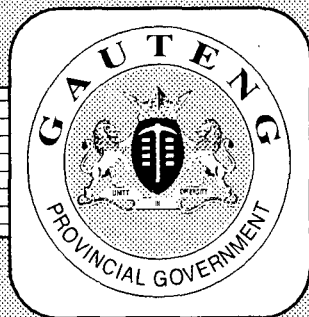


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: **R2,50**
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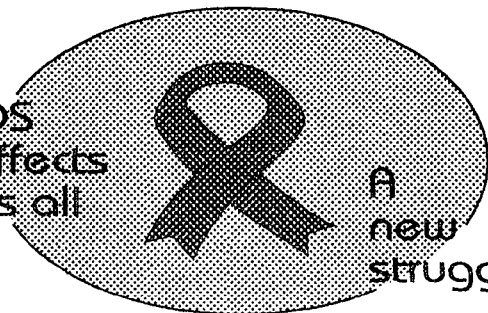
Vol. 11

PRETORIA, 26 MAY
MEI 2005

No. 219

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1119
**CITY OF JOHANNESBURG
AMENDMENT SCHEME 02-4038**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Peri Urban Town-planning Scheme 1975, comprising the same land, as included in the Township of **FOURWAYS EXTENSION 39**.

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning, Transportation and Environment: City of Johannesburg and are open for inspection at all reasonable times.

The amendment scheme is known as Amendment Scheme **02-4038**

**Executive Director: Development Planning
Transportation and Environment
Notice No. 490**

PLAASLIKE BESTUURSKENNISGEWING 1119**STAD VAN JOHANNESBURG
WYSIGINGSKEMA 02-4038**

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Peri-Urban dorpsbeplanningskema, 1975, wat uit dieselfde grond as die dorp **FOURWAYS EXTENSION 39** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing, Stad van Johannesburg en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as wysigingskema **02-4038**.

**Uitvoerende Direkteur: Ontwikkelings Beplanning,
Vervoer en Omgewing
Kennisgewing No. 490**

LOCAL AUTHORITY NOTICE 1120**CITY OF JOHANNESBURG
DECLARATION AS APPROVED TOWNSHIP**

In terms of section 103(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) the CITY OF JOHANNESBURG declares **FOURWAYS EXTENSION 39** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JAZZ SPIRIT 46 (PTY) LIMITED IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE NO 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 424 (A PORTION OF PORTION 72) OF THE FARM ZEVENFONTEIN NO. 407 JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

- (1) **Name**
The name of the township shall be **FOURWAYS EXTENSION 39**
- (2) **Design**
The township shall consist of erven as indicated on General Plan S.G. No 4044/2004.
- (3) **Provision and installation of engineering services**
The township owner shall provide engineering services in the township, subject to the approval of the Council and/or City Power / Eskom.
- (4) **TELKOM**
The requirements of Telkom shall be adhered to.

- (5) **Department of Transport and Public Works (Gauteng Provincial Government)**
The township is affected by provincial roads K-56 and the conditions imposed by this department shall be adhered to.
- (6) **Obligations in respect of services and limitations in respect of the alienation of erven**
- (a) The Township owners shall, in terms of a prior agreement with the Council, fulfil their obligations with the regard to the provision of engineering services in and for the township in terms of Chapter 5 of the Ordinance.
 - (b) Contributions towards the provisions of external engineering services, bulk sewer and endowment in lieu of parkland shall be payable in terms of the Ordinance.
 - (c) No erven may be alienated or be transferred into the name of a buyer prior to the Council having confirmed that sufficient guarantees / cash contributions / endowments in respect of the supply of services by the township owner has been made to the said Council.
- (7) **Removal and replacement of Municipal Services**
If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.
- (8) **Disposal of existing Conditions of Title**
All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding:
- (a) The following servitude, which affects Erven 2160, 2161, 2187, 2200 and 2203 in the township only:

Deed of Cession of Servitude K1931/1986S in favour of the City Council of Johannesburg – a servitude in perpetuity for sewer purposes, 10m wide, the centre line of which is represented by the line ABCDEFG on Diagram S.G. A1563/1976 annexed to Deed of Cession of Servitude K1931/1986S.
 - (b) The following servitude, which affects Erven 2179, 2180, 2187, 2200 and 2208 in the township only:

Notarial Deed of Servitude K568/1987S in favour of the City Council of Johannesburg – a right of way servitude in perpetuity for sewer services, 10m wide, the centre line of which is represented by the line AB curve CD on Diagram S.G. A5863/1984 annexed to Notarial Deed of Servitude K568/1987S.
 - (c) The following servitude which does not affect the township:

Notarial Deed of Servitude K925/1995S in favour of the Johannesburg Consolidated Investment Company Limited – a right of way servitude in perpetuity over 4171 square metres of Portion 72, which area is defined by the letters ABCDEA on Diagram S.G. A2607/1994 annexed to Notarial Deed of Servitude K925/1995S.
- (9) **Formation and duties of the Section 21 Company or similar legal entities.**
- (a) The applicant shall properly and legally constitute a Property Owners Association under Section 21 of the Companies Act (Act 61 of 1973) to the satisfaction of the Council before the sale of the first erf, **(which association shall not be de-registered without the consent of the Council)**
 - (b) Erven 2137, 2200 to 2208 shall be registered in the name of the Section 21 Company **and said portions may not be sold or in any way disposed of without prior written consent of the Council.**
 - (c) The construction and maintenance of the road over the Right of Way shall be the responsibility of the applicant until that responsibility can be taken over by the Section 21 company
 - (d) Each and every owner of Erven 2130-2136 and 2138-2199 shall become a member of the

Section 21 company upon transfer of the erf, such company shall have full responsibility for the functioning and proper maintenance of Erven 2137, 2200 - 2208.

- (e) The Section 21 Company shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (f) The Council shall not be liable for the malfunction of the surfacing of the access way and/or the stormwater drainage system, and/or any essential services, with the exception of the sewerage system.
- (g) Access from Erven 2130-2136 and 2138-2199 to a public road shall be across Erf 2200.
- (h) The Council shall have unrestricted access to Erf 2200 at all times.

2. **CONDITIONS OF TITLE**

The erven mentioned hereunder shall be subject to the conditions, as indicated, imposed by the Council in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

(1) **ALL ERVEN**

- (a) The erf is subject to a servitude, 2m wide, in favour of the Council 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, 2m wide across the access portion of the erf, if and when required by the Council: Provided that the Council may dispense with any such servitude.
 - (b) 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 2m thereof.
 - (c) The Council 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 Council.
- (2) Erven 2130-2132, 2134-2136, 2138, 2153, 2188, 2189, 2170-2172, 2195, 2183 and 2185 shall be subject to a 2 metre wide servitude for municipal purposes in favour of the Local Authority.
 - (3) Erven 2182-2186 shall be subject to a 3 metre wide servitude for municipal purposes and services in favour of the Local Authority.
 - (4) Erf 2194 shall be subject to a servitude area for municipal purposes and services in favour of the Local Authority.
 - (5) Erf 2200 shall be subject to a servitude for municipal, telecommunications and electrical purposes, as well as a right of way servitude in favour of the Local Authority.
 - (6) Erven 2137 and 2201-2208 shall be subject to a general servitude for municipal purposes and services in favour of the Local Authority.
 - (7) Erven 2137 and 2201-2208 may not be transferred without the written consent of the Local Authority.

**Executive Director: Development Planning
Transportation and Environment
Notice No. 490**

PLAASLIKE BESTUURSKENNISGEWING 1120**STAD VAN JOHANNESBURG
VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986) verklaar die STAD VAN JOHANNESBURG hierby die dorp **FOURWAYS UITBREIDING 39** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR JAZZ SPIRIT 46 (EDMS) BEPERK INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 424 (N GEDEELTE VAN GEDEELTE 72) VAN DIE PLAAS ZEVENFONTEIN NO 407 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

- (1) **Naam**
Die naam van die dorp is **FOURWAYS UITBREIDING 39**
- (2) **Ontwerp**
Die dorp bestaan uit erwe soos aangedui op Algemene Plan SG No. 4044/2004
- (3) **Voorsiening en installering van Dienste**
Die dorpseienaar moet die nodige reëlings met die Raad tref vir die voorsiening en instalering van ingenieursdienste in die dorp, tot tevredenheid van die Raad, en/of City Power / Eskom.
- (4) **Telkom**
Die vereistes van Telkom sal nagekom word.
- (5) **Departement van Vervoer en Openbare Werke (Gauteng Provinsiale Regering)**
Die dorp word geraak deur provinsiale roete K-56 en die voorwaardes neergelê deur hierdie departement sal nagekom word.
- (6) **Verpligtinge ten opsigte van noodsaaklike dienste asook die beperking ten opsigte van vervreeming of oordragte van erwe**
 - (a) Die dorpseienaars sal, in terme van 'n vooraf gereelde ooreenkoms met die Raad, sy verpligtinge nakom rakende die voorsiening van ingenieursdienste in en vir die dorp, in terme van Hoofstuk 5 van die Ordonnansie.
 - (b) Bydraes tot die voorsiening van ingenieursdienste, grootmaat riool en 'n parkebydrae sal betaalbaar wees in terme van die Ordonnansie.
 - (c) Geen erwe mag vervreem of oorgedra word in die naam van 'n koper alvorens die plaaslike bestuur bevestig het dat voldoende waarborge/kontantbydraes ten opsigte van die voorsiening van dienste deur die dorpseienaar aan die Stadsraad gelewer is nie.
- (7) **Verskuiwing of die vervanging 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 dorpseienaars gedra word.
- (8) **Beskikking oor bestaande titelvoorwaardes**
Alle erwe moet onderhewig gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, insluitende die reservering van die mineraleregte, maar uitgesluit -
 - (a) Die volgende serwituut wat slegs Erwe 2160, 2161, 2187, 2200 en 2203 in die dorp raak:

Deed of Cession of Servitude K1931/1986S in favour of the City Council of Johannesburg – a servitude in perpetuity for sewer purposes, 10m wide, the centre line of which is represented by the line ABCDEFG on Diagram S.G. A1563/1976 annexed to Deed of Cession of Servitude K1931/1986S.
 - (b) Die volgende serwituut wat slegs Erwe 2179, 2180, 2187, 2200 en 2208 in die dorp raak:

Notarial Deed of Servitude K568/1987S in favour of the City Council of Johannesburg – a right of way servitude in perpetuity for sewer services, 10m wide, the centre line of which is represented by the line AB curve CD on Diagram S.G. A5863/1984 annexed to Notarial Deed of Servitude K568/1987S.

- (c) Die volgende serwituut wat nie die dorp raak nie:

Notarial Deed of Servitude K925/1995S in favour of the Johannesburg Consolidated Investment Company Limited – a right of way servitude in perpetuity over 4171 square metres of Portion 72, which area is defined by the letters ABCDEA on Diagram S.G. A2607/1994 annexed to Notarial Deed of Servitude K925/1995S.

(9) Stigting en verpligtinge van die Artikel 21 Maatskappy of soortgelyke regs entiteite

- (a) Die aansoeker moet wetlik en volgens voorskrif die Inwonersvereniging volgens Artikel 21 van die Maatskappy Wet (Wet 61 van 1973) tot tevredenheid van die Stadsraad stig, voor met die verkoop van die eerste erf in die dorp, (waarvan die vereniging nie mag de-registreer sonder die toestemming van die Raad nie).
- (b) Erwe 2137, 2200 tot 2208 moet geregistreer word in die naam van die Artikel 21 Maatskappy en hierdie erwe mag nie verkoop word of vervreem word sonder die geskrewe toestemming van die Raad nie.
- (c) Die konstruksie en onderhoud van die pad oor die Reg van Weg sal die verantwoordelikheid van die aansoeker wees todat daardie verantwoordelikheid oorgeneem word deur die Artikel 21 Maatskappy.
- (d) Iedere en elke eienaar van Erwe 2130-2136 en 2138-2199 sal 'n lid van die Artikel 21 Maatskappy word met oordrag van die erf. Sodanige Maatskappy sal volle verantwoordelikheid neem vir die funksionering en voldoende onderhoud van Erwe 2137, 2200-2208.
- (e) Die Artikel 21 Maatskappy sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang hê tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.
- (f) Die Stadsraad sal nie aanspreeklik wees vir enige gebreke aan die oppervlak van die toegangsweg en of die vloedwater dreineringsstelsel en of enige noodsaaklike dienste, met die uitsondering van die riooleringstelsel.
- (g) Toegang tot Erwe 2130-2136 en 2138-2199 tot 'n openbare pad sal oor die toegangs-erf 2200 wees.
- (h) Die Raad sal onbepaalde toegang tot Erf 2200 te alle tye, verkry.

2. TITELVOORWAARDES

Die erwe hieronder genoem sal onderworpe wees aan die voorwaardes soos aangedui, opgelê deur die Raad ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

(1) ALLE ERWE

- (a) Die erf is onderworpe aan 'n serwituut van 2 meter breed vir riolerings- en ander munisipale doeleindes, ten gunste van die Raad 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 verlang deur die Raad: Met dien verstande dat die Raad van enige sodanige serwituut mag afsien.

- (b) Geen geboue of ander struktuur 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.
- (c) Die Raad is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeiddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en is voorts geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Raad enige skade vergoed wat gedurende die aanleg onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke veroorsaak word.
- (2) Erwe 2130-2132, 2134-2136, 2138, 2153, 2188, 2189, 2170-2172, 2195, 2183 en 2185 is onderworpe aan 'n 2 meter breë serwituut vir munisipale doeleindes ten gunste van die Plaaslike Owerheid.
- (3) Erwe 2182-2186 is onderworpe aan 'n 3 meter breë serwituut vir munisipale doeleindes en dienste ten gunste van die Plaaslike Owerheid.
- (4) Erf 2194 is onderworpe aan 'n serwituut area vir munisipale doeleindes en dienste ten gunste van die Plaaslike Owerheid.
- (5) Erf 2200 is onderworpe aan 'n 2 meter breë serwituut vir munisipale doeleindes ten gunste van die Plaaslike Owerheid.
- (6) Erwe 2137 en 2201-2208 is onderworpe aan 'n algemene serwituut vir munisipale doeleindes en dienste ten gunste van die Plaaslike Owerheid.
- (7) Erwe 2137 en 2201-2208 mag nie oorgedra word sonder die geskrewe toestemming van die Plaaslike owerheid nie.

**Uitvoerende Direkteur: Ontwikkelings
Beplanning, Vervoer en Omgewing
Kennisgewing No. 490**