

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

**Provincial Gazette  
Provinsiale Koerant**  
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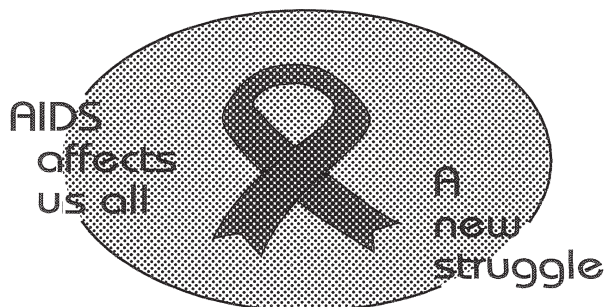
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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 106 OF 2018****LOCAL AUTHORITY NOTICE T005/18  
WILGEHEUWEL EXTENSION / UITBREIDING 39**

**A.** In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Johannesburg Metropolitan Municipality declares Wilgeheuwel Extension 39 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 HENTIESHELF 1010 (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 THE REMAINDER OF PORTION 171 OF THE FARM WILGESPRUIT 190, I.Q., PROVINCE OF GAUTENG HAS BEEN APPROVED.**

**1. CONDITIONS OF ESTABLISHMENT****(1) NAME**

The name of the township is Wilgeheuwel Extension 39.

**(2) DESIGN**

The township consists of erven and a road/street/thoroughfare as indicated on General Plan S.G. No. 4394/2016.

**(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**

(a) The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

(b) The township owner shall not install or construct any engineering services unless the necessary written agreement has been entered into with the local authority, after proclamation of the township.

(c) Failure by the township owner to enter into the agreement contemplated in (b) above, shall result in the forfeiture of the off-setting of external contributions payable and any claims against the local authority, resulting from the installation of the bulk infrastructure.

**(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)**

Should the development of the township not been commenced with before 31 May 2018 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

**(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)**

(a) Should the development of the township not been completed within before 5 January 2016 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner 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 fulfillment 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).

(6) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(7) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

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

(8) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own costs 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.

(9) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(10) ENDOWMENT

The township owner shall, in terms of the provisions of Section 98(2) and Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) pay a lump sum as endowment to the local authority for the provision of land for a park (public open space).

(11) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OR TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 2 hereunder, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2.(3) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(12) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

## 2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

### **Excluding the following servitudes which only affects Vintage Avenue and Magnum Road in the township:**

(a) A Servitude of Right of way in perpetuity 6,30 metres by virtue of Notarial Deed No. 1116/67S which affects Vintage Avenue and Magnum Road in the township only and indicated on diagram S.G. No. A2524/1946.

(b) A Servitude of Right of way to be registered in terms of Notarial Deed of Servitude K17/06810 and indicated by the figure A B C D E F G A on diagram S.G. No. A3373/2015 which affects Magnum Road and Vintage Avenue.

### 3. CONDITIONS OF TITLE

#### A. Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

(1) ALL ERVEN

(a) Each 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.

(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 2m 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 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.

(2) The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must indicate the measures to be taken, in accordance with the recommendations contained in the Engineering-Geological Report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the Local Authority that such measures are unnecessary or that the same purpose can be achieved by more effective means. The NHBRC classification for foundations is considered as S and is regarded as Soil Zone II.

(3) ERF 1586

The erf is subject to a 2m stormwater servitude in favour of the local authority as indicated on the General Plan.

(4) ERF 1586

The erf is subject to a stormwater servitude in favour of the local authority as indicated on the General Plan.

(5) ERF 1587

The erf is subject to a 3m wide stormwater and sewer servitude in favour of the local authority.

(6) ALL ERVEN

The erven shall not be alienated or transferred without the written consent of the local authority first having been obtained and the local authority shall have an absolute discretion to withhold such consent, unless the transferee accepts the following condition: The local authority had limited the electricity supply to the erven 500 kVA and should the registered owner of the erven exceed the supply or should an application to exceed such supply be submitted to the local authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 125(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), declares that it has approved an amendment scheme being an amendment of the Roodepoort Town Planning Scheme, 1987, comprising the same land as included in the township of **WILGEHEUWEL EXTENSION 39**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 05-4495.

**PLAASLIKE OWERHEID KENNISGEWING 106 VAN 2018**

**C.** 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 **WILGEHEUWEL UITBREIDING 39** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**VERKLARING VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR HENTIESHELF 1010 (EIENDOMS) BEPERK (HIERNA DIE APPLIKANT/ 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 DIE RESTANT VAN GEDEELTE 171 VAN DIE PLAAS WILGESPRUIT NR 190, I.Q. GOEDGEKEUR IS.**

**1. STIGTINGSVOORWAARDES**

**(1) NAAM**

Die naam van die dorp is Wilgeheuwel Uitbreiding 39.

**(2) ONTWERP**

Die dorp bestaan uit erwe en n pad/ straat/ deurgang soos aangedui op Algemene Plan L.G. No. 4394/2016.

**(3) VOORSIENING EN INSTALLERING VAN INGENIEURSDIENSTE**

(a) Die dorpseienaar moet tot bevrediging van die plaaslike bestuur, die nodige reëlings met die plaaslike bestuur tref vir die ontwerp en voorsiening van alle ingenieursdienste waarvan die plaaslike bestuur die verskaffer is.

(b) Die dorpseienaar sal nie voortgaan met die konstruksie of installeering van enige ingenieursdienste tensy die nodige geskrewe ooreenkoms aangegaan is met die plaaslike bestuur na proklamasie van die dorp nie.

(c) Indien die dorpseienaar versuim om sodanige ooreenkoms aan te gaan soos vermeld in (b) hierbo, sal dit tot lei tot die verbeuring van die kompensasie vir eksterne bydraes betaalbaar en enige eise teen die plaaslike bestuur wat mag ontstaan as gevolg van die installering van die oorhoofse infrastruktuur.

**(4) GAUTENG PROVINSIALE REGERING (DEPARTEMENT VAN LANDBOU EN LANDELIKE ONTWIKKELING)**

Indien die ontwikkeling van die dorp nie in aanvang neem voor 31 Mei 2018, moet die aansoek om die dorp te stig, heringedien word by die Departement van Landbou en Landelik Ontwikkeling vir vrystelling/ goedkeuring ingevolge die bepalings van die Omgewingsbewaringswet, 1989 (Wet 107 van 1998) soos gewysig.

**(5) GAUTENG PROVINSIALE REGERING (DEPARTEMENT VAN PAAIE EN VERVOER)**

(a) Indien die ontwikkeling van die dorp nie voor 5 Januarie 2016 voltooi is nie, moet die aansoek om die dorp te stig, heringedien word by die Departement van Openbare Vervoer, Paaie en Werke vir heroorweging.

(b) Indien omstandighede egter, voor die vervaldatum vermeld in (a) 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 beherende liggaam ingevolge die bepalings van Artikel 48 van die Gauteng Vervoerinfrastruktuur Wet, 2001 (Wet 8 van 2001).

(6) VULLISVERWYDERING

Die dorpseienaar moet voldoende vullisversamelingspunte in die dorp voorsien en moet reëlings tot tevredenheid van die plaaslike bestuur tref vir die verwydering van alle vullis.

(7) 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 die koste van sodanige verwydering of vervanging deur die dorpseienaar gedra word.

(8) SLOPING VAN GEBOUE EN STRUKTURE

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

(9) TOEGANG

Toegang tot of uitgang vanuit die dorp moet voorsien word tot die tevredenheid van die plaaslike bestuur en/of Johannesburg Roads Agency (Edms) Bpk en/of die Departement van Paaie en Vervoer.

(10) 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 (openbare oop ruimte).

(11) VERANTWOORDELIKHEID TEN OPSIGTE VAN INGENIEURSDIENSTE EN DIE BEPERKING OP DIE VERVREEMDING VAN ERWE, OORDRAG, KONSOLIDASIE EN/OF NOTARIELE VERBINDING VAN ERWE.

(a) Die dorpseienaar sal, na die nakoming van klousule 2 hieronder, op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle ingenieursdienste binne die grense van die dorp, ontwerp, voorsien en konstrueer, insluitend alle interne paaie en die stormwaterretikulasie. Erwe en/of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregistreerde Titel nie in naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste voorsien en geïnstalleer is;

(b) Die dorpseienaar moet sy verpligtinge nakom ten opsigte van die instalasie van water en sanitêre dienste sowel as die konstruksie van paaie en die dreinerings van stormwater en die instalasie van stelsels daarvan, soos ooreengekom tussen die dorpseienaar en die plaaslike bestuur in terme van klousule 2 hieronder. Erwe en/of eenhede in die dorp, mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregistreerde Titel nie in naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste beskerm is of sal word, tot tevredenheid van die plaaslike bestuur.

(12) VERPLIGTINGE MET BETREKKING TOT DIE BESKERMING VAN INGENIEURSWEESE DIENSTE

Die dorpseienaar moet op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle serwitute laat opmeet en registreer om die ingenieursdienste wat voorsien, gebou en/of geïnstalleer is soos beoog hierbo, te beskerm. Erwe en/of eenhede in die dorp, mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregistreerde Titel nie in naam van die dorpseienaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste beskerm is of sal word, tot tevredenheid van die plaaslike bestuur.

## 2. BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien enige.

**Uitgesluit die volgende serwitute wat slegs Vintage laan en Magnum Straat affekteer in die dorp:**

- (a) *"A Servitude of Right of way in perpetuity 6,30 metres by virtue of Notarial Deed No. 1116/67S which affects Vintage Avenue and Magnum Road in the township only and*

*indicated on diagram S.G. No. A2524/1946”.*

- (b) *“A Servitude of Right of way to be registered in terms of Notarial Deed of Servitude K17/06810 and indicated by the figure A B C D E F G A on diagram S.G. No. A3373/2015 which affects Magnum Road and Vintage Avenue”*

### 3. TITELVOORWAARDES

Voorwaardes 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 2m breed, ten gunste van die plaaslike bestuur, vir riolerings- en ander munisipale doeleindes, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2m 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 2m 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 goeie doedunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts sal die plaaslike bestuur geregtig wees 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 verwydering van sodanige rioolhoofpyleiding en ander werke veroorsaak word.

(2) Die erf is geleë in 'n gebied met bodemeenskappe wat geboue en strukture nadelig kan beïnvloed en skade tot gevolg kan hê. Bouplanne wat hy die plaaslike bestuur ingdien word moet maatreëls aantoon in ooreenstemming met aanbevelings vervat in die Ingenieurs-Geologiese Verslag wat vir die dorp opgestel is om moontlike skade aan die funderinstoestande te beperk, tensy bewys gelewer kan word aan die plaaslike bestuur dat sodanige maatreëls onnodig is of dieselfde doel op 'n meer doeltreffende wyse bereik kon word. Die NHBRC kode vir fundasies is S en is beskou as vleksonne II.

(3) ERF 1586

Die erf is onderworpe aan 'n 2m stormwater serwituut ten gunste die van die plaaslike bestuur soos aangedui op die Algemene Plan

(4) ERF 1586

Die erf is onderworpe aan 'n stormwater serwituut ten gunste die van die plaaslike bestuur soos aangedui op die Algemene Plan

(5) ERF 1587

Die erf is onderworpe aan 'n 3m stormwater en riool serwituut ten gunste die van die plaaslike bestuur soos aangedui op die Algemene Plan

(6) ALL ERWE

Die erwe mag nie vervreem of oorgedra word sonder die skriftelike toestemming van die plaaslike bestuur eers vooraf verkry is nie en die plaaslike bestuur sal n absolute disresie he om sodaige toestemming te weerhou, tensy die oordragnemers die volgende voorwarde aanvar: die plaaslike bestuur beskik oor beperkte elektriese verskaffing tot die erf van 500 kVA en sou die geregistreerde eienaar van die erf die verskaffing oorskry of sou 'n aansoek om die verskaffing te oorskry ingedien word by die plaaslike bestuur, sal addisionele elektriese bydraes soos bepaal deur die plaaslike bestuur, betaalbaar word deur sodanige eienaar/s aan die plaaslike bestuur.



**D.** Die Stad van Johannesburg Metropolitaanse Munisipaliteit verklaar hiermee ingevolge die beplaings van artikel 125(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), dat dit 'n wysigingskema synde 'n wysiging van die Johannesburg Dorpsbeplaningskema, 1979, wat uit dieselfde grond as die dorp **WILGEHEUWEL UITBREIDING 39** bestaan, goedgekeur het. Kaart 3 en die skemaklousule van die wysigingskema word in bewaring gehou deur die Uitvoerende Direkteur: Ontwikkelingsbeplanning: Stad van Johannesburg en is beskikbaar vir inspeksie op alle redelike tye. Hierdie wysiging staan bekend as Wysigingskema 05-4495.

**Hector Makhubo**

**Deputy Director: Legal Administration / Adjunk Direkteur: Regsadministrasie**

**City of Johannesburg Metropolitan Municipality /**

**Stad van Johannesburg Metropolitaanse Munisipaliteit**

**Notice No. / Kennisgewing Nr T005/2018**





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