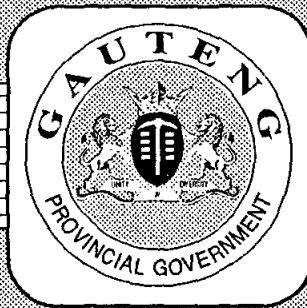


*THE PROVINCE OF
GAUTENG*



*DIE PROVINSIE
GAUTENG*

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

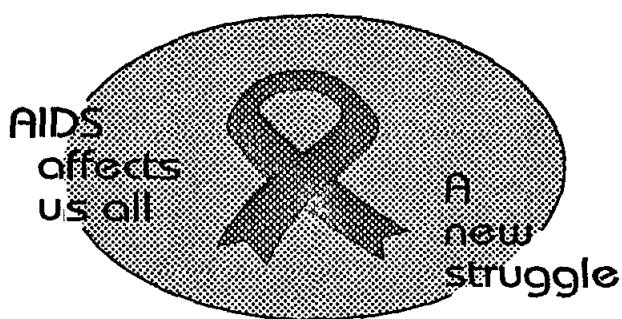
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PRETORIA, 15 SEPTEMBER 2004

No. 387

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1952

**CITY OF JOHANNESBURG
AMENDMENT SCHEME 07-1058**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Halfway House & Clayville Town-planning Scheme 1976, comprising the same land, as included in the Township of **KYALAMI HILLS EXTENSION 3**

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Executive Director: Development Planning, Transportation and Environment: City of Johannesburg and are open for inspection at all reasonable times.

The amendment scheme is known as Amendment Scheme 07-1058

**Executive Director: Development Planning
Transportation and Environment
Notice No. /2004**

PLAASLIKE BESTUURSKENNISGEWING 1952

**STAD VAN JOHANNESBURG
WYSIGINGSKEMA 07-1058**

Die Stadraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Halfway House & Clayville dorpsbeplanningskema, 1976, wat uit dieselfde grond as die dorp **KYALAMI HILLS UITBREIDING 3** bestaan, goedkeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing, Stad van Johannesburg en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysigingskema staan bekend as Wysigingskema 07-1058

**Uitvoerende Directeur: Ontwikkelings Beplanning, Vervoer en Omgewing
Notice No. /2004**

LOCAL AUTHORITY NOTICE 1953

**CITY OF JOHANNESBURG
DECLARATION AS APPROVED TOWNSHIP**

In terms of section 103(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) the CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY declares **KYALAMI HILLS EXTENSION 3** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY LIMOSA INVESTMENT 346 (PTY) LIMITED (HEREIN AFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE NO 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 18 (A PORTION OF PORTION 6) OF THE FARM BOTHASFONTEIN 408 JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT**1. Name**

The name of the township shall be **KYALAMI HILLS EXTENSION 3**

2. Design

The township shall consist of erven as indicated on **General Plan S.G. 2358/2004**

3. Provision and installation of engineering services

The township owner shall provide engineering services in the township, subject to the approval of the Council and City Power.

4. Obligations in respect of services and limitations in respect of the alienation or erven

- (a) The Township owners shall, in terms of a prior agreement with the Council, fulfil their obligations with the regard to the provision of engineering services in and for the township in terms of Chapter 5 of the Ordinance.
- (b) Contributions towards the provisions of external engineering services, bulk sewer and endowment in lieu of parkland shall be payable in terms of the Ordinance.
- (c) No erven may be alienated or be transferred into the name of a buyer prior to the Council having confirmed that sufficient guarantees / cash contributions / endowments in respect of the supply of services by the township owner has been made to the said Council.

5. Removal and 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.

6. Disposal of existing Conditions of Title

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding:

1. The servitude in favour of the Council for perpetual right of way, registered in terms of Notarial Deed of Servitude K 5247/1992s and indicated on Diagram SG No. 8771/1991 which affects Harry Galaun Drive in the township only.

7. Electricity

It will be necessary for the township owner, in terms of section 118(2)(b), to make arrangements with City Power the licensed supplier of electricity to this area for the supply of electricity to the township.

The Council must be notified that satisfactory arrangements have been made in respect of the supply of electricity to the township and in this connection, the township owner must furnish the Council with a certificate certifying that arrangement have been made to this effect.

8. Formation and Duties of Section 21 Companies or other similar legal entities

- (a) The applicant shall properly and legally constitute a Property Owners or Residents Association ("the Association") under Section 21 of the Companies Act 61 of 1973 to the satisfaction of the Council before the sale of the first erf, (which association shall not be de-registered without the consent of the Council).
- (b) The access erven (Erven 218 to 222) and park erven (Erven 223 to 224) shall be registered in the name of the Resident's Association, and said road portion may not be sold or in any way disposed of without prior written consent of the Council.
- (c) The construction and maintenance of the road over the Right-of-way shall be the responsibility of the applicant until such that responsibility can be taken over by the Association.
- (d) Each and every owner of Erven 106 to 217 shall become a member of the Residents Association upon transfer of the erf.

- (e) The Resident's Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (f) The Council shall not be liable for the malfunction of the surfacing of the access way and/or the stormwater drainage system, and/or any essential services, with the exception of the sewerage system.
- (g) The Council shall be indemnified from any responsibility for the cost of repairs to the access roadway in the event of it having to gain access or provide underground services in future.

2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions, as indicated, imposed by the Council in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

(1) ALL ERVEN

- (a) The erf is subject to a servitude, 2m wide, in favour of the Council 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 Council: Provided that the Council 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 Council 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 Council.

(2) **Erven 158 and 159**

The erven are subject to a 6m x 3m servitude for a mini-substation in favour of the Council as indicated on the General Plan.

(3) **Erf 159**

The erf is subject to a 2m servitude for electrical services in favour of the Council as indicated on the General Plan.

(4) **Erf 161**

The erf is subject to a 2m servitude for municipal services in favour of the Council as indicated on the General Plan.

(5) **Erven 174 and 175**

The erven are subject to a 6m x 3m servitude for a mini-substation in favour of the Council as indicated on the General Plan.

(6) **Erven 218 to 222**

The erven as indicated on the General Plan are subject to a servitude for municipal purposes and right-of-way in favour of the Council.

(7) **Erf 223**

The erf as indicated on the General Plan is subject to a servitude for municipal purposes in favour of the Council.

PLAASLIKE BESTUURSKENNISGEWING 1953**STAD VAN JOHANNESBURG
VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986) verklaar die STAD VAN JOHANNESBURG hierby die dorp **KYALAMI HILLS UITBREIDING 3** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR LIMOSA INVESTMENT 346 (EIENDOMS) BEPERK (HIERNA DIE AANSOEKDOENER GENOEM) INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 18 ('N GEDEELTE VAN GEDEELTE 6) VAN DIE PLAAS BOTHASFONTEIN 408 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES**1. Naam**

Die naam van die dorp is **KYALAMI HILLS UITBREIDING 3**

2. Ontwerp

Die dorp bestaan uit erwe soos aangedui op **Algemene Plan SG No. 2358/2004**

3. Voorsiening en installering van ingenieurs dienste

Die dorpsienaar moet ingenieursdienste in die dorp voorsien, onderheuwig aan die goedkeuring van die Raad en City Power.

4. Verpligtinge ten opsigte van dienste asook die beperking ten opsigte van vervreemming of oordragte

- (a) Die dorpsienaars sal, in terme van 'n vooraf gereelde ooreenkoms met die Raad, sy verpligtinge rakende die voorsiening van ingenieursdienste in en vir die dorp nakom, in terme van Hoofstuk 5 van die Ordonnansie.
- (b) 'n Bydrae tot die voorsiening van eksterne ingenieursdienste, grootmaat riool en ten opsigte van parkegrond sal betaalbaar wees in terme van die Ordonnansie.
- (b) Geen erwe mag vervreem of oorgedra word in die naam van 'n koper alvorens die plaaslike bestuur bevestig het dat voldoende waarborgs / kontantbydraes / beginfondse ten opsigte van die voorsiening van dienste deur die dorpsienaar aan die Stadsraad gelewer is nie.

5. Verskuiwing of vervanging van Municipale Dienste

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

6. Beskikking oor bestaande Titelvoorwaardes

Alle erwe moet onderheuwig gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, insluitende die reservering van die mineraleregte, maar uitsluitend:

1. Die serwituit ten gunste van die Raad vir reg-van-weg, geregistreer in terme van Notariele Akte van Serwituit K5247/1992s en aangedui op Diagram L.G. No. 8771/1991 wat slegs Harry Galaunrylaan in die dorp affekteer;

7. Elektrisiteit

Dit sal noodsaklik wees vir die dorpseienaar, in terme van Artikel 118(2)(b), om met City Power, die lisensieerde verskaffer van elektrisiteit, vir hierdie area, reelings te tref vir die verskaffing van elektrisiteit vir die dorp.

Die Raad moet in kennis gestel word dat voldoende ooreenkoms getref was vir die verskaffing van elektrisiteit in die dorp en sodoende moet die dorpseienaar die Raad voorsien met 'n sertifikaat wat sertificeer dat hierdie ooreenkoms wel getref was tot hierdie effek.

8. Stigting en verpligting van Artikel 21 Maatskappy of soortgelyke regs entiteite

- (a) Die aansoekers moet wetglik en volgens voorskrif die Inwoners-vereniging tot goedkeuring van die Stadsraad saamstel onder Artikel 21 van die Maatskappywet (Wet 61 van 1973), voor die verkoop van die eerste erf in die dorp, (waarvan vereniging nie mag de-registreer sonder die toestemming van die Raad).
- (b) Die toegangs erwe (Erwe 218 tot 222) en park erwe (Erwe 223 tot 224) sal in die naam van die Inwoners-vereniging geregistreer word, waarvan die genoemde pad gedeelte nie mag verkoop of vervreem word, sonder vooraf geskrewe toestemming van die Raad.
- (c) Die konstruksie en handhawing van die pad oor die Reg-van-weg, sal die verantwoordelikheid wees van die eienaar tot en met so verantwoordelikheid deur die Vereniging oorgeneem word.
- (d) Ieder en elke eienaar van Erwe 106 tot 217 sal 'n lid van die Inwoners-vereniging word met oordrag van die erf.
- (e) Die Inwoners-vereniging sal die wetlike reg hê om die kostes wat aangegaan is ter vervulling van sy doel, van ieder en elke lid te hef, en sal sodanige fooi geregtelik mag verhaal in die geval van die wanbetaling deur enige lid.
- (f) Die Stadsraad sal nie aanspreeklik wees vir die gebreklike werking van die toegangsweg se oppervlakte, of van die stormwater dreineringstelsel en/of enige noodsaklike dienste nie, met die uitsondering van die rioleringstelsel.
- (g) Die Raad sal vrygespreek wees van enige koste of herstelwerk aan die toegangspad in die geval waar toegang verkry moet word of ondergrondse dienste in die toekoms voorsien moet word.

2. TITELVOORWAARDES

Die erwe hieronder genoem sal onderworpe wees aan die voorwaardes soos aangedui, opgeleë deur die Raad ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

(1) ALLE ERWE

- (a) Die erf is geregtig op 'n serwituit van 2 meter breed vir riolerings- en ander munisipale doeleinades, ten gunste van die Raad langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituit vir munisipale doeleinades 2 meter breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die Raad: Met dien verstande dat die Raad van enige sodanige serwituit mag afsien.
- (b) Geen geboue of ander struktuur mag binne die voornoemde serwituitgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituit of binne 'n afstand van 2 meter daarvan geplant word nie.
- (c) Die Raad 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 goeddunke noodsaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituit grens en is voorts geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Raad enige skade vergoed wat gedurende die aanleg onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

- (2) **Erwe 158 en 159**
Die erwe is onderworpe aan n 6m x 3m serwituit vir 'n mini-substasie ten gunste van die Raad soos aangedui op die Algemene Plan.
- (3) **Erf 159**
Die erf is onderworpe aan 'n 2m serwituit vir elektriese dienste ten gunste van die Raad, soos aangedui op die Algemene Plan.
- (4) **Erf 161**
Die erf is onderworpe aan 'n 2m serwituit vir munisipale dienste ten gunste van die Raad, soos aangedui op die Algemene Plan.
- (5) **Erwe 174 en 175**
Die erwe is onderworpe aan 'n 6m x 3m serwituit vir 'n mini-substasie ten gunste van die Raad, soos aangedui op die Algemene Plan.
- (6) **Erwe 218 tot 222**
Die erwe, soos aangedui op die Algemene Plan, is onderworpe aan n serwituit vir munisipale doeleiendes en reg-van-weg ten gunste van die Raad.
- (7) **Erf 223**
Die erf, soos aangedui op die Algemene Plan, is onderworpe aan n serwituit vir munisipale doeleiendes ten gunste van die Raad.

Uitvoerende Direkteur: Ontwikkelings, Beplanning, Vervoer en Omgewing
Notice No. /2004
