishing townships;

(gB) to advise the Executive Committee on the subdivision of land situated outside an approved township or outside the townlands of such a township where either the subdivision or the remainder thus created is smaller than twenty-five hectares;

(gC) to advise the Executive Committee on the desirability for and necessity of deproclaiming townships.".

Amendment of section 33 of Ordinance 18 of 1954.

4. Section 33 of the principal Ordinance is hereby amended by the substitution for paragraph (i) of subsection (1) of the following paragraph:

"(i) with a view to preventing obstruction of traffic requires that at any building, excluding a dwelling house —

(i) areas where persons who are employed or resident on the premises, can park their vehicles; or

(ii) areas where vehicles can be loaded, unloaded or fuelled; or

(iii) areas where persons who are employed or resi-

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"Uitvoerende Komitee" die Administrateur-in-Uitvoerende Komitee bedoel in artikel 6 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968);"; en

(b) deur die woordbepaling van "plaaslike bestuur" deur die volgende woordbepaling te vervang:

" "plaaslike bestuur" die raad van 'n munisipaliteit gestig of ingestel ingevolge die bepalings van die Munisipale Ordonnansie 1963 (Ordonnansie 13 van 1963), 'n dorpsbestuur ingestel ingevolge die bepalings van die Ordonnansie op Dorpsbesture 1963 (Ordonnansie 14 van 1963) en die Raad vir Buitestedelike Ontwikkeling ingestel ingevolge die bepalings van die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie 19 van 1970);".

Wysiging van artikel 12 van Ordonnansie 18 van 1954, soos gewysig deur artikel 4 van Ordonnansie 13 van 1970.

3. Artikel 12 van die Hoofordonnansie word hierby gewysig deur na paragraaf (g) van subartikel (2) die volgende paragrawe in te voeg:

"(gA) om die Uitvoerende Komitee van raad te bedien oor die wenslikheid en noodsaaklikheid vir die stigting van dorpe;

(gB) om die Uitvoerende Komitee van raad te bedien oor die onderverdeling van grond geleë buite 'n goedgekeurde dorp of buite die dorpsgrond van so 'n dorp waar óf die onderverdeling óf die restant aldus geskep kleiner is as vyf-en-twintig hektaar;

(gC) om die Uitvoerende Komitee van raad te bedien oor die wenslikheid en noodsaaklikheid vir die deproklamering van dorpe;".

Wysiging van artikel 33 van Ordonnansie 18 van 1954.

4. Artikel 33 van die Hoofordonnansie word hierby gewysig deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

"(i) ten einde verkeersbelemmering te voorkom, vereis dat by enige gebou uitgesonderd 'n woonhuis —

(i) ruimte waar diegene wat op die perseel werk of woon, hul voertuie kan parkeer; of

(ii) ruimte waar voertuie belaai, afgelaai of met brandstof gevul kan word; of

(iii) sowel ruimte waar diegene wat op die perseel

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dent on the premises can park their vehicles as well as areas where vehicles can be loaded, unloaded or fuelled,

shall be provided on such premises;".

Amendment of section 47 of Ordinance 18 of 1954, as amended by section 6 of Ordinance 13 of 1970.

5. Section 47 of the principal Ordinance is hereby amended —

(a) by the substitution for the word "Crown" wherever it appears of the word "State"; and

(b) by the substitution for the word "board" wherever it appears of the word "commission".

Insertion of section 48A in Ordinance 18 of 1954.

6. The principal Ordinance is hereby amended by the insertion after section 48 of the following section:

"Prohibition of the erection of buildings.

48A. (1) If the Executive Committee after consultation with the board is of the opinion that the steps taken or intended to be taken by the owner or lessee of land in connection with the erection of a building or buildings, other than for *bona fide* farming operations form or are likely to form the nucleus of a township, it may, notwithstanding the provisions of any other law, in writing under his hand prohibit such owner or lessee from erecting any such building or buildings on such land.

(2) Every such owner or lessee who erects a building or buildings or causes a building or buildings to be erected in defiance of such prohibition, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months.

(3) Every owner or lessee of land, upon whom a prohibition referred to in subsection (1) has been imposed, who wishes to erect a building on such land, shall apply to the Executive Committee for permission to do so and the Executive Committee shall refer such application to the board for consideration.

(4) After consideration and after such inquiry or inspection as the board may deem necessary, the board shall report to the Executive Committee on the application or on any matter connected therewith which it may deem necessary to bring to the notice of the Executive Committee and the Executive Committee may grant or refuse such application and its decision shall be final.

(5) when the Executive Committee has in terms of subsection (1) prohibited an owner or lessee of land from erecting any building or buildings on such land, a copy of such prohibition shall be lodged with the Registrar of

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werk of woon, hul voertuie kan parkeer as ruimte waar voertuie belaai, afgelaai of met brandstof gevul kan word,

op sodanige perseel verskaf moet word;".

Wysiging van artikel 47 van Ordonnansie 18 van 1954, soos gewysig deur artikel 6 van Ordonnansie 13 van 1970.

5. Artikel 47 van die Hoofordonnansie word hierby gewysig —

(a) deur die woord "Kroon" oral waar dit voorkom deur die woord "Staat" te vervang; en

(b) deur die woord "raad" oral waar dit voorkom deur die woord "kommissie" te vervang.

Invoeging van artikel 48A in Ordonnansie 18 van 1954.

6. Die Hoofordonnansie word hierby gewysig deur na artikel 48 die volgende artikel in te voeg:

"Verbod op die oprigting van geboue.

48A. (1) As die Uitvoerende Komitee na oorleg met die raad meen dat die stappe wat gedoen is of beoog word deur die eienaar of huurder van grond in verband met die oprigting van 'n gebou of geboue, buiten vir *bona fide* boerderybedrywighede, die kern van 'n dorp uitmaak of waarskynlik sal uitmaak, kan hy nieteenstaande die bepalings van enige ander wet sodanige eienaar of huurder skriftelik onder sy hand verbied om enige sodanige gebou of geboue op sodanige grond op te rig.

(2) Elke sodanige eienaar of huurder wat 'n gebou of geboue in weerwil van sodanige verbod oprig of laat oprig, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) Elke eienaar of huurder van grond waarop 'n verbod bedoel in subartikel (1) opgelê is, wat 'n gebou op sodanige grond wil oprig, moet aansoek by die Uitvoerende Komitee doen om verlof daartoe en die Uitvoerende Komitee verwys so 'n aansoek na die raad ter oorweging.

(4) Na oorweging en na sodanige ondersoek of inspeksie soos die raad nodig vind, doen die Raad by die Uitvoerende Komitee verslag oor die aansoek of oor enige aangeleentheid in verband daarmee wat hy nodig ag om onder die Uitvoerende Komitee se aandag te bring, en die Uitvoerende Komitee kan sodanige aansoek toestaan of afwys en sy beslissing is afdoende.

(5) Wanneer die Uitvoerende Komitee ingevolge subartikel (1) 'n eienaar of huurder van grond verbied het om enige gebou of geboue op sodanige grond op te rig, moet 'n afskrif van sodanige verbod ingedien word by

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Deeds who shall cause a note of such prohibition to be made in his registers and to be endorsed on the office copy of the title deed concerned, and if at any time the original of such title deed is lodged in his registry for any purpose, he shall cause a similar note to be endorsed thereon.".

Short title.

7. This ordinance shall be called the Town Planning Amendment Ordinance, 1973.

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die Registrateur van Aktes wat 'n aantekening van sodanige verbod in sy registers moet laat maak en laat endosseer op die kantoorafskrif van die betrokke titelbewys, en as die oorspronklike van sodanige titelbewys te eniger tyd in sy aktekantoor vir enige doel ingedien word, moet hy 'n soortgelyke aantekening daarop laat endosseer.".

7. Hierdie Ordonnansie heet die Dorpsbeplanningswysigingsordonnansie, 1973. Kort titel.