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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 145

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9633P

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Wapadrand Extension 44, being an amendment of the Pretoria Town-planning Scheme, 1974.

Map 3 and the scheme clauses of this amendment scheme are filed with the Executive Director: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9633P.

(13/2/Wapadrand x44 (9633P))
 ___ January 2008

Executive Director: Legal Services
 (Notice No 276/2008)

PLAASLIKE BESTUURSKENNISGEWING 145

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9633P

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Wapadrand Uitbreiding 44, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Uitvoerende Direkteur: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9633P.

(13/2/Wapadrand x44 (9633P))
 ___ Januarie 2008

Uitvoerende Direkteur: Regsdienste
 (Kennissgewing No 276/2008)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF WAPADRAND EXTENSION 44 AS APPROVED TOWNSHIP

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane Metropolitan Municipality hereby declares the township of Wapadrand Extension 44 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Wapadrand x44 (9633P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BUNKER HILLS INVESTMENTS 717 (PTY) LTD IN TERMS OF THE PROVISIONS OF CHAPTER III: PART A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 73 (A PORTION OF PORTION 72) OF THE FARM THE WILLOWS 340JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Wapadrand Extension 44.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 8763/2005.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals.

A. excluding the following servitudes:

1.3.1 the following rights of way servitude which does not affect the township:

"D. The property hereby transferred is entitled to a right of way 6,30 meters wide over Portion 85 (a portion of portion 73) of the farm 'THE WILLOWS' No. 340, aforesaid, as held under Deed of Transfer No. 13433/1950."

B. including the following servitudes:

1.3.2 the following right of way servitude which affect(s) a street in the township:

"C. Gedeelte 73 (die Resterende Gedeelte waarvan hierby getranspoteer is) is onderhewig aan 'n reg van oorbrug 6,30 meter wyd langs die grens CD soos aangetoon op die Kaart LG Nr A4431/1943, geheg aan Transport nr 11470/1944, ten gunste van die resterende gedeelte van gedeelte 72 van die plaas 'THE WILLOWS' nr 340, voornoemd, groot as sulks 18,8451 Hektaar, gehou onder Sertifikaat van Verenigde Titel nr 11469/1944, gedateer 1 Maart 1944."

"E. The servitude in favour of the City of Tshwane Metropolitan Municipality registered in terms of Notarial Deed of Servitude No K5509/2001S which affect(s) Erf 691 and a street in the township:

"By virtue of Notarial Deed of Servitude K5509/2001S dated 1 September 2001 the within mentioned property is subject to a servitude of right of way in favour of the general public together with certain rights in favour of the City of Tshwane Metropolitan Municipality as indicated by the figure ABCDEFA on diagram SG No 4688/2001 and the servitude area is 1 808m² as will more fully appear from the said notarial deed."

1.4 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of adjacent roads and he shall receive and dispose of the stormwater running off or being diverted from the road.

1.5 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.

1.6 DEMOLITION OF BUILDINGS AND STRUCTURES

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

1.7 REMOVAL OF LITTER

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

1.8 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.

1.9 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

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

1.10 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 and Environment has granted the applicant exemption from compliance with regulations No 1182 and and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) for the development of this township.

1.11 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 702 and 703 shall be transferred to the Section 21 Company (homeowners' association) by and at the expense of the township owner.

1.12 THE DEVELOPER'S OBLIGATIONS

1.12.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of units in the township must become members of the Section 21 Company. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, and the road and storm-water sewers). The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.12.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete engineering drawings in respect of the internal road and storm-water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

1.12.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm-water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane Metropolitan Municipality may at its own discretion allow an exception in respect of the internal road and storm-water sewers. If this is the case, the developer must give the City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan Municipality with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.12.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and storm-water sewers) have been completed. The developer must furnish the Section 21 Company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

1.12.5 Servitudes to be registered in favour of Section 21 Company:

- (i) Erf 679 is subject to a 2,0 m stormwater servitude.
- (ii) Erven 680, 681 and 682 are subject to a 4,0 m stormwater and sewer servitude
- (iii) Erven 702 and 703 are subject to a servitude for engineering services.
- (iv) Erven 702 and 703 are subject to a right of way servitude in favour of all the erven in the township.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1.1 ALL ERVEN

2.1.1.1 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 Section 21 Company, 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.

2.1.1.2 No buildings 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 2m from it.

2.1.1.3 The Municipality 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 ALL ERVEN

As this erf (stand, land, etc) forms part of an area which may be subject to dust pollution and noise as a result of open-cast mining activities past, present or future in the vicinity thereof, the owner thereof accepts that inconvenience with regard to dust pollution and noise as a result thereof, may be experienced.

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

VERKLARING VAN WAPADRAND UITBREIDING 44 TOT GOEDGEKEURDE DORP

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane Metropolitaanse Munisipaliteit hierby die dorp Wapadrans Uitbreiding 44 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Wapadrans x44 (9633P))

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR BUNKER HILLS INVESTMENTS 717 (PTY) LTD INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO. 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP DIE RESTANT VAN GEDEELTE 73 ('N GEDEELTE VAN GEDEELTE 72) VAN DIE PLAAS THE WILLOWS 340JR, GAUTENG, TE STIG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

1.1 NAAM

Die naam van die dorp is Wapadrans Uitbreiding 44.

1.2 ONTWERP

Die dorp bestaan uit erwe, parke en strate soos aangedui op Algemene Plan LG No 8763/2005.

1.3 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.

A. maar uitgesonderd die volgende serwitute:

1.3.1 the following rights of way servitude which does not affect the township:

"D. The property hereby transferred is entitled to a right of way 6,30 meters wide over Portion 85 (a portion of portion 73) of the farm 'THE WILLOWS' No 340, aforesaid, as held under Deed of Transfer No 13433/1950."

B. maar insluitende die volgende serwitute:

1.3.2 the following right of way servitude which affect(s) a street in the township:

"C. Gedeelte 73 (die Resterende Gedeelte waarvan hierby getranspoteer is) is onderhewig aan 'n reg van oorbrug 6,30 meter wyd langs die grens CD soos aangetoon op die Kaart LG Nr A4431/1943, geheg aan Transport nr 11470/1944, ten gunste van die resterende gedeelte van gedeelte 72 van die plaas 'THE WILLOWS' nr 340, voornoemd, groot as sulks 18,8451 Hektaar, gehou onder Sertifikaat van Verenigde Titel nr 11469/1944, gedateer 1 Maart 1944."

"E. The servitude in favour of the City of Tshwane Metropolitan Municipality registered in terms of Notarial Deed of Servitude No K5509/2001S which affect(s) Erf 691 and a street in the township:

"By virtue of Notarial Deed of Servitude K5509/2001S dated 1 September 2001 the within mentioned property is subject to a servitude of right of way in favour of the general public together with certain rights in favour of the City of Tshwane Metropolitan Municipality as indicated by the figure ABCDEFA on diagram SG No 4688/2001 and the servitude area is 1 808m² as will more fully appear from the said notarial deed."

1.4 ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van die aangrensende paaie en hy moet die stormwater wat van die pad afloop of afgelei word, ontvang en daarmee wegdoen.

1.5 VERSKUIWING EN/OF VERWYDERING VAN MUNISIPALE DIENSTE

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

1.6 SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynsreserwes en kantruimtes of oor gemeenskaplike grense gelê is, of bouvallige strukture laat sloop tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.7 VERWYDERING VAN ROMMEL

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.8 VERSKUIWING EN/OF VERWYDERING VAN ESKOM KRAGLYNE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande kraglyne van Eskom te verskuif, moet die koste daarvan deur die dorpseienaar gedra word.

1.9 VERSKUIWING EN/OF VERWYDERING VAN TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande dienste van TELKOM te verskuif en/of te verwyder, moet die koste daarvan deur die dorpseienaar gedra word.

1.10 VOLDOENING AAN VOORWAARDES OPGELê DEUR DIE GAUTENG DEPARTEMENT VAN LANDBOU EN OMGEWINGSBEWARING

Die dorpseienaar sal op sy eie koste voldoen aan al die voorwaardes wat opgelê is deur die Gauteng Departement van Landbou en Omgewingsbewing, met die aansoek om vrystelling om aan die bepalings van Regulasie 1182 en 1183 gepromulgeer ingevolge artikel 21, 22 en 26 van die Wet op Omgewingsbewing, 1989 (Wet No 73 van 1989) vir die ontwikkeling van die dorpsgebied.

1.11 ERWE OM OORGEDRA TE WORD NA DIE ARTIKEL 21 MAATSKAPPY (HUISEIENAARSVERENIGING)

Erwe 702 en 703 moet in die naam van 'n Artikel 21 Maatskappy geregistreer word en moet die koste daarvan deur die dorpseienaar gedra word.

1.12 DIE ONTWIKKELAAR SE VERPLIGTINGE

1.12.1 OPRIGTING EN STATUTE

Die dorpseienaar moet 'n Artikel 21 Maatskappy (huiseienaarsvereniging) registreer in terme van die Maatskappywet, 1973 (Wet 61 van 1973). 'n Kopie van die geregistreerde Akte van Oprigting (CM4) en die Maatskappy Statute moet ingedien word by die Stad Tshwane Metropolitaanse Munisipaliteit.

Akte van Oprigting en Statute moet duidelik stipuleer dat die hoofdoelwit van die huiseienaarsvereniging die instandhouding van die interne ingenieursdienste van die dorp is (bv water, riool, elektrisiteit, paaie en stormwater riolering). Die dorpseienaar moet 'n lid van die Artikel 21 Maatskappy wees, met alle regte en verpligte van 'n gewone lid tot en met die oordrag van die laaste erf.

1.12.2 VOORSIENING VAN INGENIEURSTEKENINGE

Die dorpseienaar moet volledige ingenieurstekeninge met betrekking tot die interne rioleringstelsel en rioolaansluitingspunte en volledige ingenieurstekeninge met betrekking tot die interne paaie en stormwaterdreinerings asook water en elektrisiteitsdienste by die Stad Tshwane Metropolitaanse Munisipaliteit indien alvorens konstruksie aan enige van die gemelde dienste begin mag word.

1.12.3 VOORSIENING VAN 'N SERTIFIKAAT DEUR 'N PROFESSIONELE INGENIEUR

'n Ingenieursertifikaat voorsien deur 'n Professionele Ingenieur moet by die Stad Tshwane Metropolitaanse Munisipaliteit ingehandig word alvorens enige van erwe oorgedra mag word, met betrekking tot water, riool, elektrisiteit en interne paaie en stormwaterdreinerings wat sertifiseer dat die interne ingenieursdienste voltooi is en dat die ingenieur verantwoordelikheid aanvaar vir alle dienste. Die Munisipaliteit mag op eie diskresie 'n uitsondering maak met betrekking tot interne paaie en stormwaterdreinerings. Indien laasgenoemde van toepassing is, moet die dorpseienaar aan die Munisipaliteit 'n onderneming gee dat die dienste voltooi sal wees teen 'n vasgestelde datum en moet die ontwikkelaar 'n waarborg dienooreenkomstig inhandig wat deur 'n erkende finansiële instelling uitgereik is.

Bouplanne sal nie goedgekeur word alvorens die dienste voltooi en deur die Dienste Departemente oorgeneem is nie (indien van toepassing).

1.12.4 INSTANDHOUDINGSTERMYN EN WAARBORG

'n Twaalf (12) maande instandhoudingstermyne wat 'n aanvang neem met die voltooiing van die laaste interne ingenieursdienste (bv. water, riool, elektrisiteit en die paaie en stormwaterriolering) sal gehandhaaf word. Die dorpseienaar moet 'n instandhoudingswaarborg, uitgereik deur 'n erkende finansiële instelling, aan die Artikel 21 Maatskappy voorsien wat vakmanskap en/of materiale waarborg met betrekking tot siviele ingenieursdienste en elektrisiteitsdienste, welke waarborg moet gelykstaande wees aan 'n bedrag wat 5% van die kontrakkoste vir siviele dienste en 10 % van die kontrakkoste vir elektrisiteitsdienste omvang, bewys van die waarborg moet by die Stad Tshwane Metropolitaanse Munisipaliteit ingehandig word.

1.12.5 Serwiture wat ten gunste van die Artikel 21 Maatskappy geregistreer moet word:

- (i) Erf 679 is onderworpe aan 'n 2,0m stormwater serwituut;
- (ii) Erwe 680, 681 en 682 is onderworpe aan 'n 4,0m stormwater en riool serwituut;
- (iii) Erwe 702 en 703 is onderworpe aan 'n serwituut vir ingenieursdienste; en
- (iv) Erwe 702 en 703 is onderworpe aan 'n reg van weg serwituut ten gunste van al die erwe in die dorp.

2. TITELVOORWAARDES

- 2.1 DIE ERWE HIERONDER GENOEM, IS ONDERWORPE AAN DIE VOORWAARDES SOOS AANGEDUI, OPGELÊ DEUR DIE STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

2.1.1 ALLE ERWE

2.1.1.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, vir munisipale dienste (water, riool, elektrisiteit, stormwater) (hierna "die dienste" genoem), ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie.

2.1.1.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeë dunde noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.

2.1.2 ALLE ERWE

Aangesien hierdie erf (standplaas, grond ens) deel vorm van 'n gebied wat blootgestel mag wees aan stofbesoedeling en geraas as gevolg van oopgroef myn aktiwiteite in die verlede, huidige of toekoms in die omgewing daarvan, aanvaar die eienaar dat ongerief ten opsigte van stofbesoedeling en geraas as gevolg daarvan ondervind mag word.
