

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 16

PRETORIA, 14 SEPTEMBER 2010

No. 170

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICES			
1213	Town-planning and Townships Ordinance (15/1986): City of Johannesburg: Amendment Scheme 07-5833/14.....	3	170
1214	do.: Declaration as an approved township: Jukskei View Extension 53	3	170

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1213

CITY OF JOHANNESBURG
AMENDMENT SCHEME 07-5833/14

The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 125(1)(a) of the Town Planning and Townships Ordinance No 15 of 1986, declares that he has approved an amendment scheme being an amendment of the Halfway House and Clayville Town Planning Scheme, 1976, comprising the same land as included in the township of **Jukskei View Extension 53**.

Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning and Urban Management : City of Johannesburg and are open for inspection at all reasonable times.

This amendment is known as Amendment Scheme 07-5833/14

**Tiaan Ehlers: Acting Executive Director : Development Planning
and Urban Management**

Notice No. 547/2010
September 2010

PLAASLIKE BESTUURSKENNISGEWING 1213

STAD VAN JOHANNESBURG
WYSIGINGSKEMA 07-5833/14

Die Stad van Johannesburg Metropolitaanse Munisipaliteit verklaar hiermee ingevolge die bepalings van artikel 125(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe Nr 15 van 1986, dat hy 'n wysigingskema synde 'n wysiging van die Halfway House en Clayville Dorpsbeplanning Skema, 1976, wat uit dieselfde grond as die dorp **Jukskei View Uitbreiding 53** bestaan, goedgekeur het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Uitvoerende Direkteur: Ontwikkelingsbeplanning en Stedelike Bestuur: Stad van Johannesburg en is beskikbaar vir inspeksie op alle redelike tye.

Hierdie wysiging staan bekend as Wysigingskema 07-5833/14

**Tiaan Ehlers: Waarnemende Uitvoerende Direkteur : Ontwikkelingsbeplanning
en Stedelike Bestuur**

Kennisgewing Nr. 547/2010
September 2010

LOCAL AUTHORITY NOTICE 1214

CITY OF JOHANNESBURG
DECLARATION AS AN APPROVED TOWNSHIP

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Johannesburg Metropolitan Municipality declares **Jukskei View Extension 53** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY WATERFALL COUNTRY ESTATE WUQF (PROPRIETARY) LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 734 OF THE FARM WATERVAL NO. 5 I.R. HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be **Jukskei View Extension 53**.

(2) DESIGN

The township shall consist of erven as indicated on General Plan S.G. No.1296/2010.

(3) PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall make the necessary arrangements with the local authority for the provision and installation of water, electricity and sanitation as well as the construction of roads and stormwater drainage in the township, to the satisfaction of the local authority.

(4) ELECTRICITY

(a) The local authority is not the bulk supplier of electricity in the township. The township owner shall in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) make arrangements in this regard with ESKOM, the licensed supplier of electricity in the township.

(b) The local authority shall be notified in writing that satisfactory arrangements have been made in respect of the supply of electricity to the township and in this connection, the township owner shall submit the following to the local authority:

- (1) A certified copy of the agreement in respect of the supply of electricity entered into with ESKOM;
- (2) A certificate by the licensed supplier of electricity that acceptable financial arrangements with regard to (1) above have been made by the township owner.

(5) GAUTENG PROVINCIAL GOVERNMENT

(a) Should the development of the township not been commenced with, within a period of 2/5 years from the date of authorization or exemption, the application to establish the township, shall be resubmitted to the Department of Agriculture, Conservation, and Environment for exemption/ authorization in terms of the Environment Conservation Act, 1989 (Act 107 of 1998), as amended.

(b) (i) Should the development of the township not been completed within a period of ten years from the date of their letter, the application to establish the township shall be resubmitted to the Department of Public Transport, Roads and Works (Gauteng Provincial Government) for re-consideration.

(ii) If however, before the expiry date mentioned in (b) above, circumstances change in such a way that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfilment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(iii) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, LA/01/2010. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

(iv) The township owner shall comply with the conditions of the Department as set out in the Departments' letter.

(6) DEPARTMENT: MINERALS AND ENERGY

Should the development of the township not been completed within a period of five years from the date of their letter, the application to establish the township, shall be resubmitted to the Department: Minerals and Energy for re-consideration.

(7) ACCESS

(a) No access to or egress from the township shall be permitted along the lines of no access as indicated on the layout plan JVx53/P1/2010.

(b) Access to and from the township shall be to the satisfaction of the local authority and Johannesburg Roads Agency (Pty) Ltd.

(8) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal, ESKOM and/or TELKOM services, the cost thereof shall be borne by the township owner.

(9) ACCEPTANCE AND DISPOSAL OF STORMWATER

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

(10) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own cost cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(11) RESTRICTION OF TRANSFERS/REGISTRATION OF LEASES & CERTIFICATE OF REGISTERED TITLE

No portion/erf/lot/plot or Certificate of Registered title or leaseholds shall be registered with regards to this township unless and until servitudes are registered to the satisfaction of the local authority over the proposed Erf 2100 Jukskei View Extension 53, a portion of Maxwell Drive (public road) in Jukskei View Extension 19, Erf 1187 Jukskei View Extension 19, and over a portion of the Remainder of Portion 1 of the farm Waterval No 5-I.R., as a re-alignment of the existing servitude affecting the township as indicated under condition 3.g(dd) of the conditions of title of these conditions of Establishment, the re-aligned servitude indicated above shall be in accordance with diagram S.G. No 3199/2010, 3200/2010 and 3201/2010. All servitudes as indicated on the General Plan 1296/2010, shall be registered prior to or simultaneously with the registration of any portion, erf, lot, plot or Certificate of Registered Title or Leaseholds.

(12) FORMATION AND DUTIES OF SECTION 21 COMPANY OR SIMILAR LEGAL ENTITIES

The applicant shall properly and legally constitute a Residents Association to the satisfaction of the local authority before the sale of the first erf, *which association shall not be de-registered without the consent of the local authority).

- (a) The access erven (Erven 2098 and 2099) shall be subject to a perpetual servitude registered in favour of right of way registered in favour of the Waterfall Country Estate Home Owners Association (Association incorporated under Section 21) Registration No. 2009/012918/08 and said road portions may not be sold or in any way disposed of without prior consent of the local authority.
- (b) The private open space erf (Erf 2100) shall be subject to a perpetual servitude in favour of the Residents Association and the said portion may not be sold or in any way be disposed of without prior written consent of the local authority.
- (c) Each and every lessee of Erven 1801 to 2097 shall become a member of the Residents Association, upon registration of the Certificate of Registered Title in respect of the erf. Should the owner dispose of the leasehold rights to the erven by means of a registrable leases then the owner shall ensure the membership of each lessee of the residents association.
- (d) 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 recourse to recover such fees in the event of a default in payments by any member.
- (e) The local authority shall not be liable 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.
- (f) A servitude for municipal purposes shall be registered over Erven 2098 and 2099 in favour of and to the satisfaction of the local authority.
- (g) The local authority shall have unrestricted access to Erven 2098 and 2099 at all times.
- (h) Street names and numbers shall be allocated in consultation with the local authority.

(13) SERVITUDE IN FAVOUR OF OCCUPANTS

In terms of the Conditions of Establishment in respect of the township known as Jukskei View Extension 53, Erven 2098 and 2099 Jukskei View Extension 53 shall be subject to a right of way servitude for access purposes in favour of the Waterfall Country Estate Home Owners Association (Association incorporated under Section 21) Registration No 2009/012628/08, its members occupants, all lessees of properties situated in the herein aforementioned township, their families, visitors, friends, employees, contractors and invitees.

14. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any.

(a) EXCLUDING THE FOLLOWING SERVITUDE WHICH IS TO BE OMITTED IN RESPECT OF ALL ERVEN BY VIRTUE OF THE CHIEF RESTRICTIONS CIRCULAR NO. RCR48/2009

- (aa) Certificate of Rights to Minerals No K192/1963RM issued in terms of Section 70(6) of Act 47/1937 in respect of the rights to minerals, mineral products, natural oils, base metals, semi precious and precious stones in or under the within-mentioned property.

(b) EXCLUDING THE FOLLOWING SERVITUDES THAT DO NOT AFFECT THE TOWNSHIP

- (aa) The servitude to convey electricity over the property registered in terms of Notarial Deed No. K55/1973S in favour of EVKOM vide diagram S.G. No. A5191/1971.
- (bb) The servitude to convey electricity over the property registered in terms of Notarial Deed No. K2514/1976S in favour of ESKOM as amended by K3475/1981S vide diagram S.G. No. A1392/1980.
- (cc) A servitude to convey electricity over the property, registered in terms of Notarial Deed No. K5028/1992, in favour of ESKOM vide diagram S.G. No. 5427/1991.
- (dd) A sub-lease in favour of the Waterfall Investment Company (Proprietary) Limited as will more fully appear from Notarial Deed of Sub-Lease K300/2009S.
- (ee) A sub-lease to lease in favour of the Waterval Islamic Institute in perpetuity by Lease No K332/2009L.
- (ff) By Notarial Deed No K4394/1999S dated 8th May 1999, the within-mentioned property is subject to a servitude of sewer 2021m² indicated on S.G. No. 12040/1997 in favour of Portion 516 (Portion of Portion 61) of the farm Waterval No 5.I.R. with ancillary rights, as will more fully appear from reference to the said Notarial Deed.
- (gg) A servitude in favour of ESKOM registered by means of Notarial Deed of Servitude No. K4398/1999S dated 27th August 1999 depicted on Diagram S.G. No. 6150/1997.
- (hh) A servitude to convey electricity in favour of ESKOM registered by means of a Notarial Deed No. 3161/2000S dated 4th May 2000, indicated by the line ABCD and HJK on Diagram S.G. No. 8801/1998.
- (ii) A sub-lease in favour of the Livingstones Lifestyle Centre (Proprietary) Limited as will more fully appear on Notarial Deed of Servitude K7434/2002S.
- (jj) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No. K1557/2010L.
- (kk) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No K1558/2010L.
- (ll) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No K1559/2010L.
- (mm) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No K1560/2010L.
- (nn) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No K1561/2010L.
- (oo) The within-mentioned property is subject to a lease in favour of ATTERBURY WATERFALL INVESTMENT COMPANY (PROPRIETARY) LIMITED by virtue of Notarial Deed of Lease No K1562/2010L.
- (pp) The within-mentioned property is subject to a servitude by virtue of Notarial Deed of Servitude No K1848/2010S.
- (qq) The within-mentioned property is subject to a servitude by virtue of Notarial Deed of Servitude No K1849/2010S.

(c) INCLUDING THE FOLLOWING DOES NOT AFFECT THE TOWNSHIP

- (aa) Subject to a lease in favour of the Town Council of Midrand for a period of 25 years with an option of renewal for further 10 years as more fully set out in Notarial Deed of Lease No K3589/1985L, as will more fully appear from Diagram S.G. No. A4717/1985, and only affects Erven 1868 – 1875, 1883 – 1888, 2003 – 2010, 2019, 2021, 2022, 2099 and 2100.

- (bb) By virtue of Notarial Deed of Restraint of Free Alienation of Property No K536/2010S the residential properties laid out in townships on the within-mentioned property may not be sold and only leased which leases are subject to the Standard Terms and Conditions set out in Annexure 1 to the Notarial Deed and as will more fully appear from the said deed.
- (d) **THE FOLLOWING SERVITUDE ONLY AFFECTS ERVEN 2099 AND 2100 IN THE TOWNSHIP**
- (aa) A reference line servitude as will more fully appear on Diagram S.G. No. 8021/1998 and registered by means of Notarial Deed of Servitude K _____/2010S.
- (e) **THE FOLLOWING SERVITUDE ONLY AFFECTS ERVEN 1819, 1984, 2036, 2062, 2084, 2085, 2099 AND 2100 AND STREETS IN THE PROPOSED TOWNSHIP AREA**
- aa) By virtue of Notarial Deed of Servitude K3366/1997S the within mentioned property is subject to a servitude for municipal purposes 3m wide, the centre line of which is defined by the letter ABCDEFGHJKLMNOPQRSTUVWXYZAA'B'C'D'E'F'G'H'I'J'K'L'M'N'P'Q' on diagram S.G. No A7672/1989 in favour of the Town Council of Midrand as will more fully appear from the said Notarial Deed, together with ancillary rights.
- (f) **INCLUDING THE FOLLOWING SERVITUDE THAT AFFECTS ALL ERVEN IN THE TOWNSHIP**
- (aa) A servitude for power lines registered in favour of ESKOM HOLDINGS LIMITED that will more fully appear on Notarial Deed of Servitude K2800/2007S.
- (g) **THE FOLLOWING SERVITUDE ONLY AFFECTS ERF 2100**
- (aa) By Notarial Deed No K1293/1963S, the right has been granted to the Electrical Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions as will more fully appear on reference to said Notarial Deed. The route of this servitude is indicated on Diagram S.G. No A576/1963.
- (bb) A servitude in favour of the City of Johannesburg as will more fully appear on Notarial Deed of Servitude K537/2010S with diagram S.G. No. A6302/1993.
- (cc) A 3m sewer servitude as will more fully appear on diagram S.G. No. 5362/2009 and registered by means of Notarial Deed of Servitude _____
- (dd) The within-mentioned property is subject to a servitude in favour of the City of Johannesburg as will more fully appear from Notarial Deed of Servitude K _____ with Diagram S.G. No 8021/1998 and S.G. No. 5362/2009 attached hereto.
- (ee) By virtue of Notarial Deed of Servitude K537/2010S the within-mentioned property is subject to a servitude in favour of the City of Johannesburg as depicted on Diagram S.G. A6302/1993.

(15) **ENDOWMENT**

The township owner shall, if applicable, in terms of the provisions of Section 98(2) of the Town Planning and Townships Ordinance, 15 of 1986, pay a lump sum as endowment to the local authority for the shortfall in the provision of land for a park (public open space) if applicable.

(16) **OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN**

(a) The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all services including the internal roads, and the stormwater reticulation, within the boundaries of the township. Erven or units in the township, may not be alienated or transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these services had been provided and installed; and

(b) The Township Owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefore, as previously agreed upon between the township owner and the local authority. Erven or units in the township, may not be alienated or transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of services by the township owner, have been submitted or paid to the said local authority; and

(c) Notwithstanding the provisions of clause 2 hereunder, the township owner shall, at its own costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the services provided, constructed

and/or installed as contemplated in (a) and/or (b) above. Erven or units in the township may not be alienated or transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these services had been or will be protected to the satisfaction of the local authority.

2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions, as indicated imposed by the Council in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

(1) ALL ERVEN

(a) Each 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 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.

(b) 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.

(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 process of construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority

(2) ERVEN 1858, 1859, 1921, 1922, 1984, 1985, 2082, AND 2083

The erven above are subject to a 6m x 3m electric servitude in favour of ESKOM as indicated on the General Plan.

(3) ERVEN 2098 AND 2099

(a) The above erven are subject to a servitude for right of way and municipal purposes in favour of the local authority.

(b) The above erven are subject to a servitude of right of way in favour of the Residents Association, its members occupants, all lessees of properties situated in the herein afore-mentioned township, their families, visitors, friends, employees, contractors and invitees.

(4) ERVEN 1834 – 1868, 1878 – 1888, 1891 – 1897, 1903, 1905 – 1916, 1928, 1930 – 1945, 1961, 1967 – 1983, 2004 – 2006, 2008, 2010 – 2016, 2019, 2020, 2024 – 2034 AND 2100

The erven above are affected by a 2m wide sewer servitude as indicated on the General Plan.

(5) ERF 2100

(a) The erf is affected by a 3m wide sewer servitude as indicated on the General Plan.

(b) The figure s25, s26, s27, s28, s29, s30, s31, s32, s33, s34, s35, s36, s37, s38, s39, s40, s25 represents a right of way servitude over proposed Erf 2100 in favour of the local authority

(6) ERVEN 1839 AND 2100

No building of any nature shall be erected within that of the above erven which are likely to be inundated by the floodwaters of a public stream on an average every 100 years.

(7) ERF 2100

The above erven are subject to a servitude for park purposes in favour of the Residents Association, its members occupants, all lessees of properties situated in the herein afore-mentioned township, their families, visitors, friends, employees, contractors and invitees.

**Tiaan Ehlers: Acting Executive Director: Development Planning
and Urban Management**

Notice No. 548/2010
September 2010

PLAASLIKE BESTUURSKENNISGEWING 1214

**STAD VAN JOHANNESBURG
VERKLARING TOT 'N GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), verklaar die Stad van Johannesburg Metropolitaanse Munisipaliteit hiermee die dorp **Jukskei View Uitbreiding 53** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

VERKLARING VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR WATERFALL COUNTRY ESTATE WUQF (EIENDOMS) BEPERK (HIERNA DIE AANSOEKDOENER/ DORPSEIENAAR GENOEM) INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 734 VAN DIE PLAAS WATERVAL NR 5- I.R. TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

(1) NAAM

Die naam van die dorp is Jukskei View Uitbreiding 53.

(2) ONTWERP

Die dorp bestaan uit erwe soos aangedui op Algemene Plan LG Nr 1296/2010.

(3) VOORSIENING EN INSTALLERING VAN DIENSTE

Die dorpseienaar moet die nodige reëlings met die plaaslike bestuur tref vir die voorsiening en installering van water, elektrisiteit en sanitêre dienste asook die konstruksie van paaie en stormwaterdreinerings in die dorp, tot tevredeheid van die plaaslike bestuur.

(4) ELEKTRISITEIT

Die plaaslike bestuur is nie die grootmaat verskaffer van elektrisiteit aan die dorp nie. Die dorpseienaar moet ingevolge Artikel 118(2)(b) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, (Ordonnansie 15 van 1986) die nodige reëlings tref met ESKOM, die gelisensieerde verskaffer van elektrisiteit in die dorp.

(b) Die plaaslike bestuur moet skriftelik verwittig word dat bevredigende reëlings met betrekking tot die voorsiening van elektrisiteit aan die dorp, getref is en in die verband moet die dorpseienaar die volgende aan die plaaslike bestuur verskaf:

(1) 'n Gesertifiseerde afskrif van die ooreenkoms aangegaan met ESKOM rakende die voorsiening van elektrisiteit en/of;

(2) 'n Sertifikaat uitgereik deur die gelisensieerde verskaffer van elektrisiteit dat aanvaarbare finansiële reëlings met betrekking tot (1) hierbo, deur die dorpseienaar getref is.

(5) GAUTENG PROVINSIALE REGERING

(a) Indien die ontwikkeling van die dorp nie 'n aanvang neem voor of binne 'n periode van 2/5 jaar vanaf datum wat toestemming of vrystelling gegee is, moet die aansoek om die dorp te stig, heringedien word by Gauteng Departement van Landbou, Bewaring en Omgewing (Gauteng Provinsiale Regering) vir goedkeuring ingevolge Artikel 28A van die Omgewingsbewaringwet, 1989 (Wet 107 van 1998), soos gewysig.

(b) (i) Indien die ontwikkeling van die dorp nie voltooi is binne 'n periode van 10 jaar vanaf die datum van hul skrywe nie, moet die aansoek heringedien word by die Departement van Openbare Vervoer, Paaie en Werke vir heroorweging.

- (ii) Indien omstandighede egter, voor die verstryking van die tydperk vermeld in (i) hierbo, tot so 'n mate verander dat paaie en/of PWV roetes onder die beheer van die betrokke Departement deur die beoogde uitleg van die dorp geraak word, moet die dorpseienaar die aansoek herindien vir doeleindes van die nakoming van die vereistes van die beheerende liggaam ingevolge die bepalings van Artikel 48 van die Gauteng Vervoerinfrastruktuur Wet, 2001 (Wet 8 van 2001).
- (iii) Die dorpseienaar sal, voor of gedurende die ontwikkeling van die dorp, 'n fisiese muur oprig volgens die voorwaardes en vereistes van die betrokke departement, langs die lyn van geen toegang soos aangedui op die goedgekeurde uitlegplan van die dorp, LA/01/2010. Die oprigting van genoemde fisiese muur en die onderhoud daarvan, sal gedoen moet word tot die goedkeuring van die betrokke departement.
- (iv) Die dorpseienaar sal moet voldoen aan die voorwaardes van die Departement soos uiteengesit in die Departement se skrywe.

(6) DEPARTEMENT VAN MINERALE EN ENERGIE

Indien die ontwikkeling van die dorp nie voor of binne 'n tydperk van 5 (vyf) jaar vanaf die datum van die Departement se brief voltooi is nie, moet die aansoek om die dorp te stig heringedien word by die Departement van Minerale en Energie vir heroorweging.

(7) TOEGANG

- (a) Geen toegang tot of uitgang vanuit die dorp sal toegelaat word teen die lyne van geen toegang, soos aangedui op die goedgekeurde uitlegplan, JVx53/P1/2010.
- (b) Toegang tot of uitgang vanuit die dorp sal voorsien word, tot die tevredenheid van die plaaslike bestuur en Johannesburg Roads Agency (Edms) Bpk.

(8) VERWYDERING OF VERVANGING VAN BESTAANDE DIENSTE

Indien dit, as gevolg van die stigting van die dorp, nodig is om enige bestaande munisipale, TELKOM en/of ESKOM dienste te verwyder of te vervang, moet sodanige verwydering of vervanging op koste van die dorpseienaar gedoen word.

(9) ONTVANGS EN VERSORGING VAN STORMWATER

Die dorpseienaar moet die dreinerings van die dorp so reël dat dit inpas by dié van die aangrensende paaie en alle stormwater wat van die paaie afloop of afgelei word, moet ontvang en versorg word.

(10) SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar moet op sy eie koste, alle bestaande geboue en strukture wat binne boulynreserwes, kantruimtes of oor gemeenskaplike grense geleë is, laat sloop tot tevredenheid van die plaaslike bestuur, wanneer daartoe versoek deur die plaaslike bestuur.

(11) BEPERKING VAN OORDRAGTE/REGISTRASIE VAN HUUR-OOREENKOMSTE EN SERTIFIKAAT VAN GEREGISTREERDE TITEL

Geen gedeelte/erf/perseel/terrein of Sertifikaat van Geregistreerde Titel of huurooreenkoms sal geregistreer word ten opsigte van die dorp alvorens en totdat die serwituut tot die tevredenheid van die plaaslike bestuur geregistreer word oor die voorgestelde Erf 2100 Jukskei View Uitbreiding 53, 'n gedeelte van Maxwell Rylaan (publieke pad) in Jukskei View Uitbreiding 19, Erf 1187 Jukskei View Uitbreiding 19 en oor 'n gedeelte van die Restant van Gedeelte 1 van die plaas Waterval Nr 5 I.R., asook die herbelyning van die bestaande serwituut wat die dorp affekteer, soos aangedui in voorwaarde 3.g(dd) van die titelvoorwaardes van die Stigtingsvoorwaardes, die herbelynde serwituut, soos hierbo aangedui in ooreenstemming met diagram L.G. Nrs 3199/2010, 3200/2010 en 3201/2010. Alle serwituute soos aangedui op die Algemene Plan 1296/2010 sal geregistreer word voor of gelyktydig met die registrasie van enige gedeelte, erf, perseel, terrein of Sertifikaat van Geregistreerde Titel of huurooreenkoms.

(12) STIGTING EN VERPLIGTINGE VAN DIE ARTIKEL 21 MAATSKAPPY OF SOORTGELYKE REGSENTITEITE

Die applikant moet wettiglik en volgens voorskrif die Huiseienaarsvereniging tot tevredenheid van die plaaslike bestuur saamstel, voor die verkoop van die eerste erf in die dorp, (waarvan huiseienaars-vereniging nie mag ontbind sonder die toestemming van die plaaslike bestuur nie).

- (a) Die toegangserwe (Erwe 2098 en 2099) sal onderworpe wees aan 'n wederkerige serwituut geregistreer ten gunste van die Waterfall Country Estate Huiseienaarsvereniging (vereniging geïnkorporeer onder Artikel 21) Registrasiennr. 2009/012918/08 en genoemde padgedeeltes mag nie verkoop of enige manier weggedoen mee word sonder vooraf geskrewe toestemming van die plaaslike bestuur nie.
- (b) Die Privaat Oopruimte-erf (Erf 2100) sal onderworpe wees aan 'n wederkerige serwituut ten gunste van die Huiseienaarsvereniging en die genoemde parkgedeeltes mag nie verkoop of enige manier weggedoen mee word sonder die vooraf geskrewe toestemming van die plaaslike bestuur nie.
- (c) Ieder en elke huurder van Erwe 1801 tot 2097 sal 'n lid word van die Huiseienaarsvereniging by registrasie van die Sertifikaat van Geregistreerde Titel ten opsigte van die erf. Sou die eienaar wegdoen met die huurkoopregte tot die erwe deur middel van 'n geregistreerde huurkoop-ooreenkoms, moet die eienaar toesien tot die lidmaatskap van elke huurder tot die huiseienaars- vereniging.
- (d) Die huiseienaarsvereniging sal die wettige reg hê om die kostes aangegaan ter uitvoering van sy pligte van ieder en elke lid te hef en sal toegang hê tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.
- (e) Die plaaslike bestuur sal nie aanspreeklik wees vir die gebrekkigheid van die oppervlak van die toegangsweg en of die stormwater dreineringsstelsel en of enige noodsaaklike dienste, met die uitsondering van die rioolringstelsel.
- (f) 'n Serwituut vir munisipale doeleindes sal geregistreer word oor Erwe 1185 en 1186 ten gunste, en tot bevrediging van die plaaslike bestuur.
- (g) Die plaaslike bestuur sal vrye toegang hê tot Erwe 1185 en 1186 te alle tye.
- (h) Straatname en straatnommers sal in oorleg met die plaaslike bestuur toegeken word.
- (13) SERWITUUT TEN GUNSTE VAN DIE INWONERS

In terme van die Stigtingsvoorwaardes ten opsigte van die dorp bekend as Jukskei View Uitbreiding 53, sal Erwe 2098 tot 2099 onderworpe wees aan 'n reg van weg serwituut vir toegangsdoeleindes ten gunste van die Waterfall Country Estate Huiseienaarsvereniging (vereniging geïnkorporeer onder Artikel 21) Registrasie Nr 2009/012628/08, sy lede inwoners, alle huurders van eiendom geleë in die hierin voorgename dorp, hulle familie, besoekers, vriende, werknemers, kontrakteurs en genooides gaste.

(14) BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien van toepassing, insluitende die reservering van die mineraalregte en die volgende:

(a) **DIE VOLGENDE VOORWAARDE IS VAN TOEPASSING OP ALLE ERWE IN DIE VOORGESTELDE DORP**

- (aa) Sertifikaat van Regte tot Minerale Nr K192/1963RM uitgereik in terme van Artikel 70(6) van Wet 47/1937 ten opsigte van regte tot minerale, mineraalprodukte, natuurlike olies, basiese metale, semi waardevolle en waardevolle edelgesteentes in en onder die hieringenoemde eiendom.

(b) **UITGESLUIT DIE VOLGENDE WAT NIE DIE DORP AFFEKTEER NIE**

- (aa) 'n Serwituut vir die transportering van elektrisiteit oor die eiendom geregistreer in terme van Notarieële Akte Nr. K55/1973S ten gunste van ESKOM vide diagram L.G. Nr A5191/1971.
- (bb) 'n Serwituut vir die transportering van elektrisiteit oor die eiendom geregistreer in terme van Notarieële Akte Nr. K2514/1976S ten gunste van ESKOM. Die roete van hierdie serwituut is bepaal deur Notarieële Akte van Wysiging van Serwituut K3475/1981S met diagram L.G. Nr A1392/1980.
- (cc) 'n Serwituut vir die transportering van elektrisiteit oor die eiendom geregistreer in terme van Notarieële Akte Nr K5028/1992, ten gunste van ESKOM vide diagram L.G. 5427/1991.
- (dd) 'n Onder-verhuringsooreenkoms ten gunste van Waterfall Investment Company (Edms) Bpk, wat meer volledig sal verskyn in Notarieële Akte van Onder-Verhuringsooreenkoms Nr. K300/2009S.
- (ee) 'n Onder-Verhuringsooreenkoms om te lewenslank te verhuur ten gunste van die Waterval Islamic Institute in Verhuringsooreenkoms Nr K332/2009L.
- (ff) 'n Notarieële Akte Nr K4394/1999S gedateer 8 Mei 1999, die herin-vermelde eiendom is onderworpe

aan 'n rioolserwituut van 2021m², aangedui op L.G. Nr 12040/1997 ten gunste van gedeelte 516 (gedeelte van gedeelte 61) van die plaas Waterval Nr 5 I.R. met aanverwante regte, wat meer volledig sal verskyn na verwysing van die genoemde Notarieële Akte.

- (gg) 'n Serwituut ten gunste van ESKOM geregistreer by wyse van Notarieële Akte van Serwituut Nr K4398/1999S gedateer 27 Augustus 1999 aangedui op Diagram L.G. Nr 6150/1997.
- (hh) 'n Serwituut vir die transporter van elektrisiteit ten gunste van ESKOM geregistreer by wyse van 'n Notarieële Akte Nr 3161/2000S gedateer 4 May 2000, soos aangedui deur lyn ABCD en HJK op Diagram L.G. Nr 8801/1998.
- (ii) Die Onder-verhuringsooreenkoms ten gunste van Livingstones Lifestyle Centre (Edms) Bpk, soos meer volledig verskyn in Notarieële Akte van Serwituut L7434/2002S.
- (jj) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1557/2010L.
- (kk) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1558/2010L.
- (ll) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1559/2010L.
- (mm) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1560/2010L.
- (nn) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1561/2010L.
- (oo) Die hierin-genoemde eiendom is onderhewig aan 'n huurooreenkoms ten gunste van ATTERBURY WATERFALL INVESTMENT COMPANY (EDMS) BPK ooreenkomstig Notarieële Akte van Verhuring Nr K1562/2010L.
- (pp) Die hierin-vermelde eiendom is onderhewig aan 'n serwituut ooreenkomstig Notarieële Akte van Serwituut Nr K1848/2010S.
- (qq) Die hierin-vermelde eiendom is onderhewig aan 'n serwituut ooreenkomstig Notarieële Akte van Serwituut Nr K1849/2010S.

(c) INSLUITENDE DIE VOLGENDE WAT DIE DORP AFFEKTEER

- (aa) Onderworpe aan 'n huurooreenkoms ten gunste van die Stadsraad van Midrand vir 'n periode van 25 jaar met die opsie om te hernu vir 'n verdere 10 jaar, soos meer volledig blyk uit Notarieële Akte van Verhuring Nr K3589/1985L, soos meer volledig verskyn op Diagram L.G. Nr A4717/1985, en affekteer slegs Erwe 1968 – 1875, 1883 – 1888, 2003 – 2010, 2019, 2021, 2022, 2099, 2100.
- (bb) Ooreenkomstig Notarieële Akte van Bepanking van Vrye Vervreemding van Eiendom Nr K536/2010S die residensieële eiendom soos uitgelê in die dorp in die hierin-gemelde eiendom mag nie verkoop en slegs verhuur word met verhuringsooreenkomste wat onderworpe is aan die standard terme en voorwaardes soos uiteengesit in Aanhangsel 1 van die genoemde notarieële akte, soos meer volledig sal verskyn in die genoemde akte.

(d) DIE VOLGENDE SERWITUTE AFFEKTEER SLEGS ERWE 2099 EN 2100 IN DIE DORP

- (aa) 'n Verwysingslyn serwituut, soos meer volledig verskyn op Diagram L.G. Nr 8021/1998 en geregistreer by wyse van Notarieële Akte van Serwitute K _____ 2010S.

(e) DIE VOLGENDE SERWITUTE AFFEKTEER SLEGS ERWE 1819, 1984, 2036, 2062, 2084, 2058, 2099 and 2100 EN STRATE IN DIE VOORGESTELDE DORP

- (aa) Ooreenkomstig Notarieële Akte van Serwituut Nr K3366/1997S die hierin-genoemde eiendom is onderworpe aan 'n 3m wye serwituut vir munisipale doeleindes, die middellyn waarvan gedefinieer word deur die letters ABCDEFGHJKLMNPQRSTUUVWXYAAB'C'D'E'F'G'H'J'K'L'M'N'P'Q' OP Diagram L.G. Nr A7872/1989 ten gunste van die Stadsraad van Midrand, soos meer volledig verskyn op die genoemde Notarieële Akte, tesame met aanverwante regte.

(f) **INGESLUIT DIE VOLGENDE SERWITUTE WAT AL DIE ERWE IN DIE DORP AFFEKTEER**

- (aa) 'n Serwituut vir kraglyne geregistreer ten gunste van ESKOM HOLDINGS LIMITED wat meer volledig sal verskyn in Notarieele Akte van Serwituut Nr K2800/2007S.

(g) **DIE VOLGENDE SERWITUUT AFFEKTEER SLEGS ERF 2100**

- (aa) Per Notarieele Akte Nr 1293/1963S, die reg is toegestaan deur die Elektriese Voorsieningskommissie om elektrisiteit te transporteer oor die eiendom, hiermee getransporteer met aanverwante regte en onderworpe aan voorwaardes wat meer volledig verskyn in verwysing tot genoemde Notarieele Akte. Die roete van hierdie serwituut is aangedui op diagram L.G. Nr A576/1963.
- (bb) 'n Serwituut ten gunste van die Stad van Johannesburg soos meer volledig verskyn in Notarieele Akte van Serwituut Nr K637/2010S met Diagram L.G. Nr A6302/1993.
- (cc) 'n 3m Rioolserwituut, soos meer volledig verskyn op diagram L.G. Nr 5362/2009 en geregistreer by wyse van Notarieele Akte van Serwituut _____
- (dd) Die hierin-gemelde eiendom is onderworpe aan 'n serwituut ten gunste van die Stad van Johannesburg, soos meer volledig verskyn in Notarieele Akte van Serwituut K_____ met Diagram L.G. Nr 8021/1998 en L.G. Nr 5362/2009 aangeheg tot die Stigtingsvoorwaardes.
- (ee) Ooreenkomstig Notarieele Akte van Serwituut K537/2010S die hierin-gemelde eiendom is onderworpe aan 'n serwituut ten gunste van die Stad van Johannesburg soos aangedui op Diagram L.G. Nr A6302/1993.

(15) **BEGIFTIGING**

Die dorpseienaar moet ingevolge die bepalings van Artikel 98(2) van die Dorpsbeplanning en Dorpe Ordonnansie, 1986 (Ordonnansie 15 van 1986) 'n globale bedrag as begiftiging aan die plaaslike bestuur betaal vir die voorsiening van grond vir 'n park (publieke oop ruimte).

(16) **VERPLIGTINGE TEN OPSIGTE VAN DIENSTE EN BEPERKING BETREFFENDE DIE VERVREEMDING VAN ERWE**

(a) Die dorpseienaar moet, op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle dienste binne die grense van die dorp, ontwerp, voorsien en konstrueer, asook alle interne paaie en die stormwaterretikulasie binne die grense van die dorp. Erwe en/of eenhede in die dorp, mag nie vervreem of oorgedra word in die naam van 'n koper nie, ook mag 'n Sertifikaat van Geregistreerde Titel nie in die naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie dienste voorsien en geïnstalleer is; en

(b) Die dorpseienaar moet, binne sodanige tydperk as wat die plaaslike bestuur mag bepaal, sy verpligtinge met betrekking tot die voorsiening van elektrisiteit, water en sanitêre dienste asook die konstruksie van paaie en stormwaterdreinerig en die installering van die stelsels daarvoor, soos vooraf ooreengekom tussen die dorpseienaar en die plaaslike bestuur, nakom. Erwe en/of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper nie, ook mag 'n Sertifikaat van Geregistreerde Titel nie in die naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat voldoende waarborge, kontantbydraes ten opsigte van die voorsiening van die dienste deur die dorpseienaar, aan die plaaslike bestuur gelewer of betaal is nie; en

(c) Desnieteenstaande die bepalings van klousule 2.(1) hieronder, moet die dorpseienaar op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle serwitute opmeet en registreer om die dienste wat voorsien, gekonstrueer en/of geïnstalleer is beoog in (a) to (b) hierbo, te beskerm. Erwe en/of eenhede in die dorp, mag nie vervreem of oorgedra word in die naam van 'n koper nie, ook mag 'n Sertifikaat van Geregistreerde Titel nie in die naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie dienste beskerm is of sal word, tot tevredenheid van die plaaslike bestuur.

2. TITELVOORWAARDES

Die erwe hieronder genoem is onderworpe aan die voorwaardes soos aangedui, opgelê deur die plaaslike bestuur ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986):

- (1) ALLE ERWE
- (a) Elke erf is onderworpe aan 'n serwituut 2 m breed, ten gunste van die plaaslike bestuur, vir rioolerings- en ander munisipale doeleindes, 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.
- (b) 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 2 m daarvan, geplant word nie.
- (c) 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 goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde serwituut grens en voorts sal die plaaslike bestuur geregtig wees tot redelike toegang tot genoemde grond vir die voorgenoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige rioolhoofpyleiding en ander werke veroorsaak word.

(2) ERWE 1858, 1859, 1921, 1922, 1984, 1985, 2082 EN 2083

Die bogenoemde erwe is onderworpe aan 'n 6m x 3m elektriese serwituut ten gunste van ESKOM soos aangedui op die Algemene Plan.

(3) ERWE 2098 EN 2099

- (a) Die bogenoemde erwe is onderworpe aan 'n serwituut vir reg van weg en munisipale doeleindes ten gunste van die plaaslike bestuur;
- (b) Die bogenoemde erwe is onderworpe aan 'n serwituut vir reg van weg ten gunste van die Huiseienaarsvereniging se lede inwoners, alle huurder van eiendomme geleë binne die voorafgenoemde dorp, hulle familie, besoekers, vriende, werknemers, kontrakteurs en genooides gaste.

(4) ERWE 1834 – 1868, 1878 – 1888, 1891 – 1897, 1903, 1905 – 1916, 1928, 1930 – 1945, 1961, 1967 – 1983, 2004 – 2006, 2008, 2010 – 2016, 2019, 2020, 2024 – 2034 EN 2100

Die bogenoemde erwe word geaffekteer deur 'n 2m wye rioolserwituut soos aangedui op die Algemene Plan.

(5) ERF 2100

- (a) Die erf word geaffekteer deur 'n 3m wye rioolserwituut soos aangedui op die Algemene Plan.
- (b) Die figure s25, s26, s27, s28, s29, s30, s31, s32, s33, s34, s35, s36, s37, s38, s39, s40 en s25 verteenwoordig 'n reg van weg serwituut oor voorgestelde Erf 2100 ten gunste van die plaaslike bestuur.

6. ERWE 1839 EN 2100

Geen geboue van enige aard mag opgerig word binne die bogenoemde erwe waarvan dit in alle waarskynlikheid sal oorstrom met vloedwaters of 'n publieke stroom op 'n gemiddeld van elke 100 jaar.

7. ERF 2100

Die bogenoemde erf is onderworpe aan 'n serwituut vir parkdoeleindes ten gunste van die Huiseienaarsvereniging se lede inwoners, alle huurders van eiendom geleë binne die voorafgenoemde dorp, hulle familie, besoekers, vriende, werknemers, kontrakteurs en genooides gaste.

Tiaan Ehlers : Waarnemende Uitvoerende Direkteur : Ontwikkelingsbeplanning en Stedelike Bestuur

Kennisgewing Nr. 548/2010
September 2010