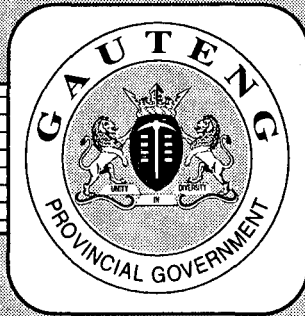


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**Provincial Gazette Extraordinary  
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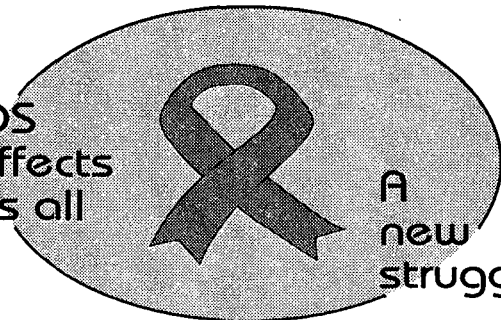
Vol. 9

PRETORIA, 12 DECEMBER 2003  
DESEMBER

No. 548

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

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DEPARTMENT OF HEALTH



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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 2672

#### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

#### PRETORIA AMENDMENT SCHEME 9408

It is hereby notified in terms of the provisions of section 125 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Magalieskruin Extension 40, being an amendment of the Pretoria Town-planning Scheme, 1974.

Map 3 and the scheme clauses of this amendment scheme are filed with the Acting General Manager: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9408.

(K13/2/Magalieskruin x40 (9408))  
 \_\_\_ December 2003

**Acting General Manager: Legal Services**  
 (Notice No 916/2003)

### PLAASLIKE BESTUURSKENNISGEWING 2672

#### STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

#### PRETORIA WYSIGINGSKEMA 9408

Hierby word ingevolge die bepalings van artikel 125 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Magalieskruin Uitbreiding 40, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Waarnemende Hoofbestuurder: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9408.

(K13/2/Magalieskruin x40 (9408))  
 \_\_\_ Desember 2003

**Waarnemende Hoofbestuurder: Regsdienste**  
 (Kennisgewing No 916/2003)

**LOCAL AUTHORITY NOTICE 2673****CITY OF TSHWANE METROPOLITAN MUNICIPALITY****DECLARATION OF MAGALIESKRUIN EXTENSION 40 AS APPROVED TOWNSHIP**

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), the City of Tshwane Metropolitan Municipality hereby declares the Township of Magalieskruin Extension 40 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(K13/2/Magalieskruin x40 (9408))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TIBELDA INVESTMENTS (PTY) LTD IN TERMS OF THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 402 (A PORTION OF PORTION 5) OF THE FARM HARTEBEEST-FONTEIN 324 JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

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

The name of the township shall be Magalieskruin Extension 40.

**1.2 DESIGN**

The township shall consist of erven, parks and streets as indicated on General Plan SG No 8255/2002.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding -

**a) the following conditions which do not affect the township;**

"A. Portion E of the Farm HARTEBEESTFONTEIN 324 Registration Division JR, district Pretoria (of which the holding transferred hereunder forms a portion) is subject to the following condition:

(a) The provisions of section thirty four of the Land Settlement Act, 1912, where under certain rights are granted to the State President in respect of Portion 5 of the farm "Hartebeestfontein" No 324, Registration Division JR, Gauteng."

B. Portion 10 of the farm HARTEBEESTFONTEIN No 321, Registration Division J.R., Gauteng, and the Remaining Portion of portion E of the said farm (of which the holding transferred hereunder forms a portion) measuring as such 426,1381 hectares, is reciprocally subject to and entitled to the right of way of 12,5 metres wide, as indicated on diagram SG No A2596/42, annexed to Deed of Transfer No 24553/1942, dated 7<sup>th</sup> day of December 1942."

**b) the following servitude which only affects Braam Pretorius Street in the township;**

"G. 'n Serwituut vir algemene munisipale doeleindes groot 1 865 vierkante meter is geregistreer soos aangedui deur die figuur ABCD op Kaart LG No A5393/96 is onteien en gesedeer aan die Stadsraad van Pretoria kragtens K2230/97."

**1.4 ENDOWMENT**

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay the City of Tshwane Metropolitan Municipality as endowment a total amount of R110 000,00 which amount shall be used by the City of

Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.5 ACCESS

No ingress from Provincial Road K99 to the township and no egress to Provincial Road K99 from the township shall be allowed, except with the consent of the Strategic Executive Officer: Service Delivery of the City of Tshwane Metropolitan Municipality..

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K99 and he shall receive and dispose of the stormwater running off or being diverted from the road.

1.7 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Director-General: Department of Transport and Public Works, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as this responsibility is taken over by the City of Tshwane Metropolitan Municipality; Provided that the responsibility of the township owner for the maintenance thereof shall cease when the City of Tshwane Metropolitan Municipality takes over the responsibility for the maintenance of the streets in the township.

1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane Metropolitan Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.10 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

1.11 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.12 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove and/or replace any existing Telkom services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

2. CONDITIONS OF TITLE

- 2.1 The erven mentioned below shall be subject to the conditions as indicated, laid down by the City of Tshwane Metropolitan Municipality in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986):

**2.1.1 ALL ERVEN**

2.1.1.1 The erf shall be subject to a servitude, 2 metre wide, for municipal services (water, sewerage, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 metre wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.

2.1.1.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metre from it.

2.1.1.3 The City of Tshwane Metropolitan Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

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**PLAASLIKE BESTUURSKENNISGEWING 2673**
**STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT****VERKLARING VAN MAGALIESKRUIN UITBREIDING 40 TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane Metropolitaanse Munisipaliteit hierby die dorp Magalieskruin Uitbreiding 40 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(K13/2/Magalieskruin x40 (9408))

**BYLAE**

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR TIBELDA INVESTMENTS (PTY) LTD INGEVOLGE DIE BEPALINGS VAN DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO. 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 402 ('N GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS HARTEBEESTFONTEIN 324 JR, GAUTENG, TE STIG, TOEGESTAAN IS.

**1: STIGTINGSVOORWAARDES****1.1 NAAM**

Die naam van die dorp is Magalieskruin Uitbreiding 40.

**1.2 ONTWERP**

Die dorp bestaan uit erwe, parke en strate soos aangedui op Algemene Plan LG No 8255/2002.

**1.3 BESKIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd -

a) die volgende voorwaardes wat nie die dorp raak nie:

"A. Portion E of the Farm HARTEBEESTFONTEIN 324 Registration Division JR, district Pretoria (of which the holding transferred hereunder forms a portion) is subject to the following condition:

(a) The provisions of section thirty four of the Land Settlement Act, 1912, where under certain rights are granted to the State President in respect of Portion 5 of the farm "Hartebeestfontein" No 324, Registration Division JR, Gauteng."

B. Portion 10 of the farm HARTEBEESTFONTEIN No 321, Registration Division J.R., Gauteng, and the Remaining Portion of portion E of the said farm (of which the holding transferred hereunder forms a portion) measuring as such 426,1381 hectares, is reciprocally subject to and entitled to the right of way of 12,5 metres wide, as indicated on diagram SG No A2596/42, annexed to Deed of Transfer No 24553/1942, dated 7<sup>th</sup> day of December 1942."

b) die volgende serwituit wat slegs Braam Pretorius-straat in die dorp raak;

"G. 'n Serwituit vir algemene munisipale doeleindes groot 1 865 vierkante meter is geregistreer soos aangedui deur die figuur ABCD op Kaart LG No A5393/96 is onteien en gesedeer aan die Stadsraad van Pretoria kragtens K2230/97."

#### 1.4 BEGIFTIGING

Betaalbaar aan die Stad Tshwane Metropolitaanse Munisipaliteit.

Die dorpseienaar moet aan die Stad Tshwane Metropolitaanse Munisipaliteit, as begiftiging, 'n totale bedrag van R110 000,00 betaal, welke bedrag deur die Stad Tshwane Metropolitaanse Munisipaliteit aangewend moet word vir die verkryging van grond vir park- en/of openbare-oopruimtedoeleindes.

Die genoemde begiftigingsbedrag is betaalbaar kragtens die bepalings van artikel 81 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

#### 1.5 TOEGANG

Geen ingang van Provinsiale Pad K99 tot die dorp en geen uitgang tot Provinsiale Pad K99 uit die dorp word toegelaat nie, behalwe met die toestemming van die "Strategic Executive Officer: Service Delivery" van die Stad Tshwane Metropolitaanse Munisipaliteit.

#### 1.6 ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van die Pad K99 en hy moet die stormwater wat van die pad afloop of afgelei word, ontvang en daarmee wegdoen.

#### 1.7 VERSKUIWING EN/OF VERWYDERING VAN MUNISIPALE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseienaar gedra word.

#### 1.8 OPRIGTING VAN HEINING OF ANDER FISIESE VERSPERRING

Die dorpseienaar moet op eie koste 'n heining of ander fisiese versperring oprig tot tevredeheid van die Direkteur-generaal: Departement van Vervoer en Openbare Werke, soos en wanneer deur hom verlang om dit te doen, en die dorpseienaar moet sodanige heining of fisiese versperring in 'n goeie toestand hou tot tyd en wyl hierdie verantwoordelikheid deur die Stad Tshwane Metropolitaanse Munisipaliteit oorneem word: Met dien verstande dat die dorpseienaar se verantwoordelikheid vir die instandhouding daarvan verval sodra die Stad Tshwane Metropolitaanse Munisipaliteit die verantwoordelikheid vir die instandhouding van die strate in die dorp oorneem.

**1.9 SLOPING VAN GEBOUE EN STRUKTURE**

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes en kantruimtes of oor gemeenskaplike grense gelê is, of bouvallige strukture laat sloop tot tevredenheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

**1.10 VERWYDERING VAN ROMMEL**

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredenheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

**1.11 VERSKUIWING EN/OF VERWYDERING VAN ESKOM KRAGLYNE**

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande kraglyne van Eskom te verskuif, moet die koste daarvan deur die dorpseienaar gedra word.

**1.12 VERSKUIWING EN/OF VERWYDERING VAN TELKOM DIENSTE**

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande dienste van TELKOM te verskuif en/of te verwyder, moet die koste daarvan deur die dorpseienaar gedra word.

**2. TITELVOORWAARDES**

2.1 Die erwe hieronder genoem, is onderworpe aan die voorwaardes soos aangedui, opgelê deur die Stad Tshwane Metropolitaanse Munisipaliteit ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986):

**2.1.1 ALLE ERWE**

2.1.1.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, vir munisipale dienste (water, riool, elektrisiteit, stormwater) (hierna "die dienste" genoem), ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie.

2.1.1.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeë dunde noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.