

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 18

**PRETORIA, 7 JUNE 2012
JUNIE**

No. 155

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICE			
1332	Development Facilitation Act (67/1995): Gauteng Development Tribunal: Establishment of township: Aspen Lakes Extension 7	3	155

GENERAL NOTICE

NOTICE 1332 OF 2012

THIS NOTICE SUPERCEDES ALL PREVIOUS NOTICES PUBLISHED WITH REGARD TO THE UNDERMENTIONED PROPOSED TOWNSHIP

GAUTENG DEVELOPMENT TRIBUNAL: CASE GDT/LDA/CJMM/1302/04/010

NOTICE IN TERMS OF SECTION 33(4) OF THE DEVELOPMENT FACILITATION ACT, 1995

Notice is hereby given in terms of the provisions of Section 33(4) of the Development Facilitation Act, 1995 (Act No 67 of 1995) that the Gauteng Development Tribunal has approved the land development application known as Aspen Lakes Extension 7 township, comprising 49 erven, numbered 650 to 698, 1 park numbered 699 and streets, situated on Portion 7 of the farm Aspen No. 684 IR. This Amendment Scheme shall come into effect on the date of opening of the township register by the Registrar of Deeds' Office for Aspen Lakes Extension 7 Township. The approval includes the following conditions:

1. CONDITIONS TO BE COMPLIED WITHIN THE ESTABLISHMENT OF THE TOWNSHIP AREA

1.1 NAME:

The name of the land development area shall be Aspen Lakes Extension 7.

1.2 LAYOUT:

The land development area shall consist of erven indicated on the Aspen Lakes 7 and the General Plan SG No. 4577/2008.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to the existing conditions and servitudes, if any, including the reservation of the rights to minerals, which do not affect the land development area but excluding:

- (i) The following conditions and servitudes which do not affect the township:
Conditions A, A(a), A(b), B, B.1, B.2, B.3.1(a), B.3.1(b), B.3.1(c), B.3.1(d), B.3.2, B.3.2.1, B.3.2.2, B.3.2.3, B.3.2.4, B.3.2.5, B.3.2.6, B.3.2.7, B.3.2.8, B.3.2.9 and B.3.2.10 and B.5, which read as follows:

- Condition A
"The former Portion 114 (A portion of portion 33) of the farm RIETVLEI 101, Registration Division I.R., Province of Gauteng, as indicated by figure A b middle of spruit c H1 A, as indicated on diagram S.G. 12238/2004 a portion whereof is hereby held is subject to the following conditions:-"
- Condition A(a)
"Kragtens Notariële Akte Nr. 98/1943S geregistreer op die 23ste dag van Februarie 1943, is die reg aan die RANDSE WATERRAAD verleen om water oor die eiendom hierby getransporeer, te lei tesame met bykomstige regte, en onderhewig aan voorwaardes soos meer ten volle sal blyk uit die genoemde Notariële Akte en Kaart."
- Condition A(b)
"BY virtue of Notarial Deed of Servitude, No. K5614/2006 the withinmentioned property is subject to a servitude, with an area of 931 (Nine Hundred and Thirty One) square metres, in favour of RAND WATER BOARD for pipelines already laid and which hereafter be laid as depicted by the figure ABCD on Servitude Diagram SG8475/2000 as will more fully appear from the said deed."
- Condition B
"The former Portion 32 (a Portion of Portion 1) of the farm LIEFDE EN VREDE No. 104, Registration Division I.R., Province of Gauteng, depicted by the figures a D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 d middle of the stream, as indicated on Diagram S.G. 12238/2004, a portion whereof is hereby held is subject to the following conditions:-"
- Condition B. 1.
"A perpetual servitude to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights 22,86 metres wide as indicated on Diagram S.G. No 5238/2002 by the line f g which represents the centre line of the servitude in favour of RAND WATER BOARD,

as will more fully appear from Deed of Servitude No. K313/1959 S dated 17 April 1958 and registered on the 26th day of March 1959."

- Condition B. 2
"A perpetual servitude of right of way in favour of Rand Water Board for underground pipelines as indicated by the figure h j k m h on Diagram S.G. No. 5238/2002, as will more fully appear from notarial Deed of Servitude No. K1104/1965S dated 12 May 1965 and registered on the 26th day of August 1965."
- Condition B.3.1.(a)
"A perpetual servitude for municipal purposes in favour of the City of Johannesburg measuring two (2) meters wide from the centre line as indicated by the figures E1, F1, G1 and M1, N1, P1, F2, G2 on diagram S.G. No. 5238/2002."
- Condition B.3.1.(b)
"A perpetual servitude for municipal purposes in favour of the City of Johannesburg measuring two (2) meters wide, the Northern and Eastern boundaries of which servitude is indicated by the lines P1 Q1 R1 S1 T1 Q1 Y1 Z1 B2 C2 D2 E2 and A2 H2 J2 on Consolidated Diagram S.G. No. 12238/2004."
- Condition B.3.1.(c)
"A perpetual servitude for municipal purposes in favour of City of Johannesburg measuring 748 (seven hundred and forty eight) square metres, as indicated by the figure L1 H1 N1 J1 K1 L1 on diagram S.G. No. 5238/2002;"
- B.3.1.(d)
"A perpetual servitude for municipal purposes in favour of City of Johannesburg measuring 100 (one hundred) square metres as indicated by the figures U1 V1 W1 X1 U1 on diagram S.G. No. 5238/2002."
- Condition B.3.2
"The servitudes referred to in 3.1. above shall be subject to the following conditions:"
- Condition B.3.2.1
"The City of Johannesburg shall in particular have a right to install and erect within the boundaries of the servitude areas all sewerage installations and sewerage pump stations ("the works") and at all time to maintain, inspect, repair, alter, replace and remove such installations and pump stations and the said City of Johannesburg, through its officials, employees, workmen, contractors and agents shall at all reasonable times have the full right of access to the of the said servitude for the purposes aforesaid."
- Condition B.3.2.2
"The City of Johannesburg shall at all times have the right to carry out, construct, lay down in and on or under the said servitude areas, such roads, pavements, pathways, overhead cables or line, sewers or sewer mains, water pipes or water mains, electric power or gas pipes or mains, storm water or other drainage (hereinafter referred to as "the works") as may now or hereafter be necessary or desirable for use by the City of Johannesburg, at all times to enter upon and use the servitude areas for the purposes aforesaid, and to carry out, in, on or under the servitude areas all or such part of the works as may in the opinion of the City of Johannesburg or its duly authorised representatives be necessary or desirable from time to time for the purpose of the City of Johannesburg."
- Condition B.3.2.3
"The works and all appurtenances thereto shall be constructed in such manner and of such materials as in the opinion of the City of Johannesburg or its authorised representatives shall be necessary or desirable."
- Condition B.3.2.4
"The City of Johannesburg shall be entitled to bring upon the servitude area all such workmen, vehicles, equipment, conveyancers, tools, machinery and materials as in the opinion of the City of Johannesburg or its authorised representatives may be necessary or desirable for the erection, installation, construction and laying of the works or for the cleansing, inspection, repairing,

maintaining, renewing, replacing or removal of the same from time to time to make such excavations of the servitude areas of such depth and in such a manner as may be necessary or desirable for the purpose aforesaid."

- Condition B.3.2.5
"The City of Johannesburg shall be entitled to deposit temporarily on the land adjoining the servitude areas such materials as may be excavated by the City of Johannesburg during the course of construction, repair, maintenance, removal or replacement of the works as the City of Johannesburg in its discretion may deem necessary."
 - Condition B.3.2.6
"The City of Johannesburg shall at all times before or after the completion of the works or any part thereof as aforesaid have full and free access by it officials, assistants, workmen, employees, vehicles or agents to the servitude areas for the purpose of carrying out, construction, laying down, examining, cleaning, clearing, maintaining, repairing and removing or replacing the works or portions thereof."
 - Condition B.3.2.7
"The City of Johannesburg shall not be obliged to proceed immediately with the construction of the works, or any part thereof, and the registered Owner shall not be entitled to compel the City of Johannesburg to proceed with such construction."
 - Condition B.3.2.8
"The registered Owner shall not erect or cause or permit to be erected any buildings or other structures on or over the servitude areas, or plant or permit to be planted thereon any large rooted trees, or dump or permit to be dumped any soil or rubbish thereon, or do or permit to be done anything in or on the servitude areas or in the immediate vicinity thereof which will or is likely to interfere with or prejudice the rights conferred upon the City of Johannesburg under this Deed. Any damage which may be caused to the works constructed by the City of Johannesburg on the servitude areas or to any portion thereof by reason of any breach by the registered Owner of obligations hereunder or under any law shall be made good by the registered Owner at his own expense."
 - Condition B.3.2.9
"The City of Johannesburg shall be entitled to remove from the servitude areas all trees, fences and other obstructions and to carry out, construct or lay down any such other works as may in the opinion of the City of Johannesburg be necessary or desirable to place the servitude areas in a trafficable condition."
 - Condition B.3.2.10
"Should the registered Owner at any time obtain extension or alteration to the existing titles to the said Property, then and in such case the extended or substituted titles shall be issued subject to these servitudes, it being the intention to secure to the City of Johannesburg in perpetuity the rights to the aforementioned servitudes."
 - Condition B.5.
"By virtue of Notarial Deed of Servitude No. 006142/03S the withinmentioned property is subject to a servitude of Right-Of-Way in favour of the Johannesburg Metropolitan Municipality and the General Public for road access purposes in perpetuity over an area of land measuring 6 566 (Six Thousand Five Hundred and Sixty Six) square metres which is depicted by the figures a, B,C,D,E,F on servitude diagram S G 4912/2003 as will more fully appear from the said Notarial Deed."
- (ii) The following condition and servitude which affects Erven 661, 663 to 668 and 699
- Condition B 4
"BY virtue of Notarial Deed of Servitude No. K1755/2008S the withinmentioned property is subject to a servitude 6 (SIX) meters in extent, as depicted by the figure ABCDEFGH, on Diagram S G No. 12237/2004 in favour of SASOL MINING LIMITED as will more fully appear from the said deed."

1.4 FORMATION AND DUTIES OF A PROPERTY OWNERS' ASSOCIATION:**1.4.1 ERF 699**

The erf shall be transferred only to the Property Owners' Association, which Association shall have full responsibility for the functioning and proper maintenance of the erf and the essential services therein.

1.4.2 ERVEN 650 TO 698:

- (i) Each and every owner of Erven 650 to 698 shall become a member of the Property Owners' Association upon transfer of the erf.
- (ii) An owner shall not be permitted to transfer the erf or any subdivision thereof except with a certificate of clearance from the Property Owners' Association.
- (iii) The erf shall not be transferred to any person who has not bound himself to be a member of the Property Owners' Association.

1.5 CONDITIONS OF TITLE

CONDITIONS IMPOSED BY THE GAUTENG DEVELOPMENT TRIBUNAL IN TERMS OF SECTION 33 OF THE DEVELOPMENT FACILITATIONS ACT, 1995 (ACT 67 OF 1995)

1.5.1 ALL ERVEN

- (i) The erf is subject to a Servitude, 2m wide, in favour of the local authority, for sewerage and other municipal services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal services 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 the aforesaid purpose subject to any damage done during the process of construction, maintenance or removal of such sewerage mains and other works being made good by the said association.

1.5.2 ERF 657:

The entire erf is subject to a servitude of right of way in favour of the local authority and Aspen Hills Property Association (Registration Number 2003/008436/08): Provided that the servitude may be cancelled by the registered owner of the erf, without payment of any compensation by and/or to the local authority and/or the mentioned Property Owners Association, once alternative, suitable access to Erf 699 has been obtained to the satisfaction of Johannesburg Roads Agency (Pty) Ltd and a certificate to this effect is issued by the local authority to the Registrar of Deeds.

1.6 REMOVAL AND REPLACEMENT OF MUNICIPAL SERVICES

Satisfactory arrangements have been made with the Local Authority for the re-alignment and replacement of the pump station and certain sewer, water and electrical lines.

1.7 ENGINEERING SERVICES:

- 1.7.1 The Land Development Area shall be provided with the engineering services as set out in the Services Agreement.
- 1.7.2 The Applicant shall be responsible for the provision and installation of all internal engineering services and roads within the land development area and to the erven in the land development, as provided for in the draft Services agreement.
- 1.7.3 The Applicant shall service erven in phases as depicted in Annexure "COE1" to the Conditions of Establishment for the township. The erven so serviced shall only become registerable and the Registrar of Deeds shall commence registration of ownership of such stands only upon the issuing by the Designated Officer of a certificate in terms of Section 38(1)(d) of the DFA.
- 1.7.4 Upon the issuing of the certificate in terms of Section 38(1)(c) by the Designated Officer, rates, taxes and all other applicable service charges, will become payable to the Municipality in respect of the erven in respect of which the certificate was issued.

1.8 OWNERSHIP:

- 1.8.1 The Applicant shall properly and legally constitute a Property Owners' Association as provided for in clause 1.5 of Part I above.
- 1.8.2 The owners of Erven 650 to 698 shall become members of the Property Owners' Association upon transfer of the erf.
- 1.8.3 The Property Owners' Association shall have full responsibility for the functioning and proper maintenance of Erf 699.
- 1.8.4 The Property Owners' Association shall have the legal power to enforce compliance with the Articles of Association and constitution of the Association for as far as it pertains to obligations of the members and to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- 1.8.5 All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the Property Owners' Association.
- 1.8.6 Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the Association as specifically provided for in the Articles of Association.
- 1.8.7 Erf 699 shall be owned by the Property Owners' Association and transfer shall be effected as soon as practically possible after the relevant stands become registerable or provided for in Part I of this Conditions.

1.9 CONDITIONS RELATING TO PROVINCIAL ROADS

- 1.9.1 There shall be lines of no access as indicated on the layout plan.
- 1.9.2 No ingress or egress from Kliprivier Drive and PWV 16 will be allowed from the line of no access as shown on the plan.
- 1.9.3 A physical barrier which is in compliance with the requirements of the Executive Committee Resolution 1112 of 26 June 1978 shall be erected on the lines of no access as shown on the layout plan.

1.10 BUILDING LINES

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:

A 20m building line from Road PWV 16 road reserve affecting Erf 699, 661 and 663; a 16m building line from the Road R556 (Kliprivier Drive) road reserve affecting Erven 663 to 668.

1.11 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Provincial Roads R 556 and for all storm water running off or being diverted from Provincial Roads R 556 to be received and disposed of.

1.12 ADVERTISEMENTS

No advertisements that may be visible from Provincial Roads R 556 shall be displayed without the written approval of the Gauteng Department of Public Transport Roads and Works and the local authority.

1.13 GEOLOGICAL

The applicant shall appoint a competent professional engineer to design foundations and other structural elements of buildings and structures to the satisfaction of the local authority in order to prevent any possible damage to buildings and structures.

K MOLEFE, Designated Officer, Gauteng Development Tribunal

31 Simmonds Matlotlo Ext Johannesburg 2107 - Reference: GDT/LDA/CJMM/1302/04/010

KENNISGEWING 1332 VAN 2012**HIERDIE KENNISGEWING VERVANG EN HERROEP ALLE VORIGE KENNISGEWINGS GEPUBLISEER IN VERBAND MET DIE ONDERGENOEMDE VOORGESTELDE DORP****GAUTENG ONTWIKKELINGS TRIBUNAAL: SAAK NOMMER GDT/LDA/CJMM/1302/04/010****KENNISGEWING IN TERME VAN ARTIKEL 33(4) INGEVOLGE DIE WET OP ONTWIKKELINGS FASILITERING, 1995 (WET 67 VAN 1995)**

Hiermee word in terme van artikel 33(4) van die Wet op Ontwikkelings Fasilitering, 1995 (Wet 67 van 1995), kennis gegee, dat die grondontwikkelingsarea aansoek vir die dorp Aspen Lakes Uitbreiding 7, bestaande uit 49 erwe, genommer 650 to 698, 1 park genommer 699 and strate, geleë op Gedeelte 7 van die plaas Aspen No.684 IR, deur die Gauteng Ontwikkelings Tribunaal goedgekeur is. Hierdie wysigingsskema sal in werking tree op die datum van opening van die dorpsregister deur die Registrateur van Aktes vir die dorp Aspen Lakes Uitbreiding 7. Die goedkeuring sluit die volgende voorwaardes in:

1. VOORWAARDES WAARAAN VOLDOEN MOET WORD BINNE DIE STIGTING VAN DIE DORPSGEBIED**1.1 NAAM:**

Die naam van die grondontwikkelingsgebied staan as die dorp, Aspen Lakes Uitbreiding 7, bekend.

1.2 UITLEG:

Die grondontwikkelingsarea sal bestaan uit erwe en strate soos op Algemene Plan No. 4577/2008, aangeteken.

1.3 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute, indien enige, met inbegrip van die voorbehoud van die regte op minerale, wat nie die grondontwikkelingsgebied raak nie, maar uitgesonderd:

Die volgende voorwaardes en servitute wat nie die dorp raak nie:

- (i) Voorwaardes A, A(a), A(b), B, B.1, B.2, B.3.1(a), B.3.1.(b), B.3.1.(c), B.3.1.(d), B.3.2, B.3.2.1, B.3.2.2, B.3.2.3, B.3.2.4, B.3.2.5, B.3.2.6, B.3.2.7, B.3.2.8, B.3.2.9 and B.3.2.10 and B.5, wat soos volg lees:
 - Voorwaarde A
"The former Portion 114 (A portion of portion 33) of the farm RIETVLEI 101, Registration Division I.R., Province of Gauteng, as indicated by figure A b middle of spruit c H1 A, as indicated on diagram S.G. 12238/2004 a portion whereof is hereby held is subject to the following conditions:-"
 - Voorwaarde A(a)
"Kragtens Notariële Akte Nr. 98/1943S geregistreer op die 23ste dag van Februarie 1943, is die reg aan die RANDSE WATERRAAD verleen om water oor die eiendom hierby getranspoteer, te lei tesame met bykomstige regte, en onderhewig aan voorwaardes soos meer ten volle sal blyk uit die genoemde Notariële Akte en Kaart."
 - Voorwaarde A(b)
"BY virtue of Notarial Deed of Servitude, No. K5614/2006 the withinmentioned property is subject to a servitude, with an area of 931 (Nine Hundred and Thirty One) square metres, in favour of RAND WATER BOARD for pipelines already laid and which hereafter be laid as depicted by the figure ABCD on Servitude Diagram SG8475/2000 as will more fully appear from the said deed."
 - Voorwaarde B
"The former Portion 32 (a Portion of Portion 1) of the farm LIEFDE EN VREDE No. 104, Registration Division I.R., Province of Gauteng, depicted by the figures a D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 d middle of the stream, as indicated on Diagram S.G. 12238/2004, a portion whereof is hereby held is subject to the following conditions:-"
 - Voorwaarde B. 1.

"A perpetual servitude to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights 22,86 metres wide as indicated on Diagram S.G. No 5238/2002 by the line f g which represents the centre line of the servitude in favour of RAND WATER BOARD, as will more fully appear from Deed of Servitude No. K313/1959 S dated 17 April 1958 and registered on the 26th day of March 1959."

- Voorwaarde B. 2
"A perpetual servitude of right of way in favour of Rand Water Board for underground pipelines as indicated by the figure h j k m h on Diagram S.G. No. 5238/2002, as will more fully appear from notarial Deed of Servitude No. K1104/1965S dated 12 May 1965 and registered on the 26th day of August 1965."
- Voorwaarde B.3.1.(a)
"A perpetual servitude for municipal purposes in favour of the City of Johannesburg measuring two (2) meters wide from the centre line as indicated by the figures E1, F1, G1 and M1, N1, P1, F2, G2 on diagram S.G. No. 5238/2002."
- Voorwaarde B.3.1.(b)
"A perpetual servitude for municipal purposes in favour of the City of Johannesburg measuring two (2) meters wide, the Northern and Eastern boundaries of which servitude is indicated by the lines P1 Q1 R1 S1 T1 Q1 Y1 Z1 B2 C2 D2 E2 and A2 H2 J2 on Consolidated Diagram S.G. No. 12238/2004."
- Voorwaarde B.3.1.(c)
"A perpetual servitude for municipal purposes in favour of City of Johannesburg measuring 748 (seven hundred and forty eight) square metres, as indicated by the figure L1 H1 N1 J1 K1 L1 on diagram S.G. No. 5238/2002;"
- Voorwaarde B.3.1.(d)
"A perpetual servitude for municipal purposes in favour of City of Johannesburg measuring 100 (one hundred) square metres as indicated by the figures U1 V1 W1 X1 U1 on diagram S.G. No. 5238/2002."
- Voorwaarde B.3.2
"The servitudes referred to in 3.1. above shall be subject to the following conditions:"
- Voorwaarde B.3.2.1
"The City of Johannesburg shall in particular have a right to install and erect within the boundaries of the servitude areas all sewerage installations and sewerage pump stations ("the works") and at all time to maintain, inspect, repair, alter, replace and remove such installations and pump stations and the said City of Johannesburg, through its officials, employees, workmen, contractors and agents shall at all reasonable times have the full right of access to the of the said servitude for the purposes aforesaid."
- Voorwaarde B.3.2.2
"The City of Johannesburg shall at all times have the right to carry out, construct, lay down in and on or under the said servitude areas, such roads, pavements, pathways, overhead cables or line, sewers or sewer mains, water pipes or water mains, electric power or gas pipes or mains, storm water or other drainage (hereinafter referred to as "the works") as may now or hereafter be necessary or desirable for use by the City of Johannesburg, at all times to enter upon and use the servitude areas for the purposes aforesaid, and to carry out, in, on or under the servitude areas all or such part of the works as may in the opinion of the City of Johannesburg or its duly authorised representatives be necessary or desirable from time to time for the purpose of the City of Johannesburg."
- Voorwaarde B.3.2.3
"The works and all appurtenances thereto shall be constructed in such manner and of such materials as in the opinion of the City of Johannesburg or its authorised representatives shall be necessary or desirable."
- Voorwaarde B.3.2.4
"The City of Johannesburg shall be entitled to bring upon the servitude area all such workmen, vehicles, equipment, conveyancers, tools, machinery and materials as in the opinion of the City of Johannesburg or its authorised representatives may be necessary or desirable for the erection, installation, construction and laying of the works or for the cleansing, inspection, repairing, maintaining, renewing, replacing or removal of the same from time to time to make such excavations of the servitude

areas of such depth and in such a manner as may be necessary or desirable for the purpose aforesaid."

- Voorwaarde B.3.2.5
"The City of Johannesburg shall be entitled to deposit temporarily on the land adjoining the servitude areas such materials as may be excavated by the City of Johannesburg during the course of construction, repair, maintenance, removal or replacement of the works as the City of Johannesburg in its discretion may deem necessary."
 - Voorwaarde B.3.2.6
"The City of Johannesburg shall at all times before or after the completion of the works or any part thereof as aforesaid have full and free access by it officials, assistants, workmen, employees, vehicles or agents to the servitude areas for the purpose of carrying out, construction, laying down, examining, cleaning, clearing, maintaining, repairing and removing or replacing the works or portions thereof."
 - Voorwaarde B.3.2.7
"The City of Johannesburg shall not be obliged to proceed immediately with the construction of the works, or any part thereof, and the registered Owner shall not be entitled to compel the City of Johannesburg to proceed with such construction."
 - Voorwaarde B.3.2.8
"The registered Owner shall not erect or cause or permit to be erected any buildings or other structures on or over the servitude areas, or plant or permit to be planted thereon any large rooted trees, or dump or permit to be dumped any soil or rubbish thereon, or do or permit to be done anything in or on the servitude areas or in the immediate vicinity thereof which will or is likely to interfere with or prejudice the rights conferred upon the City of Johannesburg under this Deed. Any damage which may be caused to the works constructed by the City of Johannesburg on the servitude areas or to any portion thereof by reason of any breach by the registered Owner of obligations hereunder or under any law shall be made good by the registered Owner at his own expense."
 - Voorwaarde B.3.2.9
"The City of Johannesburg shall be entitled to remove from the servitude areas all trees, fences and other obstructions and to carry out, construct or lay down any such other works as may in the opinion of the City of Johannesburg be necessary or desirable to place the servitude areas in a trafficable condition."
 - Voorwaarde B.3.2.10
"Should the registered Owner at any time obtain extension or alteration to the existing titles to the said Property, then and in such case the extended or substituted titles shall be issued subject to these servitudes, it being the intention to secure to the City of Johannesburg in perpetuity the rights to the aforementioned servitudes."
 - Voorwaarde B.5.
"By virtue of Notarial Deed of Servitude No. 006142/03S the withinmentioned property is subject to a servitude of Right-Of-Way in favour of the Johannesburg Metropolitan Municipality and the General Public for road access purposes in perpetuity over an area of land measuring 6 566 (Six Thousand Five Hundred and Sixty Six) square metres which is depicted by the figures a, B,C,D,E,F on servitude diagram S G 4912/2003 as will more fully appear from the said Notarial Deed."
- (ii) Die volgende voorwaarde en serwituut wat Erwe 661, 663 to 668 en 699 raak:
- Voorwaarde B 4
"BY virtue of Notarial Deed of Servitude No. K1755/2008S the withinmentioned property is subject to a servitude 6 (SIX) meters in extent, as depicted by the figure ABCDEFGH, on Diagram S G No. 12237/2004 in favour of SASOL MINING LIMITED as will more fully appear from the said deed."

1.4 STIGTING EN PLIGTE VAN DIE HUISEIENAARSVERENIGING:

1.4.1 ERF 699

Die erf moet slegs oorgedra word aan die Huiseienaarsvereniging, welke Vereniging ten volle verantwoordelike sal wees vir die funksionering en behoorlike onderhoud van die erf en die noodsaaklike dienste daarin.

1.4.2 ERWE 650 TO 698:

- (i) Een en elke eienaar van Erwe 650 tot 698 sal 'n lid word van die Huiseienaarsvereniging vanaf oordrag van die erf.
- (ii) 'n Eienaar sal nie toegelaat word om die erf of enige onderverdeling daarvan oor te dra, behalwe met 'n uitklaringssertifikaat vanaf die Huiseienaarsvereniging nie.
- (iii) Die erf sal nie oorgedra word aan enige persoon wat hom nie verbind het om 'n lid van die Huiseienaarsvereniging nie.

1.5 TITELVOORWAARDES

VOORWAARDES OPGELEË DEUR DIE GAUTENG ONTWIKKELINGSTRIBUNAAL INGEVOLGE ARTIKEL 33 VAN DIE ONTWIKKELINGS FASILITERINGS WET, 1995 (WET 67 OF 1995)

1.5.1 ALLE ERWE

- (i) Elke erf is onderworpe aan 'n servituut, 2 meter 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 servituut 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 servituut mag afsien.
- (ii) Geen gebou of ander struktuur mag binne die voornoemde servituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige servituut of binne 'n afstand van 2 m daarvan geplant word nie.
- (iii) 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 goeie dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde servituut 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 rioolhoofpypleidings en ander werke veroorsaak word.

1.5.2 ERF 657:

Die algehele erf is onderworpe aan 'n servituut vir reg van weg ten gunste van die plaaslike bestuur en die Aspen Hills Huiseienaarsvereniging (Registrasie Nommer 2003/008436/08): Op voorwaarde dat die servituut gekanseleer mag word deur die geregistreerde eienaar van die erf, sonder betaling van enige kompensasie deur en/of die plaaslike bestuur en/of die genoemde Huiseienaarsvereniging, sodra alternatiewe, toepaslike toegang na Erf 699 verkry is tot die tevredenheid van die Johannesburg Roads Agency (Pty) Ltd en 'n sertifikaat tot effek hiervan deur die plaaslike bestuur uitgereik is aan die Registrateur van Aktes.

1.6 VERSKUIWING OF DIE VERVANGING VAN MUNISIPALE DIENSTE

Bevredigende reëlins gemaak is met die plaaslike bestuur vir die herrygting en vervanging van die pompstasie en sekere riool, water en elektriese lyne.

1.7 INGENIEURSDIENSTE:

- 1.7.1 Die Grondontwikkelingsgebied moet voorsien word met ingenieursdienste soos uiteengesit in die Diensteeooreenkoms.
- 1.7.2 Die Aansoeker is verantwoordelikheid vir die voorsiening en installering van alle interne ingenieursdienste en strate binne die grondontwikkelingsgebied en aan die erwe in grondontwikkeling, soos voorsiening voor gemaak in die voorlopige Diensteeooreenkoms.
- 1.7.3 Die Aansoeker moet die erwe diens in fases soos beskrywe in Aanhangel "SVW 1" van die Stigtingsvoorwaardes vir die dorp. Die erwe so gediens sal eers registreerbaar word en die Registrateur van Aktes moet eers registrasie van eienaarskap van die erwe begin met uitreiking van 'n sertifikaat ingevolge Artikel 38(1) (d) van die Ontwikkelingsfasiliterings Wet deur die Aangewese Beampte. 1.7.4 Met die uitreiking van die sertifikaat ingevolge van Artikel 38(1)(c) deur die Aangewese Beampte sal, tariewe, belastings en alle ander toepaslike diensfooie betaalbaar word aan die Munisipaliteit ten behoeve van die erwe waarvoor die sertifikaat uitgereik is.

1.8 EIENAARSKAP:

- 1.8.1 Die Aansoeker moet behoorlik en wettiglik 'n Huiseienaarsvereniging stig soos voorsiening voor gemaak is in klousule 1.4 van Gedeelte I hierbo.
- 1.8.2 Die eienaars van Erwe 650 tot 698 moet lede word van die Huiseienaarsvereniging met oordrag van die erf.
- 1.8.3 Die Huiseienaarsvereniging is ten volle verantwoordelik funksionering en behoorlike onderhoud van Erf 699.
- 1.8.4 Die Huiseienaarsvereniging moet volle wetlike mag hê om voldoening af te dwing met die Artikels van Vereniging en Konstitusie van die Vereniging vir sover as dit betrekking het op die verpligtinge van die lede en om kostes aangegaan deur die voltooiing van sy funksies van ieder en elke lid te hef en moet regs toevlug hê om sodanige gelde te vorder indien enige lid betaling versuim.
- 1.8.5 Alle geboue en strukture wat opgerig gaan word moet onderworpe gemaak word aan die voorskrifte van die Ontwikkeling en Argitektoniese Riglyne en enige en alle wysigings aan die genoemde dokument soos geraak en goedgekeur mag word deur die Huiseienaarsvereniging.
- 1.8.6 Bouplanne moet slegs ingedien word by die plaaslike bestuur vir finale goedkeuring sodra die genoemde planne geevalueer en goedgekeur is deur die Trustees van die Vereniging soos spesifiek voorsiening gemaak is in die Artikels van die Vereniging.
- 1.8.7 Erf 699 moet besit word deur die Huiseienaarsvereniging en oordrag moet geïmplementeer word sodra dit prakties moontlik na die betrokke erwe registreerbaar word of voorsien word voor in Gedeelte I van die voorwaardes.

1.9 VOORWAARDES MET BETREKKING TOT PROVINSIALE PAAIE

- 1.9.1 Daar sal lyne van geen toegang wees soos aangedui op die uitlegplan.
- 1.9.2 Geen ingang en geen uitgang vanaf Kliprivierweg en PWV 16 sal toegelaat word vanaf die lyn van geen toegang soos aangedui op die plan.
- 1.9.3 "n Fisiese versperring wat voldoen aan die vereistes van die Uitvoerende Komitee Besluit 1112 van 26 Junie 1978 sal opgerig word op die lyne van geen toegang soos aangedui op die uitlegplan.

1.10 BOULYNE

Ingevolge Uitvoerende Komitee Besluit No. 1112 VAN 26 Junie 1978 soos geteken deur die Adjunk Direkteur –Generaal: Gemeenskaps Ontwikkeling, is die volgende boulyne van toepassing:

"n 20m boulyn vanaf Pad PWV 16 padreserwe wat Erwe 699, 661 en 663 affekteer; 'n 16m boulyn vanaf Pad R556 (Kliprivierweg) padreserwe wat Erwe 663 to 668 affekteer."

1.11 ONTVANGS EN VERSORGING VAN STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas met die van Provinsiale Pad R 556 en moet die stormwater wat van die pad afloop of afgelei word, ontvang en versorg.

1.12 ADVERTENSIES

Geen advertensies wat sigbaar mag wees vanaf die Provinsiale Pad R 556 sal vertoon word sonder die geskrewe toestemming van die Gauteng Departement of Openbare Vervoer Paaie en Werke en die plaaslike bestuur nie.

1.13 GEOLOGIES

Die aansoeker moet 'n bevoegde professionele ingenieur aanstel om fondasies en ander strukturele elemente van geboue te ontwerp tot bevrediging van die plaaslike bestuur ten einde die moontlike beskadiging van geboue en strukture te voorkom.