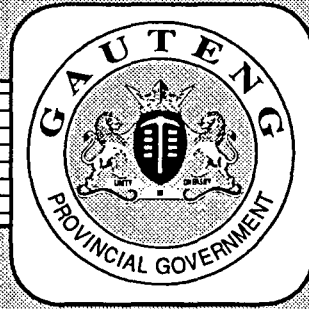


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

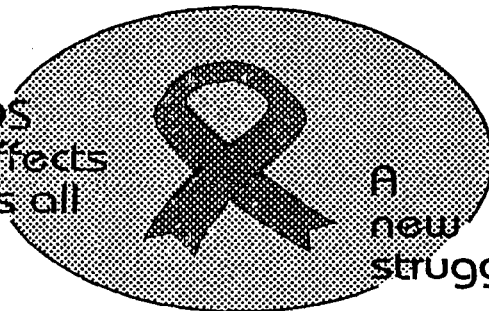
Vol. 12

PRETORIA, 6 DECEMBER 2006
DESEMBER

No. 434

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

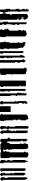


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LOCAL AUTHORITY NOTICES

PLAASLIKE BESTUURSKENNISGEWING 3399

VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge artikel 69 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), verklaar die Administrateur hierby die dorp Brakpan-Noord Uitbreiding 11 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

DPLG 11/3/9/1/B/27

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR ASSETGROW INVESTMENTS 10 (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1965, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 104 (A PORTION OF PORTION 51 VAN DIE PLAAS MODDERFONTEIN NO. 76-I.R., PROVINSIE GAUTENG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

(1) NAAM

Die naam van die dorp is Brakpan-Noord Uitbreiding 11.

(2) ONTWERP

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan L.G. No 5129/2005.

(3) STORMWATERDREINERING EN STRAATBOU

(a) Die dorpseienaar moet op versoek van die plaaslike bestuur aan sodanige bestuur 'n gedetailleerde skema, volledig met planne, deursnee en spesifikasies, opgestel deur 'n siviele ingenieur wat deur die plaaslike bestuur goedgekeur is, vir die opgaar en afvoer van stormwater deur die hele dorp deur middel van behoorlike aangelegde werke en vir die aanlê, teermacadamisering, beranding en kanalisering van die strate daarin, tesame met die verskaffing van sodanige keermure as wat die plaaslike bestuur nodig ag, vir goedkeuring voorlê.

Die skema moet voorsiening maak vir die opvang van stormwater in opvangputte van waar dit weggevoer moet word in waterdigte pype van duursame materiaal, deur die plaaslike bestuur goedgekeur, op so 'n wyse dat die water op geen wyse sal opgaar of insypel op of naby die oppervlakte van die grond nie.

Verder moet die skema die roete en helling aandui deur middel waarvan elke erf toegang tot die aangrensende straat verkry.

(b) Die dorpseienaar moet, wanneer die plaaslike bestuur dit vereis, die goedgekeurde skema op eie koste namens en tot bevrediging van die plaaslike bestuur, onder toesig van 'n siviele ingenieur deur die plaaslike bestuur goedgekeur, uitvoer.

(c) Die dorpseienaar is verantwoordelik vir die instandhouding van die strate tot bevrediging van die plaaslike bestuur totdat die strate ooreenkomstig subklousule (b) gebou is.

(d) Indien die dorpseienaar versuim om aan die bepalings van paragrawe (a), (b) en (c) hiervan te voldoen, is die plaaslike bestuur geregtig om die werk op koste van die dorpseienaar te doen.

(4) BESIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd die volgende serwitute wat nie die dorp raak nie:

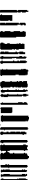
(a) *Subject to a servitude to construct, reconstruct, use, maintain, repair, lay, re-lay, alter, inspect and remove

(a) certain water pipeline along the route indicated by the letters ABCDEFGHJK on Diagram SG No. A3878/72 annexed to the hereinafter mentioned Notarial Deed, being the northern side of the pipeline servitude 4 (four) metres wide, and

(b) a swirl pool indicated by the figure KLMNPORK on the said Diagram SG No. A3370/72 together with ancillary rights and conditions in favour of GOVERNMENT

GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED as will more fully appear from Notarial Deed of Servitude No. K2377/1976S dated the 5th July 1976 and registered the 5th November 1976."

- (b) "Subject to a servitude to construct, reconstruct, use, maintain, relay, alter, inspect and remove certain Rising Main along the route internal to the figure abcdefa indicated on Diagram SG No. A328/73 annexed to the hereinafter mentioned Notarial Deed of Servitude being the servitude area 6 (six) metres wide, the north-western boundary whereof is 2 (two) metres north-west of the line ABC on the said Diagram SG No. A328/73 together with ancillary rights and conditions, in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED, as will more fully appear from Notarial Deed of Servitude No. K2379/1976S dated the 5th July, 1976 and registered on the 16th August 1976."
- (c) "Portion 46 (a portion of portion 3) of the Farm Modderfontein 76, Registration Division I.R., Province of Gauteng (whereof the property held hereunder forms a portion) is subject to Notarial Deed of Servitude No. 293/1970S registered on 17 April 1970 whereby the rights in perpetuity are granted to Electricity Supply Commission to convey electricity across the property."
- (d) "F. By Notarial Deed K840/89S dated 24 March 1987 the within-mentioned property is subject to a servitude in perpetuity to erect and maintain pump station and water pipelines, the exact route being:
- (i) figure ABCDEFG on Diagram S G No. A10606/85;
 - (ii) figure ABCD on Diagram S G No. A10607/85;"
 - (iii) figure ABCD on Diagram S G No. A10608/85; and
 - (iv) figure ABCDE on Diagram S G No. A10609/85, in favour of Hippo Quarries (Proprietary) Limited."
- (e) "Subject to a servitude in perpetuity to erect, re-erect, lay, re-lay, use, maintain, repair, alter, inspect and remove any overhead electric power lines and/or any underground electric cables as shown by the figures ABCDA and ABCDEFGHA on Diagram S.G. No. A3880/72 and A3881/72 respectively both annexed to the hereinafter mentioned Notarial Deed, together with ancillary rights and conditions, in favour of Electricity Supply Commission as will more fully appear from Notarial Deed of Servitude K2378/1976 S dated 5 July 1976 and registered on 16 August 1976, the latter of which aforementioned figures only is indicated by the figure abcdefDEa on the annexed Diagram S G No.A3882/72."
- (5) FORMASIE EN PLIGTE VAN 'N INWONERS ASSOSIASIE
- "The applicant shall properly and legally constitute a Residents' Association to the satisfaction of the Council before the transfer of the first erf, which Association shall not be deregistered without the consent of the Council.
- (a) The Private Open Space Erven (Erven 2397 and 2398) shall be registered in the name of the Residents' Association and the said road portion and parkland shall not be sold or in any way disposed of without prior consent of the Council.
 - (b) Each and every owner of Erven 2327 to 2391 shall become a member of the Residents' Association upon transfer if the erf.
 - (c) The Residents' Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal resource to recover such fees in the event of a default in payment by any member.
 - (d) The Council shall not be responsible 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.
 - (e) A servitude for municipal purposes shall be registered over Erf 2399 in favour of and to the satisfaction of the Council.
 - (f) The Council shall have unrestricted access to Erf 2399 at all times.
 - (h) Erven 2397, 2398 and 2399 cannot be sold to any person except the body corporate and the erven may not be rezoned unless the consent from the local authority has been obtained."



2. TITELVOORWAARDES

- (1) VOORWAARDES OPGELê DEUR DIE STAATSPRESIDENT IN TERME VAN ARTIKEL 184(2) VAN DIE WET OP MYNREGTE NO. 20 VAN 1967

Alle erwe is onderworpe aan die volgende voorwaarde:

"Aangesien hierdie erf deel vorm van die grond wat ondermyn is of ondermyn mag word en onderhewig mag wees aan versakking, vassakking, skok en krake as gevolg van mynbedrywighede in die verlede, die hede en die toekoms aanvaar die elenaar daarvan alle verantwoordelikheid vir enige skade aan die grond of geboue daarop as gevolg van sodanige versakking, vassakking, skok of krake."

- (2) VOORWAARDES OPGELê DEUR DIE ADMINISTRATEUR KRAGTENS DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 25 VAN 1965

- (a) ALLE ERWE MET UITSONDERING VAN ERWE 2397, 2398 EN 2399 IS ONDERWORPE AAN DIE VOLGENDE VOORWAARDES

- (i) Die erf is onderworpe aan 'n serwituut 2 m breed, vir riolerings- en ander munisipale doeleindes, ten gunste van die plaaslike bestuur, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2 m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur. Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.
- (ii) Geen gebou 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 m daarvan geplant word nie.
- (iii) Die plaaslike bestuur is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpyleidings en ander werke wat hy volgens goeddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpyleidings en ander werke veroorsaak word.

- (b) ERF 2399

Die erf is onderworpe aan 'n reg van weg serwituut soos op die algemene plan aangedui.

- (c) ERF 2399

Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes soos op die algemene plan aangedui.

LOCAL AUTHORITY NOTICE 3399

DECLARATION AS APPROVED TOWNSHIP

In terms of section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares Brakpan-Noord Extension 11 township to be an approved township, subject to the conditions set out in the Schedule hereto.

DPLG 11/3/9/1/B/27

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ASSETGROW INVESTMENTS 10 (PROPRIETARY) LIMITED UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 104 (A PORTION OF PORTION 51) OF THE FARM MODDERFONTEIN NO. 76-I.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED

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1. CONDITIONS OF ESTABLISHMENT

- (1) **NAME**
The name of the township shall be Brakpan-Noord Extension 11.
- (2) **DESIGN**
The township shall consist of erven and streets as indicated on General Plan S.G. No. 5129/2005.
- (3) **STORMWATER DRAINAGE AND STREET CONSTRUCTION**
 - (a) The township owner shall on request by the local authority submit to such authority for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority.
The scheme shall provide for the catchment of stormwater in catch pits whence it shall be drained off in watertight pipes of durable material, approved by the local authority, in such manner that water will in no way dam up or infiltrate on or near the surface of the ground. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.
 - (b) The township owner shall, when required by the local authority to do so, carry out the approved scheme at its own expense on behalf and to the satisfaction of the local authority under the supervision of a civil engineer approved by the local authority.
 - (c) The township owner shall be responsible for the maintenance of the streets to the satisfaction of the local authority until the streets have been constructed as set out in subclause (b).
 - (d) If the township owner fails to comply with the provisions of paragraphs (a), (b) and (c) hereof the local authority shall be entitled to do the work at the cost of the township owner.
- (4) **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 the following servitudes which do not affect the township area:
 - (a) "Subject to a servitude to construct, reconstruct, use, maintain, repair, lay, re-lay, alter, inspect and remove
 - (a) certain water pipeline along the route indicated by the letters ABCDEFGHJK on Diagram SG No. A3878/72 annexed to the hereinafter mentioned Notarial Deed, being the northern side of the pipeline servitude 4 (four) metres wide, and
 - (b) a swirl pool indicated by the figure KLMNPORK on the said Diagram SG No. A3370/72 together with ancillary rights and conditions in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED as will more fully appear from Notarial Deed of Servitude No. K2377/1976S dated the 5th July 1976 and registered the 5th November 1976."
 - (b) "Subject to a servitude to construct, reconstruct, use, maintain, relay, alter, inspect and remove certain Rising Main along the route internal to the figure abcdefa indicated on Diagram SG No. A328/73 annexed to the hereinafter mentioned Notarial Deed of Servitude being the servitude area 6 (six) metres wide, the north-western boundary whereof is 2 (two) metres north-west of the line ABC on the said Diagram SG No. A328/73 together with ancillary rights and conditions, in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED, as will more fully appear from Notarial Deed of Servitude No. K2379/1976S dated the 5th July, 1976 and registered on the 16th August 1976."
 - (c) "Portion 46 (a portion of portion 3) of the Farm Modderfontein 76, Registration Division I.R., Province of Gauteng (whereof the property held hereunder forms a portion) is subject to Notarial Deed of Servitude No. 293/1970S registered on 17 April 1970 whereby the rights in perpetuity are granted to Electricity Supply Commission to convey electricity across the property."
 - (d) "F. By Notarial Deed K840/89S dated 24 March 1987 the within-mentioned property is

subject to a servitude in perpetuity to erect and maintain pump station and water pipelines, the exact route being:

- (i) figure ABCDEFG on Diagram S G No. A10606/85;
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(5) **FORMATION AND DUTIES OF RESIDENTS ASSOCIATION**

"The applicant shall properly and legally constitute a Residents' Association to the satisfaction of the Council before the transfer of the first erf, which Association shall not be deregistered without the consent of the Council.

- (a) The Private Open Space Erven (Erven 2397 and 2398) shall be registered in the name of the Residents' Association and the said road portion and parkland shall not be sold or in any way disposed of without prior consent of the Council.
- (b) Each and every owner of Erven 2327 to 2391 shall become a member of the Residents' Association upon transfer of the erf.
- (c) The Residents' Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal resource to recover such fees in the event of a default in payment by any member.
- (d) The Council shall not be responsible 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.
- (e) A servitude for municipal purposes shall be registered over Erf 2399 in favour of and to the satisfaction of the Council.
- (f) The Council shall have unrestricted access to Erf 2399 at all times.
- (h) Erven 2397, 2398 and 2399 cannot be sold to any person except the body corporate and the erven may not be rezoned unless the consent from the local authority has been obtained."

2. **CONDITIONS OF TITLE**

(1) **CONDITIONS IMPOSED BY THE STATE PRESIDENT IN TERMS OF THE SECTION 184(2) OF THE MINING RIGHTS ACT NO. 20 OF 1967**

All erven shall be subject to the following condition:

"As this erf forms part of land which is or may be undermined and 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 and to any structure thereon which may result from such subsidence, settlement, shock or cracking."

(2) **CONDITIONS IMPOSED BY THE ADMINISTRATOR IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE NO. 25 OF 1965**

(a) **ALL ERVEN WITH THE EXCEPTION OF ERVEN 2397, 2398 AND 2399 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (i) The erf is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a

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street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m 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.

- (ii) 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 m thereof.
- (iii) 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.

(b) ERF 2399

The whole of the erf is subject to a right of way servitude as indicated on the general plan.

(c) ERF 2399

The whole of the erf is subject to servitude for municipal purposes as indicated on the general plan.

ID3517

LOCAL AUTHORITY NOTICE 3400

BRAKPAN AMENDMENT SCHEME 451

The Administrator hereby, in terms of the provisions of Section 89(1) of the Town Planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of Brakpan Town Planning Scheme, 1980, comprising the same land as included in the township of Brakpan-Noord Extension 11.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Department of Economic Development), Johannesburg, and the Town Clerk, Brakpan, and are open for inspection at all reasonable times.

The amendment scheme is known as Brakpan Amendment Scheme 451.

DPLG 11/3/14/B/32(451)

PLAASLIKE BESTUURSKENNISGEWING 3400

BRAKPAN WYSIGINGSKEMA 451

Die Administrateur verklaar hierby, ingevolge die bepalings van Artikel 89(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, dat hy 'n wysigingskema synde 'n wysiging van Brakpan Dorpsbeplanningskema 1980, wat uit dieselfde grond as die dorp Brakpan-Noord Uitbreiding 11 bestaan, goedgekeur het.

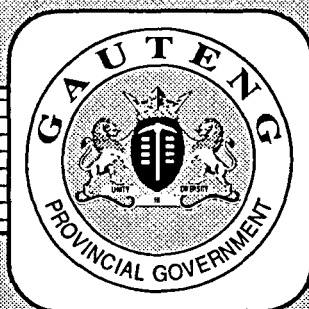
Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Gauteng Provinsiale Regering, (Departement van Ekonomiese Ontwikkeling), Johannesburg, en die Stadsklerk Brakpan, en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Brakpan Wysigingskema 451.

DPLG 11/3/14/B/32(451)

ID3517

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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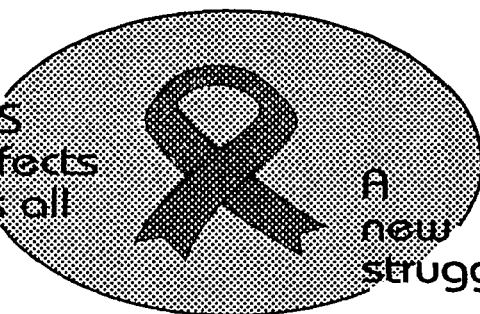
Vol. 12

PRETORIA, 6 DECEMBER 2006
DESEMBER 2006

No. 434

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

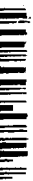


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LOCAL AUTHORITY NOTICES

PLAASLIKE BESTUURSKENNISGEWING 3399

VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge artikel 69 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), verklaar die Administrateur hierby die dorp Brakpan-Noord Uitbreiding 11 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

DPLG 11/3/9/1/B/27

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR ASSETGROW INVESTMENTS 10 (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1965, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 104 (A PORTION OF PORTION 51 VAN DIE PLAAS MODDERFONTEIN NO. 76-I.R., PROVINSIE GAUTENG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

- (1) NAAM
Die naam van die dorp is Brakpan-Noord Uitbreiding 11.
- (2) ONTWERP
Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan L.G. No 5129/2005.
- (3) STORMWATERDREINERING EN STRAATBOU
 - (a) Die dorpseienaar moet op versoek van die plaaslike bestuur aan sodanige bestuur 'n gedetailleerde skema, volledig met planne, deursnee en spesifikasies, opgestel deur 'n siviele ingenieur wat deur die plaaslike bestuur goedgekeur is, vir die opgaar en afvoer van stormwater deur die hele dorp deur middel van behoorlike aangelegde werke en vir die aanlê, teermacadamisering, beranding en kanalisering van die strate daarin, tesame met die verskaffing van sodanige keurmure as wat die plaaslike bestuur nodig ag, vir goedkeuring voorlê.
Die skema moet voorsiening maak vir die opvang van stormwater in opvangputte van waar dit weggevoer moet word in waterdigte pype van duursame materiaal, deur die plaaslike bestuur goedgekeur, op so 'n wyse dat die water op geen wyse sal opgaar of insypel op of naby die oppervlakte van die grond nie.
Verder moet die skema die roete en helling aandui deur middel waarvan elke erf toegang tot die aangrensende straat verkry.
 - (b) Die dorpseienaar moet, wanneer die plaaslike bestuur dit vereis, die goedgekeurde skema op eie koste namens en tot bevrediging van die plaaslike bestuur, onder toesig van 'n siviele ingenieur deur die plaaslike bestuur goedgekeur, uitvoer.
 - (c) Die dorpseienaar is verantwoordelik vir die instandhouding van die strate tot bevrediging van die plaaslike bestuur totdat die strate ooreenkomstig subklousule (b) gebou is.
 - (d) Indien die dorpseienaar versuim om aan die bepalings van paragrawe (a), (b) en (c) hiervan te voldoen, is die plaaslike bestuur geregtig om die werk op koste van die dorpseienaar te doen.

(4) BESKIKKING OOR BESTAANDE TITELVOORWAARDES

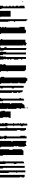
Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd die volgende serwitute wat nie die dorp raak nie:

- (a) "Subject to a servitude to construct, reconstruct, use, maintain, repair, lay, re-lay, alter, inspect and remove
 - (a) certain water pipeline along the route indicated by the letters ABCDEFGHJK on Diagram SG No. A3878/72 annexed to the hereinafter mentioned Notarial Deed, being the northern side of the pipeline servitude 4 (four) metres wide, and
 - (b) a swirl pool indicated by the figure KLMNPORK on the said Diagram SG No. A3370/72 together with ancillary rights and conditions in favour of GOVERNMENT



GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED as will more fully appear from Notarial Deed of Servitude No. K2377/1976S dated the 5th July 1976 and registered the 5th November 1976."

- (b) "Subject to a servitude to construct, reconstruct, use, maintain, relay, alter, inspect and remove certain Rising Main along the route internal to the figure abcdefa indicated on Diagram SG No. A328/73 annexed to the hereinafter mentioned Notarial Deed of Servitude being the servitude area 6 (six) metres wide, the north-western boundary whereof is 2 (two) metres north-west of the line ABC on the said Diagram SG No. A328/73 together with ancillary rights and conditions, in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED, as will more fully appear from Notarial Deed of Servitude No. K2379/1976S dated the 5th July, 1976 and registered on the 16th August 1976."
- (c) "Portion 46 (a portion of portion 3) of the Farm Modderfontein 76, Registration Division I.R., Province of Gauteng (whereof the property held hereunder forms a portion) is subject to Notarial Deed of Servitude No. 293/1970S registered on 17 April 1970 whereby the rights in perpetuity are granted to Electricity Supply Commission to convey electricity across the property."
- (d) "F. By Notarial Deed K840/89S dated 24 March 1987 the within-mentioned property is subject to a servitude in perpetuity to erect and maintain pump station and water pipelines, the exact route being:
- (i) figure ABCDEFG on Diagram S G No. A10606/85;
 - (ii) figure ABCD on Diagram S G No. A10607/85;"
 - (iii) figure ABCD on Diagram S G No. A10608/85; and
 - (iv) figure ABCDE on Diagram S G No. A10609/85, in favour of Hippo Quarries (Proprietary) Limited."
- (e) "Subject to a servitude in perpetuity to erect, re-erect, lay, re-lay, use, maintain, repair, alter, inspect and remove any overhead electric power lines and/or any underground electric cables as shown by the figures ABCDA and ABCDEFGHA on Diagram S.G. No. A3880/72 and A3881/72 respectively both annexed to the hereinafter mentioned Notarial Deed, together with ancillary rights and conditions, in favour of Electricity Supply Commission as will more fully appear from Notarial Deed of Servitude K2378/1976 S dated 5 July 1976 and registered on 16 August 1976, the latter of which aforementioned figures only is indicated by the figure abcdefDEa on the annexed Diagram S G No.A3882/72."
- (5) **FORMASIE EN PLIGTE VAN 'N INWONERS ASSOSIASIE**
 "The applicant shall properly and legally constitute a Residents' Association to the satisfaction of the Council before the transfer of the first erf, which Association shall not be deregistered without the consent of the Council.
- (a) The Private Open Space Erven (Erven 2397 and 2398) shall be registered in the name of the Residents' Association and the said road portion and parkland shall not be sold or in any way disposed of without prior consent of the Council.
 - (b) Each and every owner of Erven 2327 to 2391 shall become a member of the Residents' Association upon transfer if the erf.
 - (c) The Residents' Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal resource to recover such fees in the event of a default in payment by any member.
 - (d) The Council shall not be responsible 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.
 - (e) A servitude for municipal purposes shall be registered over Erf 2399 in favour of and to the satisfaction of the Council.
 - (f) The Council shall have unrestricted access to Erf 2399 at all times.
 - (h) Erven 2397, 2398 and 2399 cannot be sold to any person except the body corporate and the erven may not be rezoned unless the consent from the local authority has been obtained."



2. TITELVOORWAARDES

- (1) VOORWAARDES OPGELê DEUR DIE STAATSPRESIDENT IN TERME VAN ARTIKEL 184(2) VAN DIE WET OP MYNREGTE NO. 20 VAN 1967

Alle erwe is onderworpe aan die volgende voorwaarde:

"Aangesien hierdie erf deel vorm van die grond wat ondermyn is of ondermyn mag word en onderhewig mag wees aan versakking, vassakking, skok en krake as gevolg van mynbedrywighede in die verlede, die hede en 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."

- (2) VOORWAARDES OPGELê DEUR DIE ADMINISTRATEUR KRAGTENS DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 25 VAN 1965

- (a) ALLE ERWE MET UITSONDERING VAN ERWE 2397, 2398 EN 2399 IS ONDERWORPE AAN DIE VOLGENDE VOORWAARDES

- (i) Die erf is onderworpe aan 'n serwituut 2 m breed, vir riolerings- en ander munisipale doeleindes, ten gunste van die plaaslike bestuur, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2 m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur. Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.
- (ii) Geen gebou 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 m daarvan geplant word nie.
- (iii) Die plaaslike bestuur 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 goeë dunske noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

- (b) ERF 2399

Die erf is onderworpe aan 'n reg van weg serwituut soos op die algemene plan aangedui.

- (c) ERF 2399

Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes soos op die algemene plan aangedui.

LOCAL AUTHORITY NOTICE 3399

DECLARATION AS APPROVED TOWNSHIP

In terms of section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares Brakpan-Noord Extension 11 township to be an approved township, subject to the conditions set out in the Schedule hereto.

DPLG 11/3/91/B/27

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ASSETGROW INVESTMENTS 10 (PROPRIETARY) LIMITED UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 104 (A PORTION OF PORTION 51) OF THE FARM MODDERFONTEIN NO. 76-I.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED

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1. CONDITIONS OF ESTABLISHMENT

- (1) **NAME**
The name of the township shall be Brakpan-Noord Extension 11.
- (2) **DESIGN**
The township shall consist of erven and streets as indicated on General Plan S.G. No. 5129/2005.
- (3) **STORMWATER DRAINAGE AND STREET CONSTRUCTION**
- (a) The township owner shall on request by the local authority submit to such authority for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority.
The scheme shall provide for the catchment of stormwater in catch pits whence it shall be drained off in watertight pipes of durable material, approved by the local authority, in such manner that water will in no way dam up or infiltrate on or near the surface of the ground. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.
- (b) The township owner shall, when required by the local authority to do so, carry out the approved scheme at its own expense on behalf and to the satisfaction of the local authority under the supervision of a civil engineer approved by the local authority.
- (c) The township owner shall be responsible for the maintenance of the streets to the satisfaction of the local authority until the streets have been constructed as set out in subclause (b).
- (d) If the township owner fails to comply with the provisions of paragraphs (a), (b) and (c) hereof the local authority shall be entitled to do the work at the cost of the township owner.
- (4) **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 the following servitudes which do not affect the township area:
- (a) "Subject to a servitude to construct, reconstruct, use, maintain, repair, lay, re-lay, alter, inspect and remove
- (a) certain water pipeline along the route indicated by the letters ABCDEFGHJK on Diagram SG No. A3878/72 annexed to the hereinafter mentioned Notarial Deed, being the northern side of the pipeline servitude 4 (four) metres wide, and
- (b) a swirl pool indicated by the figure KLMNPORK on the said Diagram SG No. A3370/72 together with ancillary rights and conditions in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED as will more fully appear from Notarial Deed of Servitude No. K2377/1976S dated the 5th July 1976 and registered the 5th November 1976."
- (b) "Subject to a servitude to construct, reconstruct, use, maintain, relay, alter, inspect and remove certain Rising Main along the route internal to the figure abcdefa indicated on Diagram SG No. A328/73 annexed to the hereinafter mentioned Notarial Deed of Servitude being the servitude area 6 (six) metres wide, the north-western boundary whereof is 2 (two) metres north-west of the line ABC on the said Diagram SG No. A328/73 together with ancillary rights and conditions, in favour of GOVERNMENT GOLD MINING AREAS (MODDERFONTEIN) CONSOLIDATED LIMITED, as will more fully appear from Notarial Deed of Servitude No. K2379/1976S dated the 5th July, 1976 and registered on the 16th August 1976."
- (c) "Portion 46 (a portion of portion 3) of the Farm Modderfontein 76, Registration Division I.R., Province of Gauteng (whereof the property held hereunder forms a portion) is subject to Notarial Deed of Servitude No. 293/1970S registered on 17 April 1970 whereby the rights in perpetuity are granted to Electricity Supply Commission to convey electricity across the property."
- (d) "F. By Notarial Deed K840/89S dated 24 March 1987 the within-mentioned property is

subject to a servitude in perpetuity to erect and maintain pump station and water pipelines, the exact route being:

- (i) figure ABCDEFG on Diagram S G No. A10606/85;
- (ii) figure ABCD on Diagram S G No. A10607/85;"
- (iii) figure ABCD on Diagram S G No. A10608/85; and
- (iv) figure ABCDE on Diagram S G No. A10609/85, in favour of Hippo Quarries (Proprietary) Limited."

- (e) "Subject to a servitude in perpetuity to erect, re-erect, lay, re-lay, use, maintain, repair, alter, inspect and remove any overhead electric power lines and/or any underground electric cables as shown by the figures ABCDA and ABCDEFGHA on Diagram S.G. No. A3880/72 and A3881/72 respectively both annexed to the hereinafter mentioned Notarial Deed, together with ancillary rights and conditions, in favour of Electricity Supply Commission as will more fully appear from Notarial Deed of Servitude K2378/1976 S dated 5 July 1976 and registered on 16 August 1976, the latter of which aforementioned figures only is indicated by the figure abcdefDEa on the annexed Diagram S G No.A3882/72."

(5) **FORMATION AND DUTIES OF RESIDENTS ASSOCIATION**

"The applicant shall properly and legally constitute a Residents' Association to the satisfaction of the Council before the transfer of the first erf, which Association shall not be deregistered without the consent of the Council.

- (a) The Private Open Space Erven (Erven 2397 and 2398) shall be registered in the name of the Residents' Association and the said road portion and parkland shall not be sold or in any way disposed of without prior consent of the Council.
- (b) Each and every owner of Erven 2327 to 2391 shall become a member of the Residents' Association upon transfer if the erf.
- (c) The Residents' Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal resource to recover such fees in the event of a default in payment by any member.
- (d) The Council shall not be responsible 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.
- (e) A servitude for municipal purposes shall be registered over Erf 2399 in favour of and to the satisfaction of the Council.
- (f) The Council shall have unrestricted access to Erf 2399 at all times.
- (h) Erven 2397, 2398 and 2399 cannot be sold to any person except the body corporate and the erven may not be rezoned unless the consent from the local authority has been obtained."

2. **CONDITIONS OF TITLE**

(1) **CONDITIONS IMPOSED BY THE STATE PRESIDENT IN TERMS OF THE SECTION 184(2) OF THE MINING RIGHTS ACT NO. 20 OF 1967**

All erven shall be subject to the following condition:

"As this erf forms part of land which is or may be undermined and 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 and to any structure thereon which may result from such subsidence, settlement, shock or cracking."

(2) **CONDITIONS IMPOSED BY THE ADMINISTRATOR IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE NO. 25 OF 1965**

(a) **ALL ERVEN WITH THE EXCEPTION OF ERVEN 2397, 2398 AND 2399 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (i) The erf is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a

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- street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m 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.
- (ii) 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 m thereof.
- (iii) 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.
- (b) ERF 2399
- The whole of the erf is subject to a right of way servitude as indicated on the general plan.
- (c) ERF 2399
- The whole of the erf is subject to servitude for municipal purposes as indicated on the general plan.

ID3517

LOCAL AUTHORITY NOTICE 3400

BRAKPAN AMENDMENT SCHEME 451

The Administrator hereby, in terms of the provisions of Section 89(1) of the Town Planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of Brakpan Town Planning Scheme, 1980, comprising the same land as included in the township of Brakpan-Noord Extension 11.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Department of Economic Development), Johannesburg, and the Town Clerk, Brakpan, and are open for inspection at all reasonable times.

The amendment scheme is known as Brakpan Amendment Scheme 451.

DPLG 11/3/14/B/32(451)

PLAASLIKE BESTUURSKENNISGEWING 3400

BRAKPAN WYSIGINGSKEMA 451

Die Administrateur verklaar hierby, ingevolge die bepalings van Artikel 89(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, dat hy 'n wysigingskema synde 'n wysiging van Brakpan Dorpsbeplanningskema 1980, wat uit dieselfde grond as die dorp Brakpan-Noord Uitbreiding 11 bestaan, goedgekeur het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Gauteng Provinsiale Regering, (Departement van Ekonomiese Ontwikkeling), Johannesburg, en die Stadsklerk Brakpan, en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Brakpan Wysigingskema 451.

DPLG 11/3/14/B/32(451)

ID3517