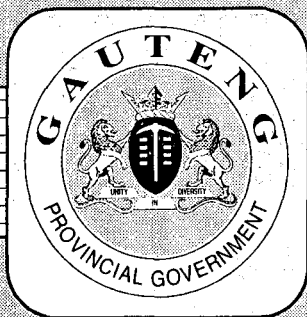


**THE PROVINCE OF
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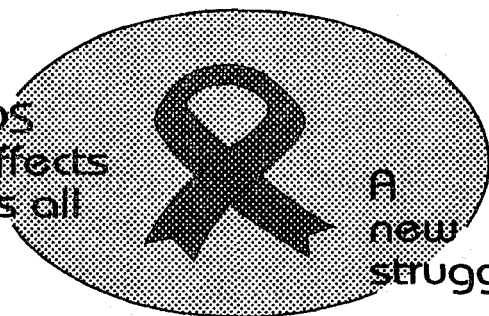
Vol. 11

PRETORIA, 25 AUGUST
AUGUSTUS 2005

No. 350

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affects
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struggle

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2005

DEVELOPMENT FACILITATION ACT, 1995
GAUTENG DEVELOPMENT TRIBUNAL
EKURHULENI METROPOLITAN MUNICIPALITY
ALBERTON AMENDMENT SCHEME 1564

It is hereby notified in terms of Section 33(4) of the Development Facilitation Act, 1995 that approval has been granted in respect of an amendment scheme, being an amendment of the Alberton Town Scheme, 1979, comprising the same land as included in the Land Development Area of Meyersdal Nature Estate Extension 1.

Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning, Level 11 Alberton Civic Centre, Alwyn Taljaard Street, Alberton and are open for inspection at all reasonable times.

The amendment is known as Alberton Amendment Scheme 1564 and includes Annexures 1401, 1402 and 1403.

Petrus Barry
Designated Officer, Ekurhuleni Metropolitan Municipality
Gauteng Development Tribunal
Ground Floor Sanlam Building, c/o Kempton and Margaret, Kempton Park.

Ref. No. GDT/LDA/EMM/2609/02/001

PLAASLIKE BESTUURSKENNISGEWING 2005

WET OP ONTWIKKELINGSFASILITERING, 1995
GAUTENG ONTWIKKELINGSTRIBUNAAL
EKURHULENI METROPOLITAANSE MUNISIPALITEIT
ALBERTON WYSIGINGSKEMA 1564

Hiermee word ooreenkomstig die bepalings van Artikel 33(4) van die Wet Op Ontwikkelingsfasilitering, 1995 bekendgemaak dat goedkeuring verleen is met betrekking tot 'n wysigingskema, synde 'n wysiging van die Alberton Dorpsbeplanningskema, 1979, bestaande uit dieselfde gebied ingesluit in die grondontwikkelingsgebied van Meyersdal Nature Estate Uitbreiding 1.

Kaart 3 en die skemaklausules van die wysigingskema word in bewaring gehou by die Uitvoerende Direkteur: Ontwikkelingsbeplanning, Vlak 11 Alberton Burgersentrum, Alwyn Taljaard Straat, Alberton en is te alle redelike tye vir inspeksie beskikbaar.

Hierdie wysiging staan bekend as Alberton Wysigingskema 1564 en sluit Bylaes 1401, 1402 en 1403 in.

Petrus Barry
Aangewese Beampte, Ekurhuleni Metropolitaanse Munisipaliteit
Gauteng Ontwikkelingstribunaal
Grondvloer Sanlam Gebou, h/v Kempton en Margaret, Kempton Park.

Verw. No. GDT/LDA/EMM/2609/02/001

ANNEXURE B
12 AUGUST 2004

GAUTENG DEVELOPMENT TRIBUNAL

Ref : GDT/LDA/EMM/2609/02001

STATEMENT OF CONDITIONS UNDER WHICH
THE LAND DEVELOPMENT APPLICATION BY:

PATHEM BOERDERY (PTY) LTD

(Applicant)

HAS BEEN APPROVED BY THE GAUTENG DEVELOPMENT TRIBUNAL IN TERMS OF
THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995), FOR THE ESTAB-
LISHMENT OF A LAND DEVELOPMENT AREA ON A PORTION OF PORTION 241 (A
PORTION OF PORTION 2) OF THE FARM KLIPRIVIERSBERG 106 IR

PART I

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF
REGISTRATION OF OWNERSHIP OF LAND IN THE DEVELOPMENT AREA BY
THE REGISTRAR OF DEEDS:

- 1.1 (a) The Applicant shall comply with the provisions of Section 37(a)
of the Development Facilitation Act, 67 of 1995
- (b) With specific reference to Regulation 23(1), read with Regulation 9 of
the Development Facilitation Regulations, the Applicant shall within a
period of 6 (six) months of the date hereof, or such longer period as
the Designated Officer may allow, lodge for approval with the Surveyor
General, the General Plan and such diagrams and records as may be
required in terms of the Land Survey Act (No 8 of 1997)
- 1.2 (a) The Applicant shall comply with the provisions of Section 37(b)

of the Development Facilitation Act, 67 of 1995.

- (b) With specific reference to Regulation 23(10), read with Regulation 9 of the Development Facilitation Regulations, the Applicant shall within a period of 6 (six) months of the date on which approval is granted by the Surveyor General of the General Plan of the Land Development Area and other documents referred to at 1.1 (b), or such longer period as the Designated Officer may allow, lodge the documents provided for in Regulation 23(10) with the parties provided for in that sub-regulation.
- 1.3 A copy of the approved amendment scheme (Annexure "C") shall be submitted to the Designated Officer for promulgation of the approval in the Provincial Gazette in terms of Section 33 (4) of the Development Facilitation Act, 67 of 1995.
- 1.4 A copy of the approved General Plan of the development area shall be submitted to the Ekurhuleni Metropolitan Municipality (hereinafter the "**Municipality**")
- 1.5 The Applicant shall establish a company or designate an existing company (a Property Owners' Association) in terms of Section 21 of the Companies Act, 1973, for the purposes of owning and maintaining the private open space (Erven 284 to 288) and the special erf for access control (Erf 181).
- 1.6 The Applicant shall erect game fencing around the greater Meyersdal Nature Estate Development (as described in clause 1.5 of the Applicant's motivating memorandum (page 25 of bundle 3), prior to the transfer of any stands in the Land Development Area.
- 1.6 To enable the Registrar of Deeds to verify compliance with the above, the Applicant shall submit a certificate from:
- (i) the **Municipality** confirming that Condition 1.4, has been complied with, and
 - (ii) from the Designated Officer confirming that Conditions 1.1, 1.2, 1.3, 1.5 and 1.6 have been complied with.

PART II

1. **CONDITIONS TO BE COMPLIED WITH WITHIN THE ESTABLISHMENT OF THE TOWNSHIP AREA**

1.1 **NAME:**

The name of the land development area shall be Meyersdal Nature Estate Extension 1.

1.2 **LAYOUT:**

The land development area shall consist of erven and streets as indicated on Plan No 1685/NX1 and the General Plan for which a number shall be allocated by the Surveyor General

1.3 **CONDITIONS OF TITLE:**

1.3.1 **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

- (i) All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, as contained in Certificate K2789 of 1983 RM but excluding the following rights which do not affect the land development area:

1. Aan 'n servituut van uitspanning groot 5,1398 hektaar.
2. Sekere Gedeelte van die gemelde plaas Klipriviersberg, groot 1715,6764 hektaar (waarvan die eiendom hiermee getranspoteer 'n gedeelte vorm) is onderhewig aan 'n servituut ten gunste van die Stadsraad van Johannesburg om 'n gedeelte groot 40 vierkante meter te gebruik om 'n transformatorhuisie daarop te bou tesame met 'n ewigdurende reg van toegang en gebruik, soos meer ten volle sal blyk uit Notariële Akte van Servituut 33/1947 S.

- 3 Die voormalige Resterende Gedeelte van die gemelde plaas Klipriviersberg, groot 1556,7209 hektaar (waarvan die eiendom hiermee getransporeer 'n gedeelte vorm) is onderhewig aan 'n ewigdurende reg van weg vir die lê of oprigting en onderhoud van 'n elektriese kraglyn daarvoor ten gunste van die Stadsraad van Johannesburg, soos meer ten volle sal blyk uit Notariële Akte van Servituut 167/1952 S
4. Onderhewig aan 'n ewigdurende reg-van-water oor of deur die eiendom te neem en vervoer ten gunste van die Rand Waterraad soos meer ten volle sal blyk uit notariële Akte van Servituut 482 van 1957S
5. Die voormalige Resterende Gedeelte van Gedeelte 2 van gemelde plaas Klipriviersberg, groot 1556,7209 hektaar (waarvan die eiendom hieronder gehou 'n gedeelte vorm) is onderhewig aan die reg verleen aan die Elektrisiteitsvoorsieningskommissie om elektrisiteit oor die eiendom te vervoer, tesame met bykomende regte en onderhewig aan kondisies, soos meer ten volle sal blyk uit Notariële Akte van Servituut 1008/1958 en kaart daaraan geheg.
- 6 Onderhewig aan 'n servituut van Reg-van-Weg 3,78 meter wyd met bykomende regte ten gunste van die Stadsraad van Johannesburg soos meer volledig sal blyk uit notariële Akte No 748 van 1964S geregistreer op 19 Junie 1964 en Kaart L.G Nr 3781 van 1962 daarby aangeheg.
7. Die Resterende Gedeelte van die gemelde plaas Klipriviersberg 106, Registrasieafdeling IR, groot 1514,6849 hektaar (waarvan die eiendom hieronder gehou 'n gedeelte vorm) is onderhewig aan 'n servituut om gas te lei deur middel van pyplyne met meegaande regte ten gunste van Gaskor soos volledig sal blyk uit Notariële Akte 1088/1967S geregistreer op 31 Augustus 1967.
8. Onderhewig aan 'n servituut om elektrisiteit oor die eiendom te vervoer met bykomende regte ten gunste van die Elektrisiteitsvoorsieningskommissie soos meer volledig sal blyk uit Notariële Akte 797/1969S, geregistreer op 19 Junie 1969.
9. Kragtens endossement gedateer 10 Junie 1966 op Akte van Transport No 18797/1962 is die eiendom hieronder getransporeer onderhewig aan die onteiening van 'n pyplyn servituut ten gunste van die Republiek van Suid Akrika in sy Administrasie van Spoorwee en Hawens soos meer volledig sal blyk uit kennisgewing van onteiening gebere by gemelde Akte van Transport.

- 10 "By Notarial Deed K744/1964S dated 5 March 1964 the withinmentioned property is subject to a Right of Way in perpetuity 12 feet wide in favour of the City Council of Johannesburg As will more fully appear from the said Notarial Deed of Servitude with Diagram annexed thereto "
11. "Onderhewig aan Notariële Akte van Servituut no K1511/1972S waarkragtens die binne gemelde eiendom onderhewig is aan 'n pyplyn serwituut ten opsigte van pyplyne reeds gelê en wat gelê mag word ten gunste van die Rand Waterraad soos aangedui op Kaart SG No A556/1972, tesame met bykomende regte Soos meer volledig sal blyk uit gemelde Notariële Akte met kaart daarby aangeheg "
12. "Kragtens Notariële Akte K1432/1973S is die hierin vermelde eiendom onderhewig aan 'n ewigdurende reg van oorp pad ten gunste van die Stadsraad van Johannesburg met die reg om die serwituut gebied ewigdurend vir rirole en/of stormwater rirole te gebruik kragtens Kaart No 1903/1971. Soos meer volledig sal blyk uit vermelde Notariële Akte met kaart daarby aangeheg "
- 13 Kragtens Notariële Akte K 2848/1981 S is die eiendom onderhewig aan 'n ewigdurende serwituut ten gunste van die Waterraad om water te neem en te vervoer deur middel van pypleiding oor die volgende gebiede:
 - i. 1554 vierkante meter groot soos bepaal deur die figuur Abc op Serwituut LG A 7685/1980; en
 - ii. 365 vierkante meter groot soos bepaal deur die figuur ABC op Serwituutkaart LG A 7686/1980 en met bykomende regte, soos meer ten volle sal blyk uit die gemelde Notariële Akte K2848/81S, geregistreer op 30 September 1981.
14. Kragtens Notariële Akte No K 960/1985 S gedateer 13 Augustus 1984 is die binnegemelde eiendom onderhewig aan 'n serwituut vir munisipale doeleindes op 'n gebied 2 meter wyd, aangedui op Kaart SG No 2947/1984. Soos meer volledig sal blyk uit gemelde Notariële akte met kaart daarby aangeheg.
- 15 "Onderhewig aan Notariële Akte no K485/1991 S gedateer 13 Augustus 1990 waaronder die eiendom onderhewig is aan 'n serwituut ten gunste van die Randwaterraad tesame met meegaande regte om water te neem en te voer oor deur binnegemelde eiendom deur middel van pypleiding binne 'n strookgrond 5631 vierkante meter en 2453 vierkante meter aangedui deur figure ABSDEF en ABCDEFGH op Kaart LG no

A1500/83 en LG no A 1501/83 onderskeidelik soos meer volledig sal blyk uit Notariele Akte K 485/91S, met kaarte daarby aangeheg "

16. Servitude of right of way K4393/1987 S vide diagram SG No 6091 of 1986.
17. Servitude area vide diagram SG No 6090 of 1986.
18. Servitude 31,49 m wide vide diagram SG No A 1002/1969 (Deed of Servitude 1152/1970S

- (ii) The following rights which will not be passed onto the erven in the land development area

Die voormalige Resterende Gedeelte van Gedeelte 2 van gemelde plaas Klipriviersberg, groot 1514,6849 hektaar (waarvan die eiendom hieronder getranspoteer 'n gedeelte vorm) is geregtig om die volgende regte teen Gedeelte 130 ('n gedeelte van Gedeelte 2) van gemelde plaas, groot 42,0361 hektaar, gehou kragtens Akte van Transport 11646/1965 gedateer 1 April 1965, af te dwing –

- (i) dat die genoemde gedeelte slegs vir 'n reservoir en daarmee gepaardgaande doeleindes te gebruik;
- (ii) dat, indien enigsins moontlik die uitloop en/of oorloopwater van enige reservoir na die vallei aan die noordkant van die genoemde gedeelte gevoer word.

- (iii) The following servitudes which affect only specific erven in the Land Development Area.

Erf 287

- Servitude of right of way 22,86m wide vide diagram SG no A5587/1956 (K744/1957S).

Erven 287 and 288

- A pipeline servitude K388 of 1972S vide diagram SG No A 7582/1971

1.4 REGISTRATION OF NEW CONDITIONS AND SERVITUDES:

1.4.1 All erven shall be made subject to the following conditions:

- (a) The erven shall be made subject to a servitude, 2m wide, in favour of the local authority, 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 local authority: Provided that the Local Authority may dispense with any such servitude.

- (b) No building or 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 local authority 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 local authority.
- (d) Every owner of an erf in the land development area or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a member of the Home Owners Association and be subject to its constitution until he/she ceases to be an owner of aforesaid. Neither the erf nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Home Owners Association.
- (e) The owner of an erf in the land development area or any subdivided portion thereof or any person who has an interest therein shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners Association that the provisions of the Articles of Association of the Home Owners Association have been complied with.
- (f) The Home Owners Association shall have the legal power to levy from each and every member the cost incurred in the fulfilment of its func-

tions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.

1.4.2 Conditions and servitudes applicable to certain erven

- (a) A servitude for municipal purposes in favour of the Local Authority as indicated on the General Plan to guarantee access to the Local Authorities personnel and vehicles in order to carry out repair and maintenance work to the water, sewer and electrical networks (excluding street lights) after they have been taken over by the Local Authority must be registered over erf 181. Erf 181 shall be registered in the name of an Association incorporation in terms of Section 21 of the Companies Act 1973 (Act No 61 of 1973) before opening of the township register,
- (b) A right of way servitude in favour of all the other erven in the township as indicated on the general plan must be registered over the entire Erf 181 to guarantee access to a public road to all the residents

1.5 ENGINEERING SERVICES:

- 1.5.1 The Land Development Area shall be provided with the engineering services as set out in the Services Agreement
- 1.5.2 The Applicant shall be responsible for the provision and installation of all internal engineering services and roads within the land development area and to the erven in the land development, as provided for in the draft Services agreement, annexed to the Tribunal's Decision as Annexure "E".
- 1.5.4 Upon the issuing of the certificate in terms of Section 38(1)(c) by the Designated Officer, rates, taxes and all other applicable service charges, will become payable to the Municipality in respect of the erven in respect of which the certificate was issued.

1.6 OWNERSHIP:

- 1.6.1 The Applicant shall properly and legally constitute a property owners association as provided for in clause 1.5 of Part I above.
- 1.6.2 The owners of Erven 145 to 180 and 182 to 283 shall become members of the property owners association upon transfer of the erf.
- 1.6.3 The property owners association shall have full responsibility for the functioning and proper maintenance of Erven 181 and 284 to 288, and any essential services contained therein.
- 1.6.4 The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- 1.6.5 All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association.
- 1.6.6 Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the Association as specifically provided for in the Articles of Association.
- 1.6.7 Erven 181 and 284 to 288 shall be owned by the property owners association and transfer shall be effected as soon as practically possible after the relevant stands become registerable or provided for in Part I of this Conditions.

1.7 GEOLOGICAL

A soil report, drawn up by a qualified person acceptable to the local authority indicating the soil conditions of the erf and recommendations as to suitable

founding methods and depths shall be submitted to the local authority simultaneously with the submission of building operations on the erf

PART III

1 CONDITIONS TO BE COMPLIED WITH WITHIN THE DEVELOPMENT OF THE LAND DEVELOPMENT AREA

- 1.1 The development of the land development area shall comply with the Environmental Management Plan as approved by the **Gauteng Department of Agriculture, Conservation, Environment and Land Affairs (GDACEL)** in terms of the Environmental Conservation Act, 1989.
- 1.2 The Applicant shall, before commencement of construction, on behalf of the Homeowners Association to be formed, appoint a properly qualified person as environmental officer for the Meyersdal Nature Estate.
- 1.3 The Homeowners Association shall at all times after its formation ensure that it retains the services of a properly qualified person as environmental officer for the Meyersdal Nature Estate.
- 1.4 The environmental officer for the Meyersdal Nature Estate shall be responsible for ensuring compliance with conditions 1.1, 1.7 and 1.8.
- 1.5 The applicant shall, before commencement of construction, on behalf of the Homeowners Association to be formed, and under the Chairmanship of the Environmental Control Officer appointed in terms of condition 1.2, establish an Environmental Reporting Committee on which **GDACEL** and the Klipriviersberg Nature Reserve Association shall be entitled to representation. The purpose of the Environmental Reporting Committee shall be to ensure the continuous involvement of **GDACEL** and the Klipriviersberg Nature Reserve Association during the construction phase and thereafter, with specific reference to the management and the protection of the areas earmarked as "private open space"

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- 1.6 The Homeowners Association shall at all times after its formation ensure the continued existence of the Environmental Reporting Committee established in terms of condition 1.5.
- 1.7 The Environmental Control Officer appointed in terms of Section 1.2 shall ensure:
- 1.7.1 Compliance with the Environmental Management Plan approved by GDACEL.
 - 1.7.2 Implementation of proper fire procedures.
 - 1.7.3 Implementation of measures to mitigate the "edge effect" of the Meyersdal Nature Estate Land Development Areas.
 - 1.7.4 Implementation of measures to ensure that vehicles *en route* to and from the crusher site do not access the Land Development Area.
- 1.8 The keeping of domestic animals in the land development area shall be prohibited.

LOCAL AUTHORITY NOTICE 2006
DEVELOPMENT FACILITATION ACT, 1995
GAUTENG DEVELOPMENT TRIBUNAL
EKURHULENI METROPOLITAN MUNICIPALITY
ALBERTON AMENDMENT SCHEME 1565

It is hereby notified in terms of Section 33(4) of the Development Facilitation Act, 1995 that approval has been granted in respect of an amendment scheme, being an amendment of the Alberton Town Scheme, 1979, comprising the same land as included in the Land Development Area of Meyersdal Nature Estate Extension 2.

Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning, Level 11 Alberton Civic Centre, Alwyn Taljaard Street, Alberton and are open for inspection at all reasonable times.

The amendment is known as Alberton Amendment Scheme 1565 and includes Annexures 1405 and 1406.

Petrus Barry
 Designated Officer, Ekurhuleni Metropolitan Municipality
 Gauteng Development Tribunal
 Ground Floor Sanlam Building, c/o Kempton and Margaret, Kempton Park

Ref. No. GDT/LDA/EMM/2609/02/001

PLAASLIKE BESTUURSKENNISGEWING 2006

WET OP ONTWIKKELINGSFASILITERING, 1995
GAUTENG ONTWIKKELINGSTRIBUNAAL
EKURHULENI METROPOLITAANSE MUNISIPALITEIT
ALBERTON WYSIGINGSKEMA 1565

Hiermee word ooreenkomstig die bepalings van Artikel 33(4) van die Wet Op Ontwikkelingsfasilitering, 1995 bekendgemaak dat goedkeuring verleen is met betrekking tot 'n wysigingskema, synde 'n wysiging van die Alberton Dorpsbeplanningskema, 1979, bestaande uit dieselfde gebied ingesluit in die grondontwikkelingsgebied van Meyersdal Nature Estate Uitbreiding 2.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou by die Uitvoerende Direkteur: Ontwikkelingsbeplanning, Vlak 11 Alberton Burgersentrum, Alwyn Taljaard Straat, Alberton en is te alle redelike tye vir inspeksie beskikbaar.

Hierdie wysiging staan bekend as Alberton Wysigingskema 1565 en sluit Bylaes 1405 en 1406 in.

Petrus Barry
 Aangewese Beampte, Ekurhuleni Metropolitaanse Munisipaliteit
 Gauteng Ontwikkelingstribunaal
 Grondvloer Sanlam Gebou, h/v Kempton en Margaret, Kempton Park

Verw. No. GDT/LDA/EMM/2609/02/001

ANNEXURE B
12 AUGUST 2004

GAUTENG DEVELOPMENT TRIBUNAL

Ref: GDT/LDA/EMM/2609/02001

STATEMENT OF CONDITIONS UNDER WHICH
THE LAND DEVELOPMENT APPLICATION BY:

PATHEM BOERDERY (PTY) LTD

(Applicant)

HAS BEEN APPROVED BY THE GAUTENG DEVELOPMENT TRIBUNAL IN TERMS OF
THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995), FOR THE ESTAB-
LISHMENT OF A LAND DEVELOPMENT AREA ON A PORTION OF PORTION 241 (A
PORTION OF PORTION 2) OF THE FARM KLIPRIVIERSBERG 106 IR

PART I

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF
REGISTRATION OF OWNERSHIP OF LAND IN THE DEVELOPMENT AREA BY
THE REGISTRAR OF DEEDS:

- 1 1 (a) The Applicant shall comply with the provisions of Section 37(a)
of the Development Facilitation Act, 67 of 1995.
- (b) With specific reference to Regulation 23(1), read with Regulation 9 of
the Development Facilitation Regulations, the Applicant shall within a
period of 6 (six) months of the date hereof, or such longer period as
the Designated Officer may allow, lodge for approval with the Surveyor
General, the General Plan and such diagrams and records as may be
required in terms of the Land Survey Act (No 8 of 1997).
- 1 2 (a) The Applicant shall comply with the provisions of Section 37(b)

of the Development Facilitation Act, 67 of 1995.

- (b) With specific reference to Regulation 23(10), read with Regulation 9 of the Development Facilitation Regulations, the Applicant shall within a period of 6 (six) months of the date on which approval is granted by the Surveyor General of the General Plan of the Land Development Area and other documents referred to at 1.1 (b), or such longer period as the Designated Officer may allow, lodge the documents provided for in Regulation 23(10) with the parties provided for in that sub-regulation.

1.3 A copy of the approved amendment scheme (Annexure "C") shall be submitted to the Designated Officer for promulgation of the approval in the Provincial Gazette in terms of Section 33 (4) of the Development Facilitation Act, 67 of 1995.

1.4 A copy of the approved General Plan of the development area shall be submitted to the Ekurhuleni Metropolitan Municipality (hereinafter the "Municipality")

1.5 The Applicant shall establish a company or designate an existing company (a Property Owners' Association) in terms of Section 21 of the Companies Act, 1973, for the purposes of owning and maintaining the private open space (Erven 326 to 328).

1.6 The Applicant shall erect game fencing around the greater Meyersdal Nature Estate Development (as described in clause 1.5 of the Applicant's motivating memorandum (page 25 of bundle 3), prior to the transfer of any stands in the Land Development Area.

1.6 To enable the Registrar of Deeds to verify compliance with the above, the Applicant shall submit a certificate from:

- (i) the **Municipality** confirming that Condition 1.4, has been complied with, and
- (ii) from the Designated Officer confirming that Conditions 1.1, 1.2, 1.3, 1.5 and 1.6 have been complied with

PART II

1. CONDITIONS TO BE COMPLIED WITH WITHIN THE ESTABLISHMENT OF THE TOWNSHIP AREA

1.1 NAME:

The name of the land development area shall be Meyersdal Nature Estate Extension 2

1.2 LAYOUT:

The land development area shall consist of erven and streets as indicated on Plan No 1685/NX2 and the General Plan for which a number shall be allocated by the Surveyor General.

1.3. CONDITIONS OF TITLE:

1.3.1 DISPOSAL OF EXISTING CONDITIONS OF TITLE

- (i) All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, as contained in Certificate K2789 of 1983 RM but excluding the following rights which do not affect the land development area:

1. Aan 'n servituut van uitspanning groot 5,1398 hektaar
2. Sekere Gedeelte van die gemelde plaas Klipriviersberg, groot 1715,6764 hektaar (waarvan die eendom hiermee getransporteer 'n gedeelte vorm) is onderhewig aan 'n servituut ten gunste van die Stadsraad van Johannesburg om 'n gedeelte groot 40 vierkante meter te gebruik om 'n transformatorhuisie daarop te bou tesame met 'n ewigdurende reg van toegang en gebruik, soos meer ten volle sal blyk uit Notariële Akte van Servituut 33/1947 S.

- 3 Die voormalige Resterende Gedeelte van die gemelde plaas Klipriviersberg, groot 1556,7209 hektaar (waarvan die eiendom hiermee getranspoteer 'n gedeelte vorm) is onderhewig aan 'n ewig-durende reg van weg vir die lê of oprigting en onderhoud van 'n elektriese kraglyn daaroor ten gunste van die Stadsraad van Johannesburg, soos meer ten volle sal blyk uit Notariële Akte van Servituut 167/1952 S
- 4 Onderhewig aan 'n ewig-durende reg-van-water oor of deur die eiendom te neem en vervoer ten gunste van die Rand Waterraad soos meer ten volle sal blyk uit notariële Akte van Servituut 482 van 1957S
- 5 Die voormalige Resterende Gedeelte van Gedeelte 2 van gemelde plaas Klipriviersberg, groot 1556,7209 hektaar (waarvan die eiendom hieronder gehou 'n gedeelte vorm) is onderhewig aan die reg verleen aan die Elektrisiteitsvoorsieningskommissie om elektrisiteit oor die eiendom te vervoer, tesame met bykomende regte en onderhewig aan kondisies, soos meer ten volle sal blyk uit Notariële Akte van Servituut 1008/1958 en kaart daaraan geheg.
- 6 Onderhewig aan 'n servituut van Reg-van-Weg 3,78 meter wyd met bykomende regte ten gunste van die Stadsraad van Johannesburg soos meer volledig sal blyk uit notariële Akte No 748 van 1964S geregistreer op 19 Junie 1964 en Kaart LG Nr 3781 van 1962 daarby aangeheg
- 7 Die Resterende Gedeelte van die gemelde plaas Klipriviersberg 106, Registrasieafdeling IR, groot 1514,6849 hektaar (waarvan die eiendom hieronder gehou 'n gedeelte vorm) is onderhewig aan 'n servituut om gas te lei deur middel van pyplyne met meegaande regte ten gunste van Gaskor soos volledig sal blyk uit Notariële Akte 1088/1967S geregistreer op 31 Augustus 1967.
- 8 Onderhewig aan 'n servituut om elektrisiteit oor die eiendom te vervoer met bykomende regte ten gunste van die Elektrisiteitsvoorsieningskommissie soos meer volledig sal blyk uit Notariële Akte 797/1969S, geregistreer op 19 Junie 1969.
- 9 Kragtens endossement gedateer 10 Junie 1966 op Akte van Transport No 18797/1962 is die eiendom hieronder getranspoteer onderhewig aan die onteiening van 'n pyplyn servituut ten gunste van die Republiek van Suid Akrika in sy Administrasie van Spoorwee en Hawens soos meer volledig sal blyk

- uit kennisgewing van onteiening gebere by gemelde Akte van Transport.
10. "By Notarial Dee K744/1964S dated 5 March 1964 the withinmentioned property is subject to a Right of Way in perpetuity 12 feet wide in favour of the City Council of Johannesburg. As will more fully appear from the said Notarial Deed of Servitude with Diagram annexed thereto "
 11. "Onderhewig aan Notariële Akte van Servituut no K1511/1972S waarkragtens die binne gemelde eiendom onderhewig is aan 'n pyplyn serwituut ten opsigte van pyplyne reeds gelê en wat gelê mag word ten gunste van die Rand Waterraad soos aangedui op Kaart SG No A556/1972, tesame met bykomende regte. Soos meer volledig sal blyk uit gemelde Notariële Akte met kaart daarby aangeheg."
 12. "Kragtens Notariële Akte K1432/1973S is die hierin vermelde eiendom onderhewig aan 'n ewigdurende reg van oorp pad ten gunste van die Stadsraad van Johannesburg met die reg om die serwituut gebied ewigdurend vir rirole en/of stormwater rirole te gebruik kragtens Kaart No 1903/1971. Soos meer volledig sal blyk uit vermelde Notariële Akte met kaart daarby aangeheg."
 13. Kragtens Notariële Akte K 2848/1981 S is die eiendom onderhewig aan 'n ewigdurende serwituut ten gunste van die Waterraad om water te neem en te vervoer deur middel van pypleiding oor die volgende gebiede:
 - i 1554 vierkante meter groot soos bepaal deur die figuur Abc op Serwituut LG A 7685/1980; en
 - ii 365 vierkante meter groot soos bepaal deur die figuur ABC op Serwituutkaart LG A 7686/1980 en met bykomende regte, soos meer ten volle sal blyk uit die gemelde Notariële Akte K2848/81S, geregistreer op 30 September 1981.
 14. Kragtens Notariële Akte No K 960/1985 S gedateer 13 Augustus 1984 is die binnegemelde eiendom onderhewig aan 'n serwituut vir munisipale doeleindes op 'n gebied 2 meter wyd, aangedui op Kaart SG No 2947/1984. Soos meer volledig sal blyk uit gemelde Notariële akte met kaart daarby aangeheg
 15. 'Onderhewig aan Notariële Akte no K485/1991 S gedateer 13 Augustus 1990 waaronder die eiendom

onderhewig is aan 'n serwituu ten gunste van die Randwaterraad tesame met meegaande regte om water te neem en te voer oor deur binnegemelde eiendom deur middel van pypeleiding binne 'n strookgrond 5631 vierkante meter en 2453 vierkante meter aangedui deur figure ABSDEF en ABCDEFGH op Kaart LG no A1500/83 en LG no A1501/83 onderskeidelik soos meer volledig sal blyk uit Notariele Akte K 485/91S, met kaarte daarby aangeheg."

16. A servitude of right of way for a pipeline 22,86 metres wide vide diagram SG No A5587 / 1956 (K744/1957 S)
17. A pipeline servitude K388 of 1972 S vide diagram SG No A7582 of 1971.
18. Servitude of right of way K4393/1987 S vide diagram SG No 6091/1986.
19. Servitude area vide diagram SG No 6090/1986.

(ii) The following rights which will not be passed onto the erven in the land development area.

Die voormalige Resterende Gedeelte van Gedeelte 2 van gemelde plaas Klipriviersberg, groot 1514,6849 hektaar (waarvan die eiendom hieronder getranspoteer 'n gedeelte voim) is geregtig om die volgende regte teen Gedeelte 130 ('n gedeelte van Gedeelte 2) van gemelde plaas, groot 42,0361 hektaar, gehou kragtens Akte van Transport 11646/1965 gedateer 1 April 1965, af te dwing –

- (i) dat die genoemde gedeelte slegs vir 'n reservoir en daarmee gepaardgaande doeleindes te gebruik;
- (ii) dat, indien enigsins moontlik die uitloop en/of oorloopwater van enige reservoir na die vallei aan die noordkant van die genoemde gedeelte gevoer word

(iii) The following servitudes which affects only erven 327 and 328

- Servitude 31, 49 metres wide vide diagram SG No A 1002/1969 (Deed of Servitude 1152/1970S)

1.4 REGISTRATION OF NEW CONDITIONS AND SERVITUDES:

1.4.1 All erven shall be made subject to the following conditions:

- (a) The erven shall be made subject to a servitude, 2m wide, in favour of the local authority, 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 local authority: Provided that the Local Authority may dispense with any such servitude

- (b) No building or 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 local authority 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 local authority
- (d) Every owner of an erf in the land development area or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a member of the Home Owners Association and be subject to its constitution until he/she ceases to be an owner of aforesaid Neither the erf nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Home Owners Association.
- (e) The owner of an erf in the land development area or any subdivided portion thereof or any person who has an interest therein shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners Association that the provisions of the Articles of Association of the Home Owners Association have been complied with

- (f) The Home Owners Association shall have the legal power to levy from each and every member the cost incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member

1.5 ENGINEERING SERVICES:

1.5.1 The Land Development Area shall be provided with the engineering services as set out in the Services Agreement

1.5.2 The Applicant shall be responsible for the provision and installation of all internal engineering services and roads within the land development area and to the erven in the land development, as provided for in the draft Services agreement; annexed to the Tribunal's Decision as Annexure "E".

1.5.4 Upon the issuing of the certificate in terms of Section 38(1)(c) by the Designated Officer, rates, taxes and all other applicable service charges, will become payable to the Municipality in respect of the erven in respect of which the certificate was issued.

1.6 OWNERSHIP:

1.6.1 The Applicant shall properly and legally constitute a property owners association as provided for in clause 1.5 of Part I above.

1.6.2 The owners of Erven 289 to 325 shall become members of the property owners association upon transfer of the erf.

1.6.3 The property owners association shall have full responsibility for the functioning and proper maintenance of Erven 326 to 328, and any essential services contained therein.

1.6.4 The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member

- 1.6.5 All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association
- 1.6.6 Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the Association as specifically provided for in the Articles of Association
- 1.6.7 Erven 326 to 328 shall be owned by the property owners association and transfer shall be effected as soon as practically possible after the relevant stands become registerable or provided for in Part I of this Conditions.

17 GEOLOGICAL

A soil report, drawn up by a qualified person acceptable to the local authority indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the local authority simultaneously with the submission of building operations on the erf.

PART III

1 CONDITIONS TO BE COMPLIED WITH WITHIN THE DEVELOPMENT OF THE LAND DEVELOPMENT AREA

- 1.1 The development of the land development area shall comply with the Environmental Management Plan as approved by the **Gauteng Department of Agriculture, Conservation, Environment and Land Affairs (GDACEL)** in terms of the Environmental Conservation Act, 1989.
- 1.2 The Applicant shall, before commencement of construction, on behalf of the Homeowners Association to be formed, appoint a properly qualified person as environmental officer for the Meyersdal Nature Estate.
- 1.3 The Homeowners Association shall at all times after its formation ensure that it retains the services of a properly qualified person as environmental officer for the Meyersdal Nature Estate.
- 1.4 The environmental officer for the Meyersdal Nature Estate shall be responsible for ensuring compliance with conditions 1.1, 1.7 and 1.8.
- 1.5 The applicant shall, before commencement of construction, on behalf of the Homeowners Association to be formed, and under the Chairmanship of the Environmental Control Officer appointed in terms of condition 1.2, establish an Environmental Reporting Committee on which **GDACEL** and the Klipriviersberg Nature Reserve Association shall be entitled to representation. The purpose of the Environmental Reporting Committee shall be to ensure the continuous involvement of **GDACEL** and the Klipriviersberg Nature Reserve Association during the construction phase and thereafter, with specific reference to the management and the protection of the areas earmarked as "private open space".
- 1.6 The Homeowners Association shall at all times after its formation ensure the continued existence of the Environmental Reporting Committee established in terms of condition 1.5.

- 1.7 The Environmental Control Officer appointed in terms of Section 1.2 shall ensure:
- 1.7.1 Compliance with the Environmental Management Plan approved by **GDACEL**.
 - 1.7.2 Implementation of proper fire procedures.
 - 1.7.3 Implementation of measures to mitigate the "edge effect" of the Meyersdal Nature Estate Land Development Areas.
 - 1.7.4 Implementation of measures to ensure that vehicles *en route* to and from the crusher site do not access the Land Development Area.
- 1.8 The keeping of domestic animals in the land development area shall be prohibited.
-

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Director: Financial Management
 Office of the Premier (Gauteng)



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