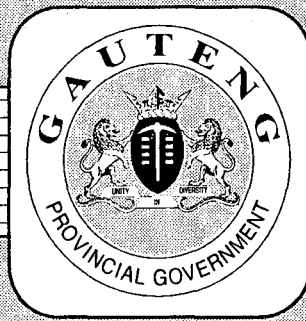


**THE PROVINCE OF  
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GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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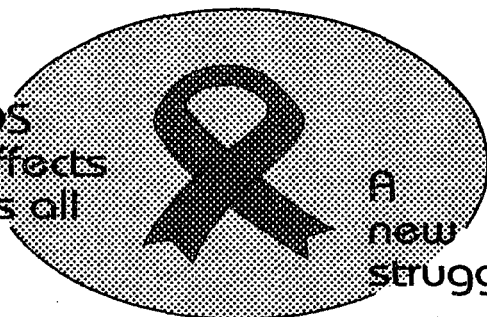
Vol. 11

PRETORIA, 21 JULY 2005  
JULIE 2005

No. 300

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 1665

#### EKURHULENI METROPOLITAN MUNICIPALITY

#### DECLARATION AS AN APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, the Ekurhuleni Metropolitan Municipality hereby declares **Tunney Extension 13** to be an approved township, subject to the conditions set out in the Schedule hereto:

#### SCHEDULE

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY LEXSHELL 280 INVESTMENTS (PROPRIETARY) LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 15 (A PORTION OF PORTION 5) OF THE FARM RIETFONTEIN 63 IR, GAUTENG PROVINCE, HAS BEEN GRANTED:**

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Tunney Extension 13.

##### 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. No. 12009/2004.

##### 1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

1.3.1 Condition B in Deed of Transfer T111386/2004.

1.3.2 The electric power line servitude in favour of ESKOM registered in terms of Servitude No. K7026/2000S vide Diagram SG No. 478/2000, which affects Erf 309 only.

1.3.3 The right of way servitude in favour of the Administrative and Legal Services of the Local Council of Greater Germiston registered in terms of Notarial Deed of Servitude No. K7027/2000S vide Diagram SG No. 477/2000, which affects Erf 309 only.

##### 1.4 ACCESS

1.4.1 Access to the township shall be constructed prior to any development in the township taking place: Provided that the right to access will be revoked if such access is not constructed prior to development taking place.

1.4.2 Any access to the township, whether permanent or temporary, shall be built to the satisfaction of the Deputy Director-General, Department of Transport and Public Works, Gauteng, before it is used and shall be constructed according to the "Guide i.r.o Access" obtainable from the Deputy Director-General, Department of Transport and Public Works, Gauteng.

##### 1.5 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Barbara Road and for all the stormwater running off or being diverted from the road to be received and disposed of.

**1.6 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 Deputy Director-General, Department of Transport and Public Works, Gauteng, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in good order and repair until such time that this responsibility is taken over by the City Council: Provided that the township owner's responsibility for the maintenance thereof shall cease when the City Council takes over the responsibility for the maintenance of the streets in the township.

**1.7 LEVELING OF SITE**

The township owner shall at his own expense cause the existing excavations, ditches, dongas and other physical conditions affecting the township to be filled and compacted to the satisfaction of the City Council.

**1.8 REMOVAL OF LITTER**

The township owner shall at his own expense cause all litter within the township area to be removed to the satisfaction of the City Council.

**1.9 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES**

1.9.1 If, for some reason due to the establishment of the township, it should become necessary to remove or replace any existing municipal services, the costs thereof shall be borne by the township owner.

1.9.2 All municipal services that cross the common boundaries between the erven shall be removed and relocated by and at the cost of the township owner, as and when required by the City Council.

**1.10 SAFEGUARDING OF SHAFTS**

The township owner shall at his own expense cause the existing shafts situated in the township to be made safe to the satisfaction of the Regional Director, Department of Minerals and Energy.

**1.11 SAFEGUARDING OF UNDERGROUND WORKINGS**

The township owner shall at his own expense, make adequate provision to the satisfaction of the Department of Minerals and Energy, to prevent any water from entering underground workings or shaft openings and the existing stormwater drains, if any, shall be properly maintained and protected.

**1.12 ENGINEERING SERVICES**

The township owner is responsible for making the necessary arrangements for the provision of all engineering services to the satisfaction of the City Council.

**2. CONDITIONS OF TITLE****ALL ERVEN SHALL BE SUBJECT TO THE FOLLOWING CONDITION/S:****2.1 CONDITIONS IMPOSED BY THE DEPARTMENT OF MINERALS AND ENERGY IN RESPECT OF LAND WITHIN THE TOWNSHIP AREA THAT MAY BE UNDERMINED.**

2.1.1 The erection of any buildings or structures on the erven shall be subject to the provisions of Regulation 5.3.5 promulgated under the Minerals Act No. 50 of 1991, and as amended from time to time.

- 2.1.2 As this erf forms part of land which is shallowly undermined and which may be liable to subsidence, settlement, shock and cracking due to mining operations past, present or future, the owner thereof accepts all liability for any damage thereto or to any structure thereon which may result from such subsidence, settlement, shock or cracking and no liability for any such damage whatsoever shall devolve on the State or its employees.
- 2.1.3 Any holdings to surface from the underground workings which may be located during development of the ground, must be reported and rehabilitated to the satisfaction of the Principal Inspector of Mines for the Gauteng Region.
- 2.1.4 No water shall be allowed to accumulate or pool in the vicinity of the outcrop working and the drainage pattern shall be designed in such a way as to prevent the ingress of water into the underground workings.
- 2.1.5 All outcrops, shafts and winzes (if any) or any other openings to surface or surface excavations which may be discovered during rehabilitation of/or in the preparatory development phase of the surface of the proposed township area which may have resulted from mining operations in the past, shall be reported to and made safe to the satisfaction of the Principal Inspector of Mines for the Gauteng Region, prior to the erection of buildings/structures thereon.
- 2.1.6 Any buildings/structures, which are to be erected on the erf, shall bear the following certificate signed by a professional structural engineer or qualified architect:

The plans and specifications of this building/structure have been drawn up in the knowledge that the ground on which the building/structure is to be erected may be liable to subsidence or settlement due to undermining. The building has been designed in a manner which will, as far as possible, ensure the safety of its occupants in the event of subsidence taking place.

**ERVEN 308 AND 309 SHALL BE SUBJECT TO THE FOLLOWING FURTHER CONDITION:**

Only buildings as detailed in report No. 2349/03.29 dated 29 March 2004 by Sotiralis Consulting (Pty) Ltd and indicated on the accompanying drawings numbered 2343-GM1, 2349-GM2, 2349-GM3 and 2349-GM4, which was confirmed by the Department of Minerals and Energy on 30 June 2004, may be erected on the erf.

**2.2 SERVITUDES**

**ALL ERVEN SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.2.1 The erf is subject to a servitude, 2 metres wide, in favour of the City Council, for sewerage and other municipal purposes, along any two boundaries other than a street boundary, if and when required by the City Council: Provided that the City Council may dispense with any such servitude.
- 2.2.2 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 2 metres therefrom.
- 2.2.3 The City 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 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 City Council.
- 2.2.4 All existing municipal services on the erven within the township shall be protected by means of suitable servitudes to the satisfaction of the City Council, registered in favour of the City Council, as and when required by the City Council, by the owner at his own expense.

**ERF 308 SHALL BE SUBJECT TO THE FOLLOWING FURTHER CONDITION:**

- 2.2.5 The erf is subject to a servitude, 1 metre wide, in favour of the City Council for electrical purposes as shown on the General Plan.

**ERF 308 SHALL BE SUBJECT TO THE FOLLOWING FURTHER CONDITION:**

- 2.2.6 The erf is subject to a servitude, 2 metres wide, in favour of the City Council for stormwater purposes as shown on the General Plan.

**PLAASLIKE BESTUURSKENNISGEWING 1665****EKURHULENI METROPOLITAANSE MUNISIPALITEIT****VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, verklaar die Ekurhuleni Metropolitaanse Munisipaliteit hierby die dorp **Tunney Uitbreiding 13** tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes soos uiteengesit in die meegaande Bylae:

**BYLAE**

**VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR LEXSHELL 280 INVESTMENTS (EIENDOMS) BEPERK (HIERNA GENOEM DIE DORPSEIENAAR) INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) OM TOESTEMMING OM 'N DORP OP DIE RESTANT VAN GEDEELTE 15 ('N GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS RIETFONTEIN 63 IR, GAUTENG PROVINSIE TE STIG, TOEGESTAAN IS:**

**1. STIGTINGSVOORWAARDES****1.1 NAAM**

Die naam van die dorp is Tunney Uitbreiding 13.

**1.2 ONTWERP**

Die dorp bestaan uit erwe en strate soos aangetoon op Algemene Plan LG Nr 12009/2004.

**1.3 BESIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien enige, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesluit:

1.3.1 Voorwaarde B in Akte van Transport T111386/2004.

1.3.2 Die elektriese kraglynserswituut ten gunste van ESKOM geregistreer in terme van Swituut Nr K7026/2000S vide Diagram LG Nr 478/2000 wat slegs Erf 309 raak.

1.3.3 Die reg van weg swituut ten gunste van die Administratiewe en Regsdienste van die Plaaslike Raad van Groter Germiston geregistreer in terme van Notariële Swituutakte Nr K7027/2000S vide Diagram LG Nr 477/2000 wat slegs Erf 309 raak.

**1.4 TOEGANG**

1.4.1 Toegang tot die dorp moet gebou word voordat enige ontwikkeling in die dorp plaasvind: Met dien verstande dat die reg op toegang teruggetrek sal word, indien sodanige toegang nie gebou, word voordat ontwikkeling plaasvind.

1.4.2 Enige toegang tot die dorp, ongeag permanent of tydelik, moet gebou word tot die tevredenheid van die Adjunk Direkteur-Generaal, Departement van Vervoer en Publieke Werke, Gauteng, voordat dit gebruik word en moet gebou word

ooreenkomstig die "Riglyne t.o.v. Toegang", verkrygbaar van die Adjunk Direkteur-Generaal, Departement van Vervoer en Publieke Werke, Gauteng.

#### **1.5 AANVAARDING EN VERWYDERING VAN STORMWATER**

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by dié van Barbaraweg en vir alle stormwater wat afloop of van die pad afgelei word, om ontvang en verwyder te word.

#### **1.6 OPRIGTING VAN HEINING OF ANDER FISIESE VERSPERRING**

Die dorpseienaar moet, op eie koste, 'n heining of ander fisiese versperring tot tevredeheid van die Adjunk Direkteur-Generaal, Departement van Vervoer en Publieke Werke, Gauteng, oprig, indien en wanneer hy daartoe versoek word om dit te doen en die dorpseienaar moet sodanige heining of fisiese versperring in goeie orde en toestand onderhou, totdat hierdie verantwoordelikheid deur die Stadsraad oorgeneem word. Met dien verstande dat die dorpseienaar se verantwoordelikheid vir die instandhouding sal ophou wanneer die Stadsraad die verantwoordelikheid van die instandhouding van die paaie in die dorp oorneem.

#### **1.7 GELYKMAKING VAN TERREIN**

Die dorpseienaar moet op eie koste die bestaande uitgrawings, slote, dongas en ander fisiese toestande wat die dorp affekteer, opvul en kompakteer tot tevredeheid van die Stadsraad.

#### **1.8 VERWYDERING VAN VULLIS**

Die dorpseienaar moet op eie koste, alle vullis binne die dorpsgebied, tot tevredeheid van die Stadsraad, verwyder.

#### **1.9 VERWYDERING OF VERVANGING VAN MUNISIPALE DIENSTE**

1.9.1 Indien dit, vir enige rede 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.

1.9.2 Alle munisipale dienste wat die gemeenskaplike grense tussen die erwe kruis, moet verwyder of verplaas word deur en op koste van die dorpseienaar, soos en wanneer die Stadsraad dit vereis.

#### **1.10 BEVEILIGING VAN SKAGTE**

Die dorpseienaar moet op eie koste die bestaande skagte wat in die dorp geleë is, beveilig tot die tevredeheid van die Streeksdirekteur, Departement van Minerale en Energie.

#### **1.11 BEVEILIGING VAN ONDERGRONDSE WERKE**

Die dorpseienaar moet op eie koste, voldoende voorsiening maak tot tevredeheid van die Streeksdirekteur, Departement van Minerale en Energie, om te verhoed dat enige water ondergrondse werke of skagopenings binnedring en die bestaande stormwaterdreinerings, indien enige, moet behoorlik onderhou en beskerm word.

#### **1.12 INGENIEURSDIENSTE**

Die dorpseienaar is verantwoordelik vir die nodige reëlings met betrekking tot die voorsiening van alle ingenieursdienste tot tevredeheid van die Stadsraad.

### **2. TITELVOORWAARDES**

#### **ALLE ERWE IS ONDERWORPE AAN DIE VOLGENDE VOORWAARDES:**

#### **2.1 VOORWAARDES OPGELê DEUR DIE DEPARTEMENT VAN MINERALE EN ENERGIE TEN OPSIGTE VAN GROND BINNE DIE DORPSGEBIED WAT ONDERMYN MAG WEES**

- 2.1.1 Die oprigting van enige geboue of strukture op die erwe, is onderworpe aan die bepalings van Regulasie 5.3.5 afgekondig ingevolge die Minerale Wet Nr 50 van 1991 en soos gewysig van tyd tot tyd.
- 2.1.2 Aangesien hierdie erf deel vorm van grond wat vlak ondermyn is en onderhewig mag wees aan versakking, vassakking, skok en krake as gevolg van mynbedrywighede in die verlede, die hede en in die toekoms, aanvaar die eienaar daarvan alle verantwoordelikheid vir enige skade aan die grond of geboue daarop as gevolg van sodanige versakking, vassakking, skok of krake en geen aanspreeklikheid vir sodanige skade hoegenaamd sal oorgaan op die Staat of sy werknemers nie.
- 2.1.3 Enige ventilasiegate vanaf die ondergrondse werke wat gedurende die ontwikkeling van die grond opgespoor mag word, moet gerapporteer en gerehabiliteer word tot tevredenheid van die Hoofinspekteur van Myne vir die Gauteng Streek.
- 2.1.4 Geen water mag toegelaat word om te versamel of op te dam in die omgewing van die dagsoom en die dreineringspatroon moet op so 'n manier ontwerp word om die toegang van water na die ondergrondse werke te verhoed.
- 2.1.5 Alle dagsome, skagte en tussenskagte (indien enige) of ander openinge in die oppervlak of oppervlakkuitgrawings, wat ontdek mag word gedurende rehabilitasie van/of in die voorbereidings- ontwikkelingsfase van die oppervlak van die voorgestelde dorpsgebied, wat mag voorgespruit het uit mynbedrywighede in die verlede, moet aangemeld word aan en beveilig word tot die tevredenheid van die Hoofinspekteur van Myne vir die Gauteng Streek, voordat enige geboue/strukture daarop opgerig word.
- 2.1.6 Enige geboue/strukture, wat op die erf opgerig gaan word, moet die volgende sertifikaat wat deur 'n professionele strukturele ingenieur of gekwalifiseerde argitek onderteken is, bevat:

Die planne en spesifikasies van hierdie gebou/struktuur is opgestel met die wete dat die grond waarop die gebou/struktuur opgerig gaan word, moontlik onderhewig is aan versakking of vassakking as gevolg van ondermyning. Die gebou is op 'n manier ontwerp wat, sover moontlik, die veiligheid van okkupeerders verseker, indien insakking sou plaasvind.

**ERWE 308 EN 309 IS ONDERWORPE AAN DIE VOLGENDE VERDERE VOORWAARDE:**

Slegs geboue soos gedetailleerd in verslag Nr 2349/03.29 gedateer 29 Maart 2004 deur Sotiralis Consulting (Edms) Bpk en soos aangedui op die meegaande sketse genommernummers 2343-GM1, 2349-GM2, 2349-GM3 en 2349-GM4 en wat op 30 Junie 2004 deur die Departement van Minerale en Energie bevestig is, mag op die erf opgerig word.

**2.2 SERWITUTE**

**ALLE ERWE IS ONDERWORPE AAN DIE VOLGENDE VOORWAARDES**

- 2.2.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, vir riool en ander munisipale doeleindes, ten gunste van die Stadsraad, langs enige twee grense, uitgesonderd 'n straatgrens, indien en wanneer vereis deur die Stadsraad: Met dien verstande dat die Stadsraad van enige sodanige serwituut mag afsien.
- 2.2.2 Geen gebou of ander struktuur mag binne die voorgenoemde 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.
- 2.2.3 Die Stadsraad is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke as wat hy volgens goeie redene 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 enige skade wat aangerig word gedurende die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke, deur die Stadsraad vergoed sal word.



- 2.2.4 Alle bestaande munisipale dienste op die erwe in die dorp, moet deur die eienaar op eie koste, deur middel van toepaslike serwitute beskerm word, tot tevredeheid van die Stadsraad, geregistreer ten gunste van die Stadsraad soos en wanneer die Stadsraad dit vereis.

**ERF 308 IS ONDERWORPE AAN DIE VOLGENDE VERDERE VOORWAARDE**

- 2.2.5 Die erf is onderworpe aan 'n serwituut, 1 meter breed, ten gunste van die Stadsraad, vir elektriese doeleindes, soos aangedui op die Algemene Plan.

**ERF 308 IS ONDERWORPE AAN DIE VOLGENDE VERDERE VOORWAARDE**

- 2.2.6 Die erf is onderworpe aan 'n serwituut, 2 meter breed, ten gunste van die Stadsraad, vir stormwaterdoeleindes soos aangedui op die Algemene Plan.

**LOCAL AUTHORITY NOTICE 1666**

**NOTICE OF APPROVAL**

**GERMISTON AMENDMENT SCHEME 920**

The Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance 15 of 1986, declares that it has approved an amendment scheme being an amendment to the Germiston Town Planning Scheme 1985, comprising the same land as included in the township of **Tunney Extension 13**.

Map 3 and the Scheme Clauses of the Amendment Scheme are filed with the Executive Director: Development Planning, 2nd Floor, Planning and Development Service Centre, 15 Queen Street Germiston and are open for inspection at all reasonable times.

This amendment is known as Germiston Amendment Scheme 920.

**PAUL MASEKO, City Manager**  
Development Planning, P O Box 145, Germiston, 1400

**PLAASLIKE BESTUURSKENNISGEWING 1666**

**KENNISGEWING VAN GOEDKEURING**

**GERMISTON WYSIGINGSKEMA 920**

Die Ekurhuleni Metropolitaanse Munisipaliteit verklaar hiermee, ingevolge die bepalings van Artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe 15 van 1986, dat dit 'n wysigingskema, synde 'n wysiging van die Germiston Dorpsbeplanningskema 1985, wat uit dieselfde grond as die dorp **Tunney Uitbreiding 13** bestaan, goedgekeur het.

Kaart 3 en die Skemaklousules van die Wysigingskema word in bewaring gehou by die Uitvoerende Direkteur : Ontwikkelingsbeplanning, 2de Vloer, Planning and Development Service Centre, Queenstraat 15, Germiston en is te alle redelike tye ter insae beskikbaar.

Hierdie wysiging staan bekend as Germiston Wysigingskema 920.

**PAUL MASEKO, Stadsbestuurder**  
Ontwikkelingsbeplanning, Posbus 145, Germiston, 1400



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**HENNIE MALAN**

Director: Financial Management  
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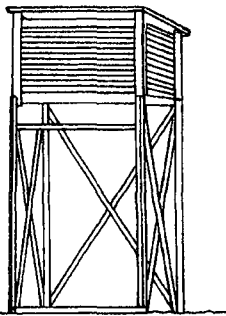
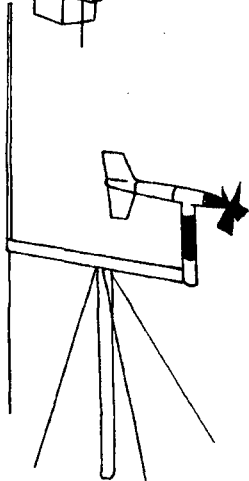
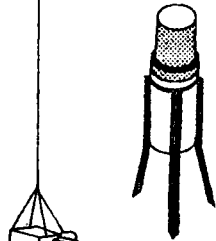
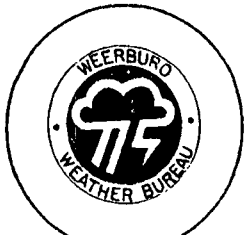
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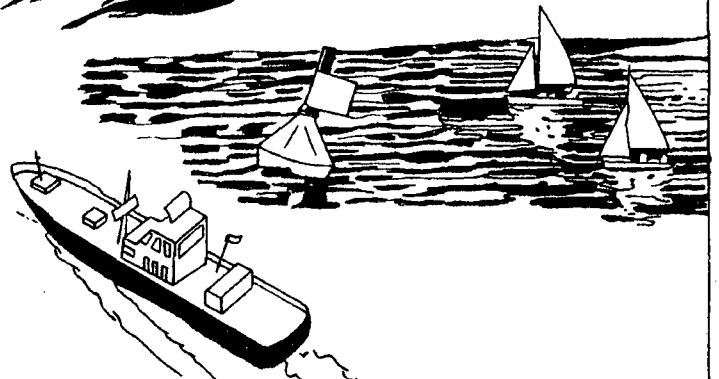
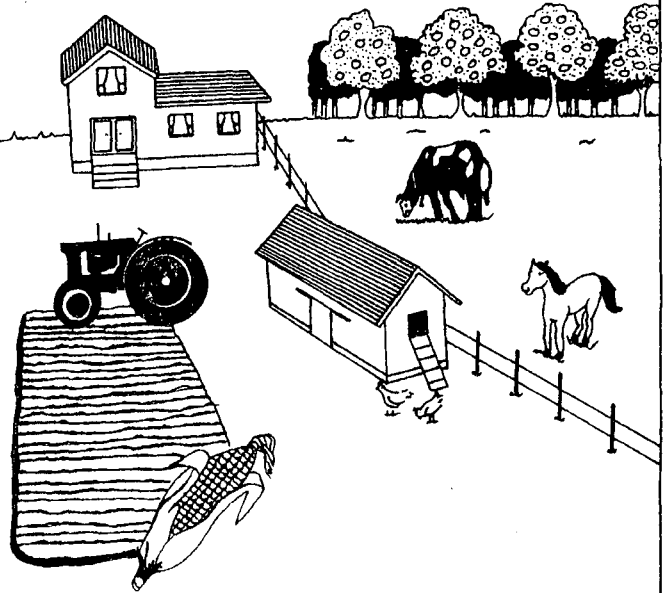
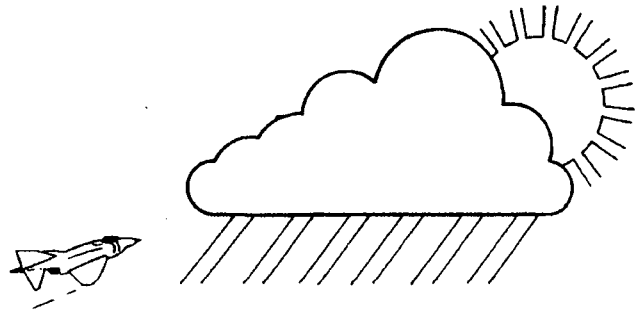
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