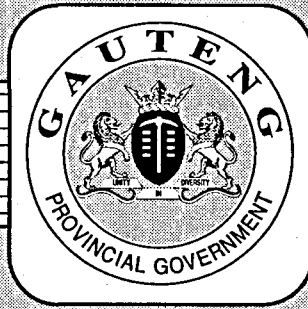


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

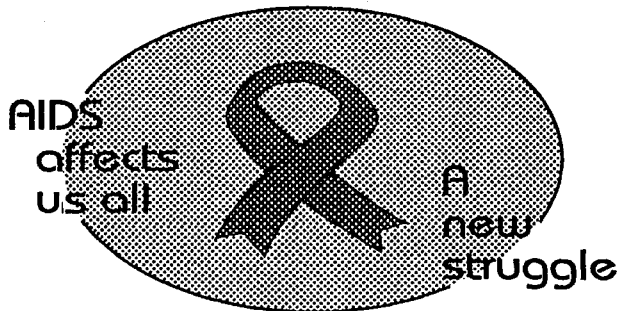
**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 12

PRETORIA, 8 NOVEMBER 2006

No. 409

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 3130

KUNGWINI LOCAL MUNICIPALITY DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 the Kungwini Local Municipality hereby declares **Newmark Estate** to be an approved township subject to the conditions set out in the Schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION AS MADE BY MIDNIGHT MASQUERADE PROPERTIES 27 (PTY) LTD (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 143 OF THE FARM ZWARTKOPPIES 364 REGISTRATION DIVISION JR, PROVINCE OF GAUTENG HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be **Newmark Estate**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. No 6403/2005.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, except for the following conditions registered against:

PORTION 143 of the farm ZWARTKOPPIES 364,
Registration Division J.R., Province of Gauteng;

MEASURING 21,4133 (Twenty One COMMA Four One Three Three) Hectares;

that do not affect the township area due to the location thereof, which conditions will not be passed to the erven in the township:

"A. The Remaining Extent of Portion 1 of the said farm, measuring as such 581,8222 hectares (of which the property held hereunder is a portion) is SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27th June, 1949 as will more fully appear from Notarial Deed of Servitude No. 620A/1949.S.

B. (i) Portion 14 (a portion of Portion 1) of the said farm, measuring 85,5632 hectares (of which the property held hereunder is a portion) is subject to the following:

The transferee and their successors in title to the said property shall not be entitled to any riparian rights to water from the Pienaars River but shall be entitled to the exclusive right to any water that may be found in the Spruit upon the said property.

(ii) The remaining extent of the said portion 14, measuring 64,2399 Hectares (of which the property held hereunder forms part) shall be entitled:

(a) To a three quarter share only of the water that may be found in the Spruit situate upon the said original Portion 14 of the said farm, and for the purpose of the said division the water in the said Spruit shall be considered to consist of that water flowing on to Portion 26 (a portion of Portion 14) transferred under

Deed of Transfer T.39532/1968, in two separate river beds which join into one, of the said Portion 26.

- (b) If and when considered necessary to construct a weir or dam in the bed of the said Spruit upon the said portion 26 and to erect a pumping plant thereon with the further right to lead water from the said Spruit either by means of a furrow or pipe to the Western Boundary of the said portion 26.
- C. Portion 14 (a portion of portion 1) of the said farm, measuring 85,6532 hectares (of which the property held hereunder is a portion) is entitled:
- (a) To a servitude of right of way 15,74 metres wide over certain Portion 15 of the said farm, measuring 22,8408 Hectares and held under Deed of Transfer T.20691/2956, as shown by the figure AHFGA on diagram S.2481/56 attached to the said Deed of Transfer T.20691/1956.
 - (b) To a servitude of right of way over the Remaining Extent of the farm TWEEFONTEIN 372, Registration Division J.R., Province of Gauteng, measuring as such 458,7720 hectares and held under Certificate of partition Title T.10975/1923 as shown by the figure FEGHF on Servitude diagram A.4638/55 attached to Notarial Deed No. 551/1956S.
 - (c) To a servitude of right of way 15,74 metres wide commencing from the Northern corner of the said original Portion 14 of the said farm and thence approximately along the North Western boundary of the remaining extent of Portion 1 of the said farm, measuring as such 473,3282 hectares as held by CHARLES RODBARD STRUBEN MALLESON by Deed of Transfer T.6636/1954 dated the 20th day of March, 1954, to give the owners of the said Portion 14 (a portion of portion 1) of the said farm (whereof the property held hereunder forms a portion), reasonable direct access over the said Remaining Extent of Portion 1 of the said farm to the public road leading to Pretoria-Bronkhorstspruit National Road without necessitating the construction of bridges by the owners of the said Portion 14.
- D. The former Remaining Extent of Portion 14 (a portion of portion 1) of the farm ZWARTKOPPIES 364, Registration Division J.R., measuring 21,4133 hectares (whereof that portions of the property held hereunder indicated by the figures defg and ecDEgf on Diagram S.G. No. 6404/2005 attached hereto, is a portion) is subject:
- (a) to a servitude of right of way 15,74 metres wide in favour of Portion 15 of the said farm measuring 22,8408 hectares held under Deed of Transfer T.20691/1956 along the Northern boundary thereof as shown on the diagram annexed to the said Deed of Transfer T.20691/56 and as shown by the figure AGFEA on diagram A.4677/55 of the said portion 14.
 - (b) To a servitude of right of way 15,74 metres wide, marked ABCDA on the said diagram A.4638/55 in favour of the remainder of the farm TWEEFONTEIN aforesaid, as will more fully appear from Notarial Deed of Servitude 551/1956 S.

- E. Die vorige Gedeelte 107 ('n gedeelte van Gedeelte 14) van die plaas ZWARTKOPPIES 364, Registrasie Afdeling J.R. Provinsie Gauteng, aangedui deur die figuur defg op Kaart S.G. No. 6404/2005 hieraan geheg, is onderhewig aan 'n serwitut van reg van weg, 4 meter wyd, ten gunste van die Algemene Publiek soos aangedui op kaart L.G. No. 9600/1997 geheg aan Akte van Transport T.107203/05 deur die lyne AB en BC wat respektiewelik die noordelike en oostelike grens van die serwitut voorstel.

1.4 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.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

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

1.6 REMOVAL OF LITTER

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

1.7 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.

1.8 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

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

1.9 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACEL

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs has granted the applicant exemption from compliance with regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the condition as indicated, laid down by the Kungwini Local Municipality in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

2.1 ALL ERVEN

- (i) The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm water) (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 m 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.

- (ii) No building 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 m from it.
- (iii) The local authority 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 local authority shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the local authority shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.2 ERVEN 1 TO 190

The owner of each erf in the township shall become a member of the home owner's association upon the transfer of the erf.

2.3 ERVEN 1, 6, 11, 18, 24, 38 AND 90

The erven shall be subject to a 3 meter wide storm water servitude in favour of the Section 21 Company as indicated on the General Plan.

2.4 ERVEN 100 AND 101

The erven shall be subject to a 1.5 meter wide storm water servitude in favour of the Section 21 Company as indicated on the General Plan.

2.5 ERF 1

The erf shall be subject to a servitude for a Sewer Pump Station of 12 meters by 12 meters in favour of the Section 21 Company as indicated on the General Plan.

2.6 ERF 83

- (i) Subject to a right-of-way servitude in favour of all the owners or occupiers of all the other erven in the township as indicated on the General Plan over the entire erf to guarantee access to a public road to all residents.
- (ii) Subject to a servitude for municipal purposes in favour of the local authority as indicated on the General Plan to guarantee access to the local authority's personnel and vehicles in order to carry out repair and maintenance work to the water and sewer networks after they have been taken over by the local authority.

Director Service Delivery

Date: 8 November 2006

Notice No.: 63/2006

PLAASLIKE BESTUURSKENNISGEWING 3130**KUNGWINI MUNISIPALITEIT
VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge Artikel 103 van die Dorpsbeplanninge Dorpe Ordonnansie, 1986, verklaar die Kungwini Plaaslike Munisipaliteit **Newmark Estate** as 'n goedgekeurde dorp onderworpe aan die voorwaardes soos uiteengesit in die skedule hierby.

STAAT VAN VOORWAARDES WAARONDER DIE AANSOEK GEMAAK IS DEUR MIDNIGHT MASQUERADE PROPERTIES 27 (EDMS) BPK (HIERNA VERWYS AS DIE APPLIKANT/DORPSEIENAAR) WAARONDER DIE BEPALINGS VAN HOOFSTUK III VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) VIR TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 143 VAN DIE PLAAS ZWARTKOPPIES 364 REGISTRASIE AFDELING JR, GAUTENG PROVINSIE TOEGESTAAN IS

1. STIGTINGSVOORWAARDES**1.1 NAAM**

Die naam van die dorp is **Newmark Estate**.

1.2 ONTWERP

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan SG No6403/2005.

1.3 BESIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe sal onderworpe wees aan bestaande voorwaardes en serwitute, indien enige, maar uitgesluit die volgende voorwaardes wat geregistreer is teen :-

Gedeelte 143 van die plaas ZWARTKOPPIES 364,
Registrasie Afdeling J.R., Gauteng Provinsie;

GROOT 21,4133 (Een-en-twintig komma vier een drie drie) Hektaar;

wat nie die dorpsgebied affekteer nie as gevolg van die ligging daarvan, welke voorwaardes nie oorgedra word tot die erwe in die dorp nie:

"A. The Remaining Extent of Portion 1 of the said farm, measuring as such 581,8222 hectares (of which the property held hereunder is a portion) is SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27th June, 1949 as will more fully appear from Notarial Deed of Servitude No. 620A/1949.S.

B. (i) Portion 14 (a portion of Portion 1) of the said farm, measuring 85,5632 hectares (of which the property held hereunder is a portion) is subject to the following:

The transferee and their successors in title to the said property shall not be entitled to any riparian rights to water from the Pienaars River but shall be entitled to the exclusive right to any water that may be found in the Spruit upon the said property.

(ii) The remaining extent of the said portion 14, measuring 64,2399 Hectares (of which the property held hereunder forms part) shall be entitled:

(a) To a three quarter share only of the water that may be found in the Spruit situate upon the said original Portion 14 of the said farm, and for the purpose of the said division the water in the said Spruit shall be

considered to consist of that water flowing on to Portion 26 (a portion of Portion 14) transferred under Deed of Transfer T.39532/1968, in two separate river beds which join into one, of the said Portion 26.

- (b) If and when considered necessary to construct a weir or dam in the bed of the said Spruit upon the said portion 26 and to erect a pumping plant thereon with the further right to lead water from the said Spruit either by means of a furrow or pipe to the Western Boundary of the said portion 26.

C. Portion 14 (a portion of portion 1) of the said farm, measuring 85,6532 hectares (of which the property held hereunder is a portion) is entitled:

- (a) To a servitude of right of way 15,74 metres wide over certain Portion 15 of the said farm, measuring 22,8408 Hectares and held under Deed of Transfer T.20691/2956, as shown by the figure AHFGA on diagram S.2481/56 attached to the said Deed of Transfer T.20691/1956.
- (b) To a servitude of right of way over the Remaining Extent of the farm TWEEFONTEIN 372, Registration Division J.R., Province of Gauteng, measuring as such 458,7720 hectares and held under Certificate of partition Title T.10975/1923 as shown by the figure FEGHF on Servitude diagram A.4638/55 attached to Notarial Deed No. 551/1956S.
- (c) To a servitude of right of way 15,74 metres wide commencing from the Northern corner of the said original Portion 14 of the said farm and thence approximately along the North Western boundary of the remaining extent of Portion 1 of the said farm, measuring as such 473,3282 hectares as held by CHARLES RODBARD STRUBEN MALLESON by Deed of Transfer T.6636/1954 dated the 20th day of March, 1954, to give the owners of the said Portion 14 (a portion of portion 1) of the said farm (whereof the property held hereunder forms a portion), reasonable direct access over the said Remaining Extent of Portion 1 of the said farm to the public road leading to Pretoria-Bronkhorstspuit National Road without necessitating the construction of bridges by the owners of the said Portion 14.

D. The former Remaining Extent of Portion 14 (a portion of portion 1) of the farm ZWARTKOPPIES 364, Registration Division J.R., measuring 21,4133 hectares (whereof that portions of the property held hereunder indicated by the figures defg and ecCDEgf on Diagram S.G. No. 6404/2005 attached hereto, is a portion) is subject:

- (a) to a servitude of right of way 15,74 metres wide in favour of Portion 15 of the said farm measuring 22,8408 hectares held under Deed of Transfer T.20691/1956 along the Northern boundary thereof as shown on the diagram annexed to the said Deed of Transfer T.20691/56 and as shown by the figure AGFEA on diagram A.4677/55 of the said portion 14.
- (b) To a servitude of right of way 15,74 metres wide, marked ABCDA on the said diagram A.4638/55 in favour of the

remainder of the farm TWEEFONTEIN aforesaid, as will more fully appear from Notarial Deed of Servitude 551/1956 S.

- E. Die vorige Gedeelte 107 ('n gedeelte van Gedeelte 14) van die plaas ZWARTKOPPIES 364, Registrasie Afdeling J.R. Provinsie Gauteng, aangedui deur die figuur defg op Kaart S.G. No. 6404/2005 hieraan geheg, is onderhewig aan 'n serwituut van reg van weg, 4 meter wyd, ten gunste van die Algemene Publiek soos aangedui op kaart L.G. No. 9600/1997 geheg aan Akte van Transport T.107203/05 deur die lyne AB en BC wat respektiewelik die noordelike en oostelike grens van die serwituut voorstel.

1.4 VERWYDERING OF VERVANGING VAN MUNISIPALE DIENSTE

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

1.5 SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar sal, indien vereis deur die Kungwini Plaaslike Munisipaliteit, op eie koste alle bestaande geboue en strukture wat binne die boulynreserwe en syruimtes of oor gemeenskaplike grense lê, of vervalle strukture, sloop.

1.6 VERWYDERING VAN ROMMEL

Die dorpseienaar sal op eie koste alle rommel binne die dorpsgebied verwyder tot tevredenheid van Kungwini Plaaslike Munisipaliteit, soos en wanneer vereis deur die Kungwini Plaaslike Munisipaliteit.

1.7 VERWYDERING EN/OFVERVANGING VAN ESKOM KRAGLYNE

Sou dit nodig raak om enige bestaande kraglyne van Eskom te verwyder en/of te vervang as gevolg van die dorpstigting, sal die koste daarvan deur die dorpseienaar gedra word.

1.8 VERWYDERING EN/OF VERVANGING VAN TELKOM DIENSTE

Sou dit nodig raak om enige bestaande kraglyne van Telkomdienste te verwyder en/of vervang as gevolg van die dorpstigting, sal die koste daarvan gedra word deur die dorpseienaar.

1.9 NAKOMING VAN VOORWAARDES INGESTEL DEUR GAUTENG DEPARTEMENT VAN LANDBOU, OMGEWINGSBEWARING EN GRONDSAKE

Die dorpseienaar sal op eie koste voldoen aan alle voorwaardes neergelê deur die Gauteng Departement van Landbou, Omgewingsbewaring en Grondsake by toestaan van die vrystelling van voldoening aan Regulasie No 1182 en 1183, afgekondig ingevolge Artikels 21, 22 en 26 van die Omgewingsbewaringswet, vir die ontwikkeling van die dorp.

2. TITELVOORWAARDES

Die erwe hieronder vermeld is onderworpe aan die voorwaardes soos aangedui, neergelê deur die Kungwini Plaaslike Munisipaliteit ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

2.1 ALLE ERWE

- (i) Die erf is onderworpe aan 'n serwituut, 2m wyd, vir munisipale dienste (water, riool, elektrisiteit en stormwater) (hierna verwys na as "die dienste"), ten gunste van die plaaslike bestuur, langs enige 2 grense, uitgesluit die straatgrens en, in geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale dienste, 2m wyd, oor die toegangsgedeelte van die erf, soos en wanneer vereis deur plaaslike bestuur. Met dien verstande dat die plaaslike bestuur mag afwyk van enige serwitute.

- (ii) Geen geboue of ander strukture mag opgerig word binne die voorgemelde serwituutgebied en geen grootwortelbome mag geplant word binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan nie.
- (iii) Die plaaslike bestuur sal geregtig wees om tydelik te stort op die grond aangrensend aan sodanige serwituut, enige materiaal wat uitgegrawe word gedurende die installering, onderhou of verwydering van sulke dienste en ander werke wat volgens sy diskresie nodig is, en voorts sal die plaaslike bestuur geregtig wees tot redelike toegang na die voorgenoemde eiendom, met dien verstaande dat die plaaslike bestuur alle skade sal regstel wat gemaak is as gevolg van die installering, onderhoud of verwydering van sodanige dienste en ander werke

2.2 ERWE 1 TOT 90

Die eienaar van elke erf in die dorp sal 'n lid van die huiseienaarsvereniging word by oordrag van die erf.

2.3 ERWE 1, 6, 11, 18, 24, 38 EN 90

Die erwe is onderworpe aan 'n 3 meter wye stormwaterserwituut ten gunste van die Artikel 21 maatskappy soos aangedui op die Algemene Plan.

2.4 ERWE 100 EN 101

Die erwe is onderworpe aan 'n 1,5 meter wye stormwaterserwituut ten gunste van die Artikel 21 maatskappy soos aangedui op die Algemene Plan.

2.5 ERF 1

Die erf is onderworpe aan 'n serwituut vir 'n rioolpompstasie van 12 meter by 12 meter ten gunste van die Artikel 21 maatskappy soos aangedui op die Algemene Plan.

2.6 ERF 83

- (i) Die erf is onderworpe aan 'n reg-van-weg serwituut ten gunste van al die eienaars/inwoners van alle erwe in die dorp soos aangedui op die Algemene Plan oor die hele erf om toegang te verseker vir alle inwoners na 'n publieke pad.
- (ii) Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes ten gunste van die plaaslike bestuur soos aangedui op die Algemene Plan om toegang te waarborg vir personeel en voertuie van die plaaslike bestuur ten einde herstel- en onderhoudswerk aan water- en rioolnetwerke te doen nadat dit deur die plaaslike bestuur oorgeneem is.

Direkteur van Dienslewering
Datum: 8 November 2006
Kenningsgewingno: 63/2006

LOCAL AUTHORITY NOTICE 3131

**KUNGWINI LOCAL MUNICIPALITY
AMENDMENT SCHEME 497**

The Municipality hereby declares in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 that it has approved an amendment scheme, being an amendment of the Peri-Urban Town Planning Scheme, 1975 comprising the same land as included in the township of **Newmark Estate**.

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Director Service Delivery, Kungwini Local Municipality and are open for inspection at all reasonable times.

The amendment scheme is known as Amendment Scheme 497.

Director Service Delivery

Date: 8 November 2006

Notice No.: 63/2006

PLAASLIKE BESTUURSKENNISGEWING 3131

**KUNGWINI PLAASLIKE MUNISIPALITEIT
WYSIGINGSKEMA 497**

Die Munisipaliteit, in terme van die bepalings van die Artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 verklaar dat dit 'n wysigingskema goedgekeur is as 'n goedgekeurde wysigingskema, synde 'n wysiging van die Peri-Urban Dorpsbeplanning-skema, 1975 bestaande uit dieselfde eiendom as wat ingesluit is in die dorp **Newmark Estate**.

Kaart 3, Bylae en skemaklousules van die wysigingskema is ingedien by die Direkteur Dienslewering, Kungwini Plaaslike Munisipaliteit en lê ter insae vir inspeksie ten alle redelike tye.

Die wysigingskema is bekend as Wysigingskema 497.

Direkteur Dienslewering

Datum: 8 November 2006

Kennisgewingno.: 63/2006

mvz/advertensies/A765prokl

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**S. MBHELE
EXECUTIVE DIRECTOR: MARKETING**

**Tel.: (012) 334-4764
Cell: 082 889 5059**

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Mrs H. Wolmarans Tel.: (012) 334-4591

Fax number: (012) 323-8805

E-mail address: awvanzyl@print.pwv.gov.za

Contact persons for subscribers:

Mrs S. M. Milanzi Tel.: (012) 334-4734
Mrs J. Wehmeyer Tel.: (012) 334-4753
Fax.: (012) 323-9574

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Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, two weeks before the 2nd January 2002.

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HENNIE MALAN

Director: Financial Management
Office of the Premier (Gauteng)

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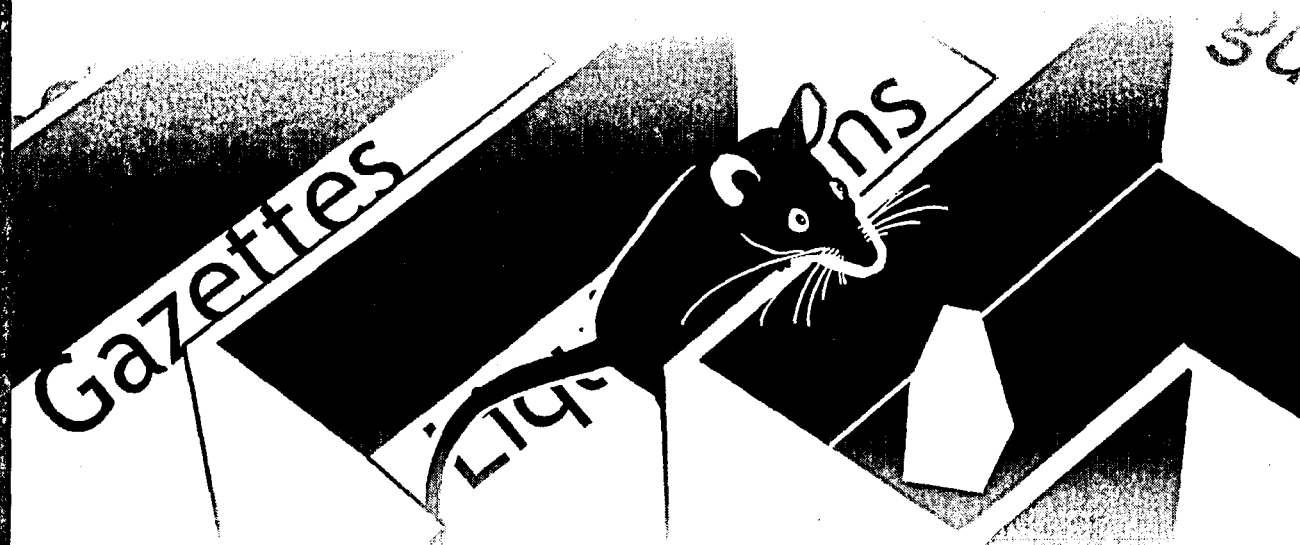
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