

THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

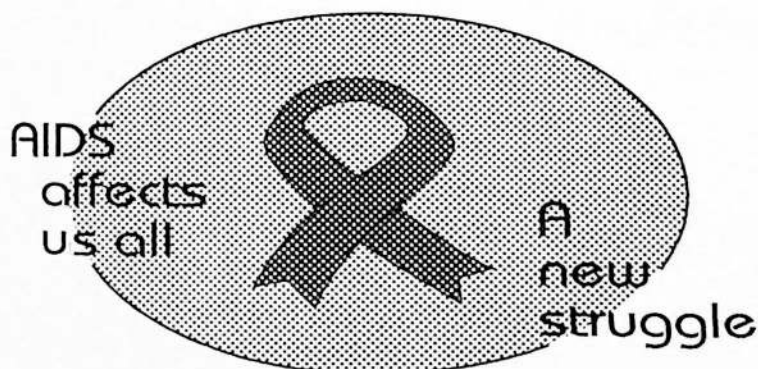
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CONTENTS • INHOUD

No.

Page
No.**GENERAL NOTICE**

395 Town-planning and Townships Ordinance (15/1986): Pretoria Amendment Scheme 9756 3

GENERAL NOTICE

NOTICE 395 OF 2012

PRETORIA AMENDMENT SCHEME 9756

The Administrator hereby declares, in terms of the provisions of Section 89 of the Town-planning and Townships Ordinance, 1965, that he has approved an amendment scheme, being an amendment of Pretoria Town-planning Scheme 1974, comprising the same land as Waterkloof Heights Extension 5 Township.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, Department of Economic Development, Johannesburg, and the Town Clerk, Pretoria, and are open for inspection at all reasonable times.

The amendment is known as Pretoria Amendment Scheme 9756.

DPLG 11/3/9/1/C/33

(NOTICE

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares Waterkloof Heights Extension 5 township to be an approved township, subject to the conditions set out in the Schedule hereto.

DPLG 11/3/9/1/C/33

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JOHN EDWARD BISHOP UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINING EXTENT OF PORTION 78 (A PORTION OF PORTION 77) OF THE FARM GARSTFONTEIN NO. 374-J.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED

CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be Waterkloof Heights Extension 5.

(2) DESIGN

The township shall consist of erven as indicated on General Plan No. A10231/85.

(3) STORMWATER DRAINAGE AND STREET CONSTRUCTION

- (a) The township owner shall on request by the local authority submit to such authority for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, tar macadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority.

Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

- (b) The township owner shall, when required by the local authority to do so, carry out the approved scheme at its own expense on behalf and to the satisfaction of the local authority under the supervision of a civil engineer approved by the local authority.
- (c) The township owner shall be responsible for the maintenance of the streets to the satisfaction of the local authority until the streets have been constructed as set out in sub clause (b).
- (d) If the township owner fails to comply with the provisions of paragraphs (a), (b) and (c) hereof the local authority shall be entitled to do the work at the cost of the township owner.

(4) DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding:

The following servitudes which affects only certain erven in the township:

(a) Erf 204:

The property hereby transferred is entitled to a right-of-way 6,30 metres wide along the Southern side of the line aA as will more fully appear from Diagram SG No. A 507/37, annexed to Deed of Transfer T 15235/1937 over the Remaining Extent of Portion 7 of Portion "H" of the farm GARSTFONTEIN 428 measuring as such 2,9954 hectares, held under Deed of Transfer T 15234/1937 dated 14th August 1937.

(b) Erf 205:

- (i) Subject to a perpetual right of way in favour of the Town Council of Pretoria 5 metres wide as will more fully appear from reference to Notarial Deed No. K 1817/86S.
- (ii) Subject to a perpetual right of way servitude in favour of Erf 15, Waterkloof Heights Extension 1, Registration Division JR, Gauteng Province, 3 093m² in extent, as will more fully appear from Notarial Deed of Servitude K6547/2000S.

(5) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his 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, when required by the local authority to do so.

(6) REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

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

CONDITIONS OF TITLE

THE ERVEN SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS IMPOSED BY THE ADMINISTRATOR IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965:

(1) ALL ERVEN

- (a) The 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 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 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) ERF 204

- (a) The erf shall be subject to a storm water and sewer servitude (5 m wide) in favour of the Municipality, along the eastern boundary of the erf as indicated on the General Plan.
- (b) No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m there from.
- (c) The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards essential, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.
- (d) The use of the property shall be "Special Residential" as defined in the Pretoria Town-Planning Scheme, 1974, read with Amendment Scheme No. 9756, and may not be subdivided nor may it be rezoned, without the written consent of the City Engineer of the City of Tshwane Metropolitan Municipality, or successors in title/s responsible for the provision and management of storm water, first being obtained.

(3) ERF 205

- (a) The erf shall accept storm water run-off from the higher lying properties and Mac Street to the south east thereof, and shall make the necessary arrangements to manage same within the development on Erf 205.
- (b) The erf shall be made subject to a right-of-way servitude in favour of the general public and the Local Municipality for services, 46m² in area, over the southern corner of the erf abutting Mac Street, as indicated on SG diagram no. 2596/2011. The erf shall not be dealt with until such time as the servitude has been registered by means of a Notarial Deed of Servitude. 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.
- (c) The erf shall be made subject to a servitude (2 m wide) along the western boundary of the erf in favour of Erf 204, Waterkloof Heights X5, as indicated on SG diagram no. 2597/2011. The erf shall not be dealt with until such time as the servitude has been registered by means of a Notarial Deed of Servitude. No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m there from.
- (d) The use of the property shall be 'Group Housing': Provided that the minimum erf size shall be 500m² and a maximum of six (6) dwelling units may be erected on the Erf.

KENNISGEWING 395 VAN 2012

PRETORIA WYSIGINGSKEMA 9756

Die Administrateur verklaar hiermee, ingevolge die bepalings van Artikel 89 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, dat hy 'n wysigingskema, synde 'n wysiging van Pretoria Dorpsbeplanningskema, 1974, wat uit dieselfde grense as die dorp Waterkloof Heights Uitbreiding 5 bestaan, goedgekeur het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Gauteng Provinsiale Regering, (Departement van Ekonomiese Beplanning), Johannesburg, en die Stadsklerk, Pretoria, en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Pretoria Wysigingskema 9756

DPLG 11/3/9/1/C/33

VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge Artikel 69 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), verklaar die Administrateur hierby die dorp Waterkloof Heights Uitbreiding 5 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

DPLG 11/3/9/1/C/33

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR JOHN EDWARD BISHOP INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1965, OM TOESTEMMING OM 'N DORP TE STIG OP DIE RESTERENDE GEDEELTE VAN GEDEELTE 78 ('N GEDEELTE VAN GEDEELTE 77) VAN DIE PLAAS GARSTFONTEIN NO. 374-J.R.R., PROVINSIE GAUTENG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

(1) NAAM

Die naam van die dorp is Waterkloof Heights Uitbreiding 5.

(2) ONTWERP

Die dorp sal bestaan uit erwe soos aangedui op Algemene Plan No. A10231/1985.

(3) STORMWATERDREINERING EN STRAATBOU

- (a) Die dorpseienaar moet op versoek van die plaaslike bestuur aan sodanige bestuur 'n gedetailleerde skema, volledig met planne, deursneë en spesifikasies, opgestel deur 'n siviele ingenieur wat deur die plaaslike bestuur goedgekeur is, vir die opgaar en afvoer van stormwater deur die hele dorp deur middel van behoorlike aangelegde werke en vir die aanlê, teermacadamisering, beranding en kanalisering van die strate daarin, tesame met die verskaffing van sodanige keurmure as wat die plaaslike bestuur nodig ag, vir goedkeuring voorlê.

Verder moet die skema die roete en helling aandui deur middel waarvan elke erf toegang tot die aangrensende straat verkry.

- (b) Die dorpseienaar moet, wanneer die plaaslike bestuur dit vereis, die goedgekeurde skema op eie koste namens en tot bevrediging van die plaaslike bestuur, onder toesig van 'n siviele ingenieur deur die plaaslike bestuur goedgekeur, uitvoer.
- (c) Die dorpseienaar is verantwoordelik vir die instandhouding van die strate tot bevrediging van die plaaslike bestuur totdat die strate ooreenkomstig subklousule (b) gebou is.
- (d) Indien die dorpseienaar versuim om aan die bepalings van paragrawe (a), (b) en (c) hiervan te voldoen, is die plaaslike bestuur geregtig om die werk op koste van die dorpseienaar te doen.

(4) BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, maar uitgesonderd die volgende serwitute wat slegs sekere erwe in die dorp raak:

(a) Erf 204

Die eiendom hiermee oorgedra is geregtig tot 'n reg-van-weg 6,30 meter wyd langs die Suidelike kant van die lyn aA, soos meer volledig sal blyk uit Diagram L.G. No. A507/37, aangeheg aan Akte van Transport T15235/1937 oor die Resterende Gedeelte van Gedeelte 7 van Gedeelte "H" van die plaas GARSTFONTEIN 428, 2.9954 hektaar groot, gehou onder Akte van Transport T15234/1937 gedateer 14de Augustus 1937.

(b) Erf 205

- (i) Onderhewig aan 'n ewigdurende reg-van-weg ten gunste van die Stadsraad van Pretoria 5 meter wyd, soos meer volledig sal blyk met verwysing na Notariële Akte No. K1817/86S.
- (ii) Onderhewig aan 'n ewigdurende reg-van-weg serwituut ten gunste Erf 15, Waterkloof Heights Uitbreiding 1, Registrasie Afdeling JR, Provinsie Gauteng, 3 093m² in omvang, soos meer volledig sal blyk uit Notariële Akte van Serwituut K6547/2000S.

(5) SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes, kantruimtes of oor gemeenskaplike grense geleë is, laat sloop tot bevrediging van die plaaslike bestuur wanneer die plaaslike bestuur dit vereis.

(6) VERSKUIWING OF VERVANGING VAN MUNISIPALE DIENSTE

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

TITELVOORWAARDES

DIE ERWE SAL ONDERHEWIG WEES AAN DIE VOLGENDE VOORWAARDES OPGELEË DEUR DIE ADMINISTRATEUR KRAGTENS DIE BEPALINGS VAN DIE ORDONNASIE OP DORPSBEPLANNING EN DORPE, 1965

(1) ALLE ERWE

- (a) Die erf is onderworpe aan 'n serwituut 2 m breed, vir riolerings- en ander munisipale doeleindes, ten gunste van die plaaslike bestuur, 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 'n afstand van 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 rioolhoofpypleidings en ander werke wat hy volgens goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig 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 verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

(2) ERF 204

- (a) Die erf is onderworpe aan 'n serwituut vir stormwater en riool doeleindes (5m breed) ten gunste van die Munisipaliteit, langs die oostelike grens van die erf, soos op die Algemene Plan aangedui.
- (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 'n afstand van 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 rioolhoofpypleidings en ander werke wat hy volgens goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig 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 verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.
- (c) Die gebruik van die erf sal "Spesiaal Residensieël" wees soos gedefinieer in die Pretoria Dorpsbeplanningskema, 1974, gelees met Wysigingskema No. 9756, en mag nie onderverdeel word nie en mag dit ook nie gehersoneer word nie, sonder die skriftelike toestemming van die Stadsingenieur van die Stad van Tshwane Metropolitaanse Munisipaliteit, of erfgename in titel/s verantwoordelik vir die voorsiening en bestuur van stormwater, eers verkry is nie.

(3) ERF 205

- (a) Die erf sal stormwater wat afloop van hoërliggende eiendomme en Macstraat na die ooste daarvan, ontvang en sal die nodige reëlins tref om die stormwater te beheer b sodanige ontwikkeling op Erf 205.
 - (b) Die erf sal onderworpe gemaak word aan 'n reg-van-weg serwituut ten gunste van algemene publiek en die Plaaslike Owerheid vir dienste, 46m² in omvang, oor suidelike hoek van die erf aangrensend aan Macstraat, soos aangedui op LG diagram 2596/2011. Die erf sal nie mee gehandel word totdat die serwituut geregistreer is d middel van 'n Notariële Akte van Serwituut nie. Geen gebou of ander struktuur n binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome n binne die gebied van sodanige serwituut geplant word nie.
 - (c) Die erf sal onderworpe gemaak word aan 'n serwituut (2m breed) langs die weste grens van die erf ten gunste van Erf 204, Waterkloof Heights X5, soos aangedui op L diagram No. 2597/2011. Die erf sal nie mee gehandel word totdat die serwi geregistreer is deur middel van 'n Notariële Akte van Serwituut nie. Geen gebou of an struktuur mag binne die voornoemde serwituutgebied opgerig word nie, en ge grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand v 2m daarvan geplant word nie.
 - (d) Die gebruik van die erf sal "Groepsbehuising" wees: Met dien verstande dat e minimum erf grootte 500m² sal wees en 'n maksimum van ses (6) wooneenhede op e Erf opgerig mag word.
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