

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

**BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 251

14 OCTOBER
OKTOBER 2008

No. 6543

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GENERAL NOTICE • ALGEMENE KENNISGEWING

NOTICE 580 OF 2008**MERAFONG CITY LOCAL MUNICIPALITY****NOTICE IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000
(Act 3 of 2000) ("PAJA")**

THIS NOTICE IS ADDRESSED TO:

The parties described in the schedule hereunder, under Item B thereof as "Owners" which expression includes - the executor in the estate of a deceased Owner, the trustee or liquidator in the insolvent estate of an Owner, the representative of an incapacitated Owner, an authorised representative of the Owner in the Republic of South Africa, and any other person(s) who enjoy rights, have an interest in the land described in the schedule and/or may be adversely affected by the possible and proposed decision of the Merafong City Local Municipality ("the Municipality"), to expropriate the land described in the schedule.

Accordingly, and in order to give effect to the rights and procedurally fair administrative action, the Municipality has decided to follow *notice and comment procedure*, as in contemplated in terms of section 4(3) of PAJA, by communicating the possible and proposed administrative action to the parties described, and call for comments from them.

Upon the timeous receipt of comments, those responses will be considered by the Municipality prior to a decision being made by the Municipality as to whether or not the Municipality will indeed expropriate the land or any parts or components thereof, either with or without changes to the Municipality's proposal for housing development, in compliance with procedures aforesated.

The parties' attention is drawn to the following facts regarding the possible and proposed decision to expropriate:

1. Empowering provisions

The provisions of section 9 of the Housing Act, 1997 (Act 107 of 1997) ('the Housing Act') provides that a municipality must, as part of the municipality's process of integrated development planning, take all reasonable and necessary steps to ensure

that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis, and in so doing, a municipality may expropriate any land required by it for purposes of housing developments if it is unable to purchase the land on reasonable terms through negotiations with the owner thereof.

2. The status of the land

The status of the land described in the schedule is, as far as can be established, "agricultural" with such other land uses attributed to the land, and tests and studies have been conducted which show that the land is suitable for housing development purposes.

3. Nature and purpose of the possible and proposed expropriation

The possible but proposed expropriation will be for public purposes, namely, the establishment of townships known as the Khutsong South Extensions 1, 2 and 3, including the installation of municipal services, and will mostly accommodate the people from the Khutsong area, who the Municipality intends relocating as a result of the land that they are currently occupying having been declared unsafe.

4. Opportunity to make representations:

Housing development in the area of jurisdiction of the Municipality is urgently needed to accommodate and house the people in the Khutsong area, who are currently living under unacceptable and dangerous circumstances. Accordingly, parties hereby given notice are advised of the urgency of the situation and the necessity for the housing project(s) to proceed as soon as reasonably possible. Consequently, the parties hereby given notice are requested to respond within 60 (sixty) days from the date of publication of this notice, by using the opportunity to make written representations regarding the possible and proposed decision to expropriate the land described, as is contemplated in section 3 of PAJA, and by addressing those written representations to the address hereinafter described.

5. Nature and affect of expropriation:

5.1 The nature and effect of the possible, but proposed decision to expropriate, if made is that:

5.1.1 land owners will be divested of their ownership rights;

5.1.2 certain categories of people having rights to the land, including lessees, will also be divested of their rights;

5.1.3 the rights, including ownership rights expropriated, shall vest in the Municipality as the expropriator, and the Municipality shall compensate the parties who have been expropriated, as agreed between them, failing which the determination of compensation shall be done by the High Court of South Africa, in terms of the relevant expropriation procedures.

5.2 The parties' attention is directed to the provisions of the Expropriation Act, 1975 (Act 63 of 1975) read with the provisions of the aforestated Housing Act.

6. Review and reasons:

6.1 Affected parties attention is drawn to the fact that, should the Municipality decide to expropriate, all persons affected will have the right to request reasons for the administrative action having been taken in terms of section 5 of PAJA.

6.2 Section 6 of PAJA further provides that a Court having jurisdictional competency may review the administrative action of the Municipality.

The address to which you and/or any affected party are invited to respond is:

The Office of the Municipal Manager
 Carletonville Municipal Offices

Street Address: Halite Street
 Carletonville
 2499

Postal address: P.O. Box 3
 CARLETONVILLE
 2500

Reference: Mr H. Bredenkamp

Please take note that this notice is not a notice of expropriation, nor is it intended to be a publication in terms of the relevant legislation regarding the process of township establishment, or for land development purposes.

Schedule

	A	B	C
	Description	Owner	Size
1	Portion 93 (a ptn of Ptn 28) of farm Welverdiend 97 IQ	Mr G Frisby	9,2528 ha
2	Remaining Extent of Portion 96 of farm Welverdiend 97 IQ	Carleton Brickworks (Pty) Ltd	96,9768 ha
3	Portion 86 (a ptn of Ptn 12) of farm Welverdiend	Estate R.B.E. Bailey M.G. Dart S.C. Hirschmann M.S.I. Mehtar H.M.M. van der Merwe J.G. van der Merwe Estate B.P. van Niekerk C. Rosenthal E. Rosenthal R.P. le Roux Estate A.C.E. Schoeman C. Sonnenberg Estate J.W. Stoch Welverdiend Township Development Co. (PTY) Ltd. J.M.P. Wessels Estate J.D.P. Wolmarans	12,8480 ha

		S.M. Wolmarans G.J.M. Wolmarans I.K. Williams Far West Rand Dolomitic Water Association J.J. van der Merwe	
4	Portion 85 (a ptn of Ptn 12) of farm Welverdiend 97 IQ	Ms HMM van der Merwe, Ms ACE Schoeman & Ms HT de Ponte	16,6282 ha
5	A Portion of Portion 83 of farm Welverdiend 97 IQ	Wolverdiend Township Development Company (Pty) Ltd	7,38 ha
6	Portion 84 (a ptn of Ptn 12) of farm Welverdiend 97 IQ	Dr EJ Stoch & Ms P Landau	5,6687 ha
7	Remainder of Portion 87 (a ptn of Ptn 12) of farm Welverdiend 97 IQ	E.J. Stoch A.J. Botha M.S.I. Mehtar Estate B.P. van Niekerk L. Smit Far West Rand Dolomitic Water Association R.P. le Roux	13,6049 ha
8	Remaining Extent of Portion 88 (a ptn of Ptn 15) of farm Welverdiend 97 IQ	EJ Stoch	14,4921 ha
9	Remaining Extent of Portion 89 (a ptn of Ptn 13) of farm Welverdiend 97 IQ	Ms SC Hirschmann, Mr C Rosenthal, Ms E Rosenthal & Ms C Sonnenberg	23,2651 ha
10	Remaining Extent of Portion 43 of farm Welverdiend 97 IQ	Ms SC Hirschmann, Mr C Rosenthal, Ms E Rosenthal & Ms C Sonnenberg	25,8887 ha
11	Portion 120 (a ptn of Ptn 20) of farm Wonderfontein 103 IQ	Mr JN & Ms A van der Merwe	8,5653 ha

12	Remaining Extent of Portion 52 (a ptn of Ptn 2) of farm Wonderfontein 103 IQ	Mr PWJ & Ms AMCM van Niekerk	191,0042 ha
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JM RABODILA

MUNICIPAL MANAGER

Municipal Offices, Haiite Street, P.O. Box 3,
Carletonville, 2500, Notice Number N45/2008

KENNISGEWING 580 VAN 2008**MERAFONG STAD PLAASLIKE MUNISIPALITEIT****KENNISGEWING INGEVOLGE DIE "PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000 (ACT 3 OF 2000) ("PAJA")****HIERDIE KENNISGEWING WORD GERIG AAN:**

Die partye genoem in die Skedule hier onder in Item B daarvan as "Eienaars", welke uitdrukking insluit - die eksekuteur van die boedel van 'n afgestorwe Eienaar, of die trustee of likwidateur van 'n insolvente boedel van 'n Eienaar, of as die Eienaar van die eiendom as regsonbevoegd verklaar is, sy/haar Regsvertegenwoordiger en sluit ook in die Gemagtigde Verteenwoordiger van die Eienaar in die Republiek van Suid-Afrika en enige ander persoon of persone wie regte geniet, of wat 'n belang oor die eiendom het, of wie nadelig beïnvloed sal word deur die moontlike en voorgestelde besluit van die Merafong Stad Plaaslike Munisipaliteit (die "Munisipaliteit") om die eiendom, soos beskryf in die voorgemelde Skedule, te onteien.

Dienooreenkomstig, en ten einde uitvoering te gee en om reg te laat geskied aan proseduriële regverdige administratiewe aksie, het die Munisipaliteit besluit om die *kennisgewing en kommentaar procedure* te volg, soos voorgeskryf ingevolge artikel 4(3) van die "PAJA", deur kennis te gee van die voorgesteide en moontlike administratiewe aksie aan die partye en kommentaar van hulle te vra.

By die tydige ontvangs van voormeide kommentaar, sal sodanige kommentaar deur die Munisipaliteit oorweeg word voordat 'n besluit deur die Munisipaliteit geneem word dat die Munisipaliteit inderdaad die eiendom of enige gedeelte of komponente daarvan wil vervreem aldan nie, met of sonder veranderinge aan die Munisipaliteit se voorstel vir behuisingsontwikkeling, ooreenkomstig die voorafgaande prosedures.

Die Partye se aandag word gevestig op die volgende feite met betrekking tot die moontlike en voorgestelde besluit om te onteien:

1. Magtigingsbepalings:

Die bepalinge van artikel 9 van die Behuisingswet, 1997 (Wet 107 van 1997) (die "Behuisingswet") bepaal dat 'n Munisipaliteit moet, as deel van die Munisipaliteit se procedure van geïntegreerde ontwikkelingsbepanning, alle redelike en nodige stappe neem ten einde te verseker dat die inwoners binne die gebied van sy jurisdiksie toegang het tot geskikte behuisingsop 'n progressiewe basis, en ten einde dit te bereik mag 'n Munisipaliteit enige eiendom onteien wat die Munisipaliteit

benodig vir doeleindes van behuisingsontwikkeling, indien die Munisipaliteit nie in staat is om die eiendom te bekom deur middel van redelike terme deur onderhandeling met die eienaar daarvan nie.

2. Status van die grond:

Die status van die eiendom beskryf in die Skedule, is, sover vasgestel kan word, "landbou" met sodanige ander grondgebruike toeskryfbaar aan die grond, en toetse en studies is onderneem wat aantoon dat die eiendom geskik is vir behuisingsontwikkelingsdoeleindes.

3. Aard en doel van die voorgestelde onteiening:

Die moontlike en voorgestelde onteiening, sal uitsluitlik wees vir publike doeleindes, naamlik vir die stigting van dorpe bekend as Khutsong-Suid en Uitbreidings wat grotendeels gebruik sal word vir die akkommodasie van mense vanaf die Khutsong gebied wie die Munisipaliteit beoog om te hervestig as gevolg daarvan dat die eiendom wat hulle tans okkupeer, onveilig verklaar is.

4. Geleentheid om voorstelle te maak:

Behuisingsontwikkeling binne die jurisdiksiegebied van die Munisipaliteit word dringend benodig ten einde mense te akkommodeer en mense te behuis wie tans in onaanvaarbare en gevaarlike omstandighede woon.

Ooreenkomstig word partye wat hiermee kennis gegee word, geadviseer van die dringendheid van die situasie en die noodsaaklikheid daarvan dat die behuisingsprojekte so gou as redelik moontlik 'n aanvang moet neem. Hieropvolgend word partye wat hiermee kennis gegee is, versoek om te reageer binne 60 (sestig) dae van datum van publikasie van hierdie kennisgewing deur gebruik te maak van die geleentheid om skriftelike voorstellings te maak betreffende die moontlike en voorgestelde besluit om die voorgestelde eiendom te onteien, soos voorsien ingevolge die bepalings van artikel 3 van die "PAJA", en deur sodanige skriftelike voorstellings te adresseer aan die ondergenoemde voorgeskrewe adres.

5. Aard en gevolge van die onteiening:

Die aard en gevolge van die moontlike, maar voorgestelde besluit om te onteien indien die besluit geneem word, is dat:

5.1.1 grondeienaars sal ontnem word van hulle eienaarsreg;

5.1.2 sekere kategorië van mense wie regte op die eiendom het, insluitende huurders, sal ook van hulle regte ontnem word;

5.1.3 die regte, ingeslote eienaarsregte, wat onteien word, sal setel in die Munisipaliteit as die onteienaar, en die Munisipaliteit sal die partye wat onteien is kompenseer soos tussen hulle ooreengekom is, of by gebreke waarvan die vasstelling van kompensasië gedoen sal word deur die Hooggeregshof van Suid Afrika, ingevolge die relevante onteieningsprosedures;

5.2 Die Partye se aandag word gevestig op die bepalings van die Onteieningswet, 1975 (Wet 63 van 1975) saam gelees met die bepalings van die voormelde Behuisingswet.

6. Hersiening en redes:

6.1 Geaffekteerde partye se aandag word gevestig op die feit dat, sou die Munisipaliteit besluit om te onteien, alle persone wat geaffekteer word die reg sal hê om redes te versoek waarom die administratiewe aksie geneem was, ingevolge artikel 5 van die "PAJA".

6.2 Artikel 6 van die "PAJA" bepaal voorts dat 'n Hof met jurisdiksionele bevoegdheid die administratiewe aksie van die Munisipaliteit mag hersien.

Die adres waarheen u en enige ander geaffekteerde partye se voostellings gerig moet word is:

Die Kantoor van die Munisipale Bestuurder
Carletonville Munisipale Kantore

Straatadres: Halitestraat
Carletonville
2499

Posadres: Posbus 3
CARLETONVILLE
2500

Verwysing: Mnr H. Bredenkamp

Neem asseblief kennis dat hierdie kennisgewing nie 'n kennisgewing van onteining is nie, en dit is ook nie bedoel om 'n publikasie ingevolge die relevante wetgewing met betrekking tot die prosedure vir dorpsontwikkeling of grondontwikkelingsdoeleindes te wees nie.

	A	B	C
	EIENDOMSBEKRYWING	EIENAAR	GROOTTE
1.	Gedeelte 93 ('n gedeelte van Gedeelte 28) van die plaas Welverdiend 97 I.Q.	G. Frisby	9,2528 ha
2.	Die Restant van Gedeelte 96 van die plaas Welverdiend 97 I.Q.	Carleton Brickworks (PTY) Ltd	96,9768 ha
3.	Gedeelte 86 ('n gedeelte van Gedeelte 12) van die plaas Welverdiend 97 I.Q.	Boedel R.B.E. Bailey M.G. Dart S.C. Hirschmann M.S.I. Mehtar H.M.M. van der Merwe J.G. van der Merwe Boedel B.P. van Niekerk C. Rosenthal E. Rosenthal R.P. le Roux Boedel A.C.E. Schoeman C. Sonnenberg Boedel J.W. Stoch Welverdiend Township Development Co. (PTY) Ltd. J.M.P. Wessels Boedel J.D.P. Wolmarans S.M. Wolmarans G.J.M. Wolmarans I.K. Williams Far West Rand Dolomitic Water Association J.J. van der Merwe	12,8480 ha
4.	Gedeelte 85 ('n gedeelte van Gedeelte 12) van die plaas Welverdiend 97 I.Q.	H.M.M. van der Merwe Boedel A.C.E. Schoeman H.T du Ponte	16,6262 ha
5.	'n gedeelte van Gedeelte 83 van die plaas Welverdiend 97 I.Q.	Welverdiend Township Development Co. (PTY) Ltd.	7,38 ha
6.	Gedeelte 84 ('n gedeelte van Gedeelte 12) van die plaas Welverdiend 97 I.Q.	P. Landau E.J. Stoch	5,6687 ha
7.	Die Restant van Gedeelte 87 ('n gedeelte van Gedeelte 12) van die plaas Welverdiend 97 I.Q.	E.J. Stoch A.J. Botha M.S.I. Mehtar Boedel B.P. van Niekerk R.P. le Roux L. Smit	13,8049 ha

		Far West Rand Dolomitic Water Association	
8.	Die Restant van Gedeelte 88 ('n gedeelte van Gedeelte 15) van die plaas Welverdiend 97 I.Q.	E.J. Stoch	14,4921 ha
9.	Die Restant van gedeelte 89 ('n gedeelte van Gedeelte 13) van die plaas Welverdiend 97 I.Q.	S.C. Hirschmann C. Rosenthal E. Rosenthal C. Sonnenberg	23,2651 ha
10.	Die Restant van Gedeelte 43 van die Plaas Welverdiend 97 I.Q.	C. Rosenthal E. Rosenthal C. Sonnenberg S.C. Hirschmann	25,8887 ha
11.	Gedeelte 120 ('n gedeelte van Gedeelte 20) van die plaas Wonderfontein 103 I.Q.	J.N. van der Merwe A. van der Merwe	8,5653 ha
12.	Die Restant van Gedeelte 52 ('n gedeelte van Gedeelte 2) van die plaas Wonderfontein 103 I.Q.	P.W. van Niekerk A.M. van Niekerk	191,0042 ha



J.M. RABODILA

MUNISIPALE BESTUURDER

Munisipale Kantore,

Halitestraat,

Posbus 3,

Carletonville,

2500,

Kennisgewingnommer 45/2008