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GAUTENG**

Provincial Gazette Provinsiale Koerant

EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol. 22

PRETORIA
1 SEPTEMBER 2016
1 SEPTEMBER 2016

No. 286

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ISSN 1682-4525



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 85 OF 2016**EKURHULENI METROPOLITAN MUNICIPALITY
(BOKSBURG CUSTOMER CARE CENTRE)****DECLARATION AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality (Boksburg Customer Care Centre) hereby declares Windmill Park Extension 21 to be an approved township subject to the conditions set out in the schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED (HEREAFTER REFERRED TO AS THE APPLICANTS/ TOWNSHIP OWNERS) UNDER THE PROVISIONS OF PART C OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986, (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP PORTION 127 (A PORTION OF PORTION 32) OF THE FARM FINAALSPAN 114 I.R. HAS BEEN GRANTED BY THE EKURHULENI METROPOLITAN MUNICIPALITY

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Windmill Park Extension 21 Township.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G Plan No. 3676/2014.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

- 1.3.1 All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding the following conditions and servitudes in Deed of Transfer T67290/2012 which do affect the township area but will not be carried forward:

Condition (a)

That the said land shall further be subject to any laws or statutory regulations for the time being in force.

Condition (b)

That the owner shall be liable for the prompt payment of such taxes as are payable according to law.

Condition (c)

The owner shall together with the other lessees and/or owners of the KATE HAMEL SETTLEMENT be responsible for the maintenance and upkeep of any roads serving the said Settlement (not being roads under the control of the Provincial Administration) the dipping tank if and when erected, boreholes, tanks and wind-mills, situated on those portions of the Settlement specially reserved for the purpose of ensuring to the lessees and/or owners dipping and water facilities on a communal basis. In the event of the provisions of the Settlement (Committee of Management) Act 1925, or any amendment thereof being applied to the KATE HAMEL SETTLEMENT, the owner shall combine with the other lessees and/or owners on the said Settlement to form and maintain a Committee of Management to deal with matters of common interest to the lessees and/or owners of the Settlement.

Condition (d)

The land hereby shall be used solely for agricultural and pastoral purposes and the manufacture of such agricultural and other products as the owner may raise thereon.

Condition (e)

The State shall at all times have the right in such manner and under such conditions as it may think fit, to construct and form dams and reservoirs upon the land hereby transferred and to erect, make and construct telegraph and telephone lines, roads, railways, water furrows, pipe lines, canals and drains upon and conduct the same through and over the land hereby transferred in the interest of the public or of the owner, lessee or occupier or holder of a mining title on any land adjoining or in the neighbourhood of the land hereby transferred, and to take materials there from for the foregoing purposes on payment (save as may be otherwise provided by law) to the owner of such sums of money as compensation of loss or damage actually sustained as may be mutually agreed upon between the State and the owner, or failing such agreement as may be determined by arbitration in manners provided by the law relating to arbitration, provided that the arbitrators may set off against the loss or damage caused to the owner, the benefit, instant or prospective, which he shall or may derive in consequence of the construction of any of the said works.

1.3.2 SERVITUDES AND CONDITIONS AFFECTING THE TOWNSHIP

The following conditions and servitudes in Deed of Transfer T67290/2012 are only applicable to Erf 8791 in the township and must be registered against the title deed of the said Erf:

Condition (f)

Further subject to a right in favour of ELECTRICITY SUPPLY COMMISSION to contain electricity over the property hereby transferred together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed 66/1955S, registered on the 24th February 1955, with diagram thereunto annexed.

Condition (g)

Further subject to the right in favour of ELECTRICITY SUPPLY COMMISSION to convey electricity over the property hereby transferred together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed 1019/1964S registered on the 17th August, 1964, with diagram thereunto annexed.

1.4 ENDOWMENT

The township owner shall, in terms of section 98(2) and (3) of the Town Planning and Townships Ordinance, 1986, pay to the local authority as an endowment the amount of (Still to be determined) – which amount shall be used by the local authority towards provision of parks and open space.

Thus endowment are payable in terms of the provisions of section 81 of the said ordinance, read with section 95 thereof.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owners shall at their own expense 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, within a period of six (6) months from the date of publication of this notice.

1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owners.

1.7 OBLIGATIONS IN REGARD TO ENGINEERING SERVICES

The township owners shall within such period as the local authority may determine, fulfil their obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the local authority.

1.8 ACCESS

Ingress to and egress from the township shall be from East Central Road.

1.9 CONDITIONS RELATING TO PROVINCIAL ROADS

- (a) The Township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport, has granted consent for the development.
- (b) Lines of no access will be applicable to the proposed Provincial Roads K131 and PWV 16.
- (c) A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO. 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of the Gauteng Provincial Government (Department of Transport and Public Works) will be erected along the lines of no access on the boundary of the township fronting on provincial roads.
- (d) Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erven abutting on Future Road K131 and 20 m (single storey) and 30m (double storey) from the boundary of the erven abutting on proposed Provincial Road PWV 16, nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of the Gauteng Provincial Government (Department of Transport and Public Works).
- (e) In terms of EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, the following building lines are applicable:
 - (i) 16m building line from Road K131 affecting Erf 8165 in the township;
 - (ii) 20 m building line for single storey buildings and 30 m building line for double storey buildings from Road PWV 16 affecting Erven 8165 to 8179, 8224 to 8260 and 8790 in the township.
- (g) The Applicant shall arrange for the drainage of the development area to fit in with that of Provincial Roads K131 and PWV16 and for all stormwater running off or being diverted from Provincial Roads K131 and PWV16 to be received and disposed of.
- (h) No advertisements that may be visible from Provincial Roads K131 and PWV16 shall be displayed without the written approval of the Gauteng Department of Public Transport Roads and Works and the Municipality.

2. CONDITIONS OF TITLE

- 2.1 All erven shall be subject to the following conditions imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986:-
 - (i) The erf is subject to a servitude, 2m wide, in favour of the local authority for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
 - (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 2m 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 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.

2.2 Erven 8165, 8471, 8485, 8609, 8622 and 8647

This erf is subject to a 3m wide servitude for stormwater purposes in favour of the local authority, as indicated on the General Plan.

2.3 Erven 8179, 8677 and 8699

This erf is subject to a 2m wide servitude for stormwater purposes in favour of the local authority, as indicated on the General Plan

Khaya Ngema:

City Manager: Ekurhuleni Metropolitan Municipality, Civic Centre, Cross Street, Germiston, 1400
15/3/3/79/21

LOCAL AUTHORITY NOTICE _____ OF 2016

EKURHULENI TOWN PLANNING SCHEME OF 2014 AMENDMENT SCHEME F0044

The Ekurhuleni Metropolitan Municipality (Boksburg Customer Care Centre) hereby declares that it has approved an amendment scheme, being an amendment to the Ekurhuleni Town Planning Scheme of 2014, comprising the same land as included in the township of Windmill Park Extension 21, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

Map 3, Annexures and scheme clauses of the amendment scheme are available for inspection at all reasonable times at the offices of the Area Manager, Development Planning, Ekurhuleni Metropolitan Municipality (Boksburg Customer Care Centre), Room 248, 2nd Floor, Civic Centre, c/o Trichards & Commissioner Streets, Boksburg.

This amendment scheme is known as the Ekurhuleni Amendment Scheme F0044 and shall come into operation on the date of the proclamation of this notice.

Khaya Ngema:

City Manager: Ekurhuleni Metropolitan Municipality, Civic Centre, Cross Street Germiston, 1400
15/3/3/79/21

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,
for the **Gauteng Provincial Administration**, Johannesburg.

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