

# OFFICIAL GAZETTE

EXTRAORDINARY  
OF SOUTH WEST AFRICA

BUITENGEWONE

# OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



PUBLISHED BY AUTHORITY

UITGAWE OP GESAG

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**Government Notice**

**Goewermentskennisgewing**

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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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.

<i>No.</i>	<i>Titel</i>	<i>Bladsy</i>
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 18 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;

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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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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 1964,  
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 1964.

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

Subst.  
Verifying Ord. 23/73/11

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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.