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GENERAL NOTICES

NOTICE 690 OF 2009

DEVELOPMENT FACILITATION ACT, 1995
GAUTENG DEVELOPMENT TRIBUNAL
PERI-URBAN AMENDMENT SCHEME 2009

NOTICE OF THE APPROVAL OF THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA SITUATED ON PORTION 288 OF THE FARM ZESFONTEIN NO. 271R TO BE KNOWN AS "BREDELL EXTENSION 11".

It is hereby notified that the Gauteng Development Tribunal has approved the above-mentioned land development area as depicted on General Plan SG 4552/2008.

In terms of the provisions of Section 33(4) of the Development Facilitation Act, 67 of 1995, notice is hereby given of the coming into effect from the date of this publication of Peri-Urban Amendment Scheme 2009 and accompanying Annexure 2507, which applies to the approved land development area of Bredell Extension 11.

The relevant amendment scheme documents and maps are filed with the Area Manager: City Development, Kempton Park Customer Care Centre, 5th Floor, Civic Centre, c/o Pretoria Street and CR Swart Drive, Kempton Park as from date of this notice and at the office of the Designated Officer and are open for inspection at all reasonable times.

Petrus Barry
Designated Officer, Ekurhuleni Metropolitan Municipality
Gauteng Development Tribunal
Ground Floor Sanlam Building, c/o Kempton Road and Margaret Avenue,
Kempton Park.

Ref. No. GDT /LDA/EMM/1104/06/003

NOTICE 691 OF 2009**GAUTENG DEVELOPMENT TRIBUNAL**

THE DESIGNATED OFFICER OF THE DEVELOPMENT TRIBUNAL HEREBY GIVES NOTICE IN TERMS OF SECTION 33(4) OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995), THAT THE GAUTENG DEVELOPMENT TRIBUNAL HAS, IN TERMS OF SECTION 33 OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995), APPROVED THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON PORTION 288 OF THE FARM ZESFONTEIN 27-IR (KNOWN AS BREDELL EXTENSION 11), SUBJECT TO THE FOLLOWING CONDITIONS.

1. GENERAL CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the land development area/township shall be Bredell Extension 11.

1.2 LAYOUT

The land development area/township shall consist of erven indicated on General Plan S.G. No. 4552/2008.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be subject to the existing conditions or servitude, if any, excluding the following conditions:

- 1.3.1 By virtue of Notarial Deed of Servitude K564/1987S dated the 10th of February 1987 the right to convey and transmit water over the property by means of pipelines along a strip of ground 3,4604 hectares in extent a portion thereof indicated by the figure kElm on diagram SG no 4544/2008, has been granted to the Rand Water Board as will more fully appear from the said Notarial Deed, which servitude only affects erven 12 to 15, 25 to 30, 129 and 137.
- 1.3.2 Kragtens Notariele Akte nr K3775/85 gedateer 21 November 1985 is die hierinvermelde eiendom onderhewig aan 'n pyplynserwituut, groot 2,3568 hektaar, ten gunste van die Randwaterraad, aangedui deur die figuur ABCDEF op serwituutkaart LG nr A4932/81, soos meer volledig sal blyk uit gemelde Notariele Akte en gemelde kaart daarby aangeheg, which servitude only affects erven 106 to 108, 126, 129 and 134.
- 1.3.3 Kragtens Notariele Akte K3145/84S is die hierinvermelde eiendom onderhewig aan 'n serwituut om gasse, vloeistowwe, vaste stowwe en elektrisiteit te lei deur middel van pyplyne en kabels ten gunste van GASKOR oor 'n strook 9 meter aangedui deur die lyn ABCDE op kaart nr A6712/82 soos meer volledig sal blyk uit gemelde Notariele Akte en kaart, which servitude only affects erven 116 to 120.

- 1.3.4 Subject to a servitude of right of way, 9,45 meters wide in favour of the General Public as indicated on the annexed diagram SG no A423/1969, by the figure abcdefgh and ej which represents the western and southern boundaries respectively of the said servitude. This servitude is suspended and cancelled and the cancellation will take effect on the date of publication of the notice in terms of section 33(4).

1.4 PROVISION OF ENGINEERING SERVICES

- 1.4.1 The applicant shall be responsible for the provision of all necessary link engineering services to the boundary of the land development area/township as provided for in the Services Agreement/Report approved by the Tribunal.
- 1.4.2 The applicant shall be responsible for the provision of the necessary reticulation of engineering services within the land development area/township and to the erven in the land development area/township as provided for in the Services Agreement/Report approved by the tribunal: Provided that the private roads and stormwater drainage in the land development area/township shall not be taken over or operated by the Ekurhuleni Metropolitan Municipality.
- 1.4.3 The applicant shall pay the agreed contribution for external engineering services to the Ekurhuleni Metropolitan Municipality.
- 1.4.4 The applicant must submit to the Ekurhuleni Metropolitan Municipality complete engineering drawings in respect of the internal road and stormwater sewers as well as water and electricity services, prior to the commencement of the construction of the said services.
- 1.4.5 The applicant shall properly and legally constitute a Home Owner's Association under Section 21 of the Companies Act, No 61 of 1973, before the first sale of any erf is made.
- 1.4.6 The construction and maintenance of the access road, the right-of-way servitudes, and the stormwater drainage channels shall be the responsibility of the applicant until that responsibility can be taken over by the Home Owner's Association, which will occur on transfer of Erven 134, 136, 137, and 138 to the Home Owner's Association.

1.5 REMOVAL OR REPLACEMENT OF SERVICES

Should it become necessary to move or replace any existing municipal, Telkom and Eskom services as a result of the establishment of the land development area/township the cost thereof shall be borne by the applicant.

1.6 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The applicant shall at his own expense erect a fence or other physical barrier along the boundary of the land development area/township to the satisfaction

of the Ekurhuleni Metropolitan Municipality, as and when required by the Ekurhuleni Metropolitan Municipality, and the applicant shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the land development area/township are transferred to ensuring land owners, after which the responsibility for the maintenance of the fence or physical barrier rests with the Home Owner's Association.

1.7 ACCEPTANCE AND DISPOSAL OF SRORMWATER

The township owner shall arrange for the drainage of the land development area/township to fit in with that of the existing road and storm water infrastructure in the vicinity and for all storm water running off or diverted from the roads to be received and disposed of.

1.8 REMOVAL OF REFUSE

The applicant shall provide the necessary facilities for the removal of refuse to the satisfaction of the Ekurhuleni Metropolitan Municipality.

1.9 GEOTECHNICAL REPORT

1.9.1 A dolomitic stability and foundation investigation must be carried out by the applicant and a report, compiled from the results, indicating areas suitable for development and specifying conditions under which development may take place, must be submitted to the Council of Geoscience and the Ekurhuleni Metropolitan Municipality for approval.

1.9.2 An engineer must be appointed before building plans are submitted, who must submit, together with the building plans, a certificate which states that he has studied the relevant geological report and that he has established the necessary measures with regard to building work, drainage of the building and the site and the installation of wet services so that the whole development is safe as far as possible from a geological point of view. On completion he must certify that all his specifications have been met.

1.10 HOME OWNER'S ASSOCIATION

1.10.1 Every owner of an erf or any person who has an interest therein, shall become and shall remain a member of the Home Owner's Association and be subjected to its memorandum and articles of association until he/she ceases to be an owner of the aforesaid.

1.10.1.1 The maintenance and upkeep of Erven 127 to 132 and Erven 133 to 138 shall be the responsibility of the Home Owner's Association.

1.10.1.2 Erven 127 to 132 shall be used solely for private open space and shall be registered in favour of the Home Owner's Association.

- 1.10.1.1.3 The Home Owner's Association shall have the legal power to levy from each and every member of the Association the cost incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default payment by any member.
- 1.10.1.1.4 The owner of the erf shall not be entitled to transfer the erf without a clearance certificate from the Association that all amounts owing by such owner to the Association have been paid.
- 1.10.2 The term "Home Owner's Association" in the aforesaid conditions of Title shall mean Dunblane Lifestyle Estate Home Owner's Association (an Association incorporated in terms of Section 21 of the Companies Act 61 of 1973).

1 11 SERVITUDE AND CONDITIONS

- 2.11 1 "Neither the owner of the erf nor his successors in title will have the right to lodge any complaints or objections whether with any legally constituted authority or otherwise, or institute any legal proceedings against Rainbow Chickens Limited No. 1960/004972/06 ("Rainbow") or Rainbow Farms (Proprietary) Limited No. 1960/001277/07 ("Rainbow Farms") whether by way of interdict, action or otherwise or seek any form of relief against Rainbow or Rainbow Farms in respect of the Side Effects or the abatement thereof, if such Side Effect is caused by the reasonable conduct of the Farming Business, and that it will consent if so required by Rainbow or Rainbow Farms, alternatively, will not object to any application made by either Rainbow or Rainbow Farms for any permit or licence relating to the Farming Business.

For purpose of the foregoing:

"Farming Business" means

- I Poultry processing operations including but not limited to the slaughter, de-feathering, evisceration, cutting up, chilling, freezing, packing and dispatching of chicken and such activities ancillary thereto or associated therewith conducted by Rainbow Farms and/or Rainbow at and from the Remaining Portion of Portion 4 of the Farm Tweefontein 491-IR ("the Farming Property").
- II Such additional farming activities from time to time conducted by Rainbow Farms and/or Rainbow on the Framing Property.

"Side Effects" means the effects caused by the conducting of the Farming Business, including but not limited to odours, smells flies and or other infestations and noise, including traffic."

- 1.11.2 Erven 9, 10, 11, 27, 46, 49, 72, 114, 125, 135, 134, 136, 137, 138 shall subject to right of way servitudes to be registered in favour of the Home Owner's Association as indicated on the General Plan.
- 1.11.3 Erven 5 to 124 shall be subject to a servitude 10 meters wide to be registered in favour of the Home Owner's Association along the common boundaries of erven 134, 135, 136, 137, and 138.
- 1.11.4 A right of way servitude will be registered over erven 135 and 137 in favour of the Remaining Extent of Portion 121 (a portion of portion 95) and the Remaining Extent of Portion 95.

2. CONDITIONS OF TITLE

The erven indicated hereunder shall be subject to the conditions as indicated, imposed by the Gauteng Development Tribunal in terms of the Act.

2.1 ERVEN 5 -124

- 2.1.1 The erf is subject to a servitude, 10m wide on the private road servitude boundary and a servitude 5m wide, in favour of the local authority, for municipal services, along all other boundaries other than the private road servitude boundary and in case of a panhandle erf, an additional servitude for municipal purpose 5m 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.
- 2.1.2 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 5m thereof.
- 2.1.3 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 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 construction, maintenance or removal of such works being made good by the local authority.

2.2 ERVEN 134 TO 138

- 2.2.1 The erven shall be subject to a servitude for municipal purposes in favour of the local authority, as indicated on the general plan, to guarantee access to the local authority's personnel and vehicles in order to carry out repair and maintenance work to the water and electrical networks (excluding street lights) after they have been taken over by the local authority.

- 2.2.2 The erven shall be subject to a right-of-way servitude in favour of all the other erven in the township, as indicated on the general plan, to guarantee access to a private road to all the residents.

3. AMENDMENT OF KEMPTON PARK TOWN PLANNING SCHEME, 1987

The Kempton Park Town Planning Scheme, 1987, is hereby altered and amended in accordance with Amendment Scheme 2009. The relevant amendment scheme documents and maps are available for inspection at the Kempton Park Offices of the Ekurhuleni Metropolitan Municipality and at the office of the Designated Officer, Ekurhuleni Metropolitan Municipality, ground floor, Sanlam Building, c/o Kempton Road and Margaret Avenue, Kempton Park.

Petrus Barry
Designated Officer, Ekurhuleni Metropolitan Municipality
Gauteng Development Tribunal
Ground Floor Sanlam Building, c/o Kempton Road and Margaret Avenue, Kempton Park.
