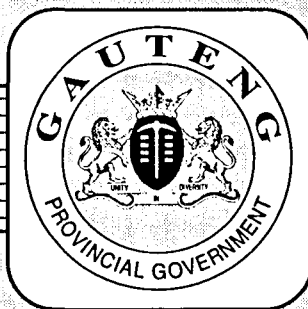


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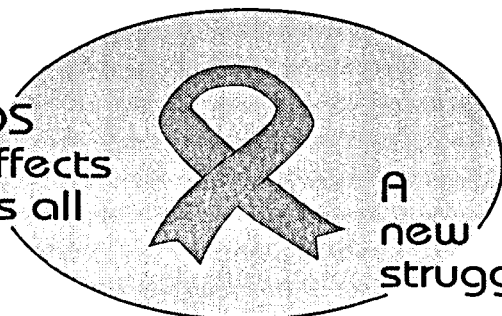
Vol. 10

PRETORIA, 16 APRIL 2004

No. 150

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 674

**CITY OF JOHANNESBURG
AMENDMENT SCHEME 07-2600**

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 and Clayville Town-planning Scheme 1976, comprising the same land, as included in the Township of **KYALAMI GARDENS EXTENSION 1**

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 Halfway House and Clayville Amendment Scheme 07-2600

**Executive Director: Development Planning
Transportation and Environment**

PLAASLIKE BESTUURSKENNISGEWING 674

**STAD VAN JOHANNESBURG
WYSIGINGSKEMA 07-2600**

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 and Clayville - dorpsbeplanningskema, 1976, wat uit dieselfde grond as die dorp **KYALAMI GARDENS UITBREIDING 1** bestaan, goedgekeur het.

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

Hierdie wysiging staan bekend as Halfway House and Clayville-wysigingskema 07-2600

Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing

LOCAL AUTHORITY NOTICE 675

**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 GARDENS EXTENSION 1** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY PTYPROPS 98 (PROPRIETARY) 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 221 (A PORTION OF PORTION 105) 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 GARDENS EXTENSION 1**

2. **Design**
The township shall consist of erven as indicated on **General Plan S.G. 11797/2003**
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/or City Power / Eskom.
4. **Obligations in respect of services and limitations in respect of the alienation of erven**
 - (a) The Township owners shall, in terms of a prior agreement with the Council, fulfill 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. **Gautrans**
The conditions of the TPA: Roads contained in their letter 11/1/1/2-11164 dated 22 March 1994 shall complied with by the township owner to the satisfaction of the Deputy Director-General: Roads, TPA and the Council.
7. **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 –
 - (a) but excluding the following servitudes, which do not affect the township area:
 - (i) Subject to the right in favour of NICOLAAS HERMANUS VAN STADEN or his successors in title to an unencumbered waterfurrow out of the river below the old dam on the South Western Portion of the aforesaid farm as more fully set out in Deeds of Transfer T 3226/1895 and T 3768/1895; and
 - (ii) By Notarial Deed 1444/1961S, registered on the 4 December, 1961 the within-mentioned property is subject to a servitude of right of way with ancillary rights for a water pipe line in favour of the City Council of Johannesburg (vide Diagram SG No. 3487/60 annexed to the afore said Notarial Deed) as will more fully appear from the reference to the said Notarial Deed.
 - (b) and excluding the following sewer servitudes which affects the following erven in the township;
 - (i) **Erven 91 to 95, 142, 156, 157 and 161**

The erven are subject to servitudes for municipal services in favour of the local authority, 3 metres wide, the centre lines of which are indicated on diagram SG No. A9150/1992 and a further servitude area indicated on diagram SG No. A9150/1992 as will more fully appear from Notarial Deed of Servitude No. K /2004
 - (ii) **Erf 156**

The erf is subject to a servitude for municipal services in favour of the local authority, 7 metres wide, indicated on diagram SG No. A8700/1990 as will more fully appear from

Notarial Deed of Servitude No. K /2004.

(iii) **Erven 85 to 89, 94 to 99, 101 to 113, 133 to 142, 156 to 161**

The erven are subject to servitudes for sewer purposes in favour of the local authority, 3 metres wide, the centre lines of which are depicted on diagram SG No. A1338/2004.

8. FORMATION AND DUTIES OF SECTION 21 COMPANY OR OTHER SIMILAR LEGAL ENTITIES

- (a) The applicant shall properly and legally constitute a Residents Association 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 161 and 162) and park erven (Erven 54, 156, 157, 158 and 160) 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) Each and every owner of Erven 1 to 53, 55 to 155 and 159 shall become a member of the Residents Association upon transfer of the erf.
- (d) 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.
- (e) 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.
- (f) A servitude for municipal purposes shall be registered over Erven 161 and 162 in favour of, and to the satisfaction of, the Council.
- (g) Access from Erven 1 to 53 and 55 to 155 and 159 to a public road shall be across Erven 161 and 162.
- (h) The Council shall have unrestricted access to Erven 161 and 162 at all times.

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 3 to 6,8, 21, 24 to 27, 31, 32, 48, 49, 65, 66, 77 and 78

The erven are subject to a 3m wide reciprocal Right of Way Servitude, as indicated on the General Plan.

(3) Erven 55, 60, 90, 100, 115 and 125

The erven are subject to a Right of Way Servitude, as indicated on the General Plan.

(4) Erven 54 and 161

The erven are subject to servitudes for electrical substation purposes, as indicated on the General Plan.

(5) Erf 114

The erf is subject to a 3 metre wide municipal servitude for stormwater purposes in favour of the Council, as indicated on the General Plan.

(6) Erven 161 and 162

The erven are subject to servitudes for municipal purposes in favour of the local authority and Right of Way, as indicated on the General Plan.

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

PLAASLIKE BESTUURSKENNISGEWING 675

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 GARDENS UITBREIDING 1** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR PTYPROPS 98 ((PROPRIETARY) (LIMITED) (HIERNA DIE AANSOEKDOENER GENOEM) INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 221 (GEDEELTE OP GEDEELTE 105) VAN DIE PLAAS BOTHASFONTEIN 408 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

1. NAAM

Die naam van die dorp is **KYALAMI GARDENS UITBREIDING 1**

2. ONTWERP

Die dorp bestaan uit erwe soos aangedui op **Algemene Plan SG No. 11797/2003**

3. VOORSIENING EN INSTALLERING VAN DIENSTE

Die dorpseienaar moet die nodige reelings met die Raad tref vir die voorsiening en instalering

van water en sanitere dienste asook die konstruksie van strate en stormwaterdreinerings in die dorp, tot bevrediging van die Raad.

4. VERPLIGTINGE TEN OPSIGTE VAN NOODSAAKLIKE DIENSTE ASOOK DIE BEPERKING TEN OPSIGTE VAN VERVREMING OF OORDRAGTE

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

5. VERSKUIWING OF DIE 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 dorpseienaars gedra word.

6. GAUTRANS

Die voorwaardes van TPA: Paaie soos vervat in hulle skrywe 11/1/1/2-11164 gedateer 22 Maart 1994 moet aan voldoen word deur die dorpseienaar tot die bevrediging van die Adjunk Direkteur-Generaal: Paaie, TPA en die plaaslike owerheid.

7. BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderhewig gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, insluitende die reservering van die mineraleregte –

- (a) maar uitgesluit die volgende serwitute wat nie die dorp raak nie:

- (i) Subject to the right in favour of NICOLAAS HERMANUS VAN STADEN or his successors in title to an unencumbered waterfurrow out of the river below the old dam on the South Western Portion of the aforesaid farm as more fully set out in Deeds of Transfer T 3226/1895 and T 3768/1895; and
- (ii) By Notarial Deed 1444/1961S, registered on the 4 December, 1961 the within-mentioned property is subject to a servitude of right of way with ancillary rights for a water pipe line in favour of the City Council of Johannesburg (vide Diagram SG No. 3487/60 annexed to the afore said Notarial Deed) as will more fully appear from the reference to the said Notarial Deed.

- (b) maar uitgesluit die volgende riool serwitute wat die volgende erwe in die dorp raak:

- (i) **Erwe 91 tot 95, 142, 156, 157 en 161**

Die erwe is onderworpe aan 'n serwituut vir munisipale doeleindes 3 meter wyd ten gunste van die plaaslike bestuur, die senterlyn soos aangedui op diagram SG No. A9150/1992 en 'n verdere serwituut soos aangedui op digarm SG No. A9150/1992 en meer volledig sal blyk uit Notariële Akte van Serwituut No. K /2004.

- (ii) **Erf 156**

Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes 7 meter wyd ten gunste van die plaaslike bestuur, soos aangedui op diagram SG No. A8700/1990 en meer volledig sal blyk uit Notariële Akte van Serwituut No. K /2004.

- (iii) **Erwe 85 tot 89, 94 tot 99, 101 tot 113, 133 tot 142, 156 tot 161**

Die erwe is onderworpe aan 'n serwituut vir riool doeleindes 3 meter wyd ten gunste van

die plaaslike bestuur, die senterlyn soos aangetoon op diagram SG No. A1338/2004.

8. STIGTING EN VERPLIGTING VAN ARTIKEL 21 MAATSKAPPY OF SOORTGELYKE REGS ENTITEITE

- (a) Die aansoekers moet wetlik en volgens voorskrif die Inwoners-vereniging tot goedkeuring van die Stadraad saamstel, voor met 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 161 en 162) en Privaat Oop Ruimte erwe (Erwe 54, 156, 157, 158 en 160) 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) Iedere en elke eienaar van Erwe 1 tot 53, 55 tot 155 en 159 sal 'n lid van die Inwoners-vereniging word met oordrag van die erf.
- (d) Die Inwoners-vereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang he tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.
- (e) Die Stadsraad sal nie aanspreeklik wees vir die gebrekkigheid van die oppervlak van die toegangsweg en of die vloedwater dreineringsstelsel en of enige noodsaaklike dienste, met die uitsondering van die rioleringsstelsel.
- (f) 'n Servituut vir munisipaliteit doeleindes sal geregistreer word oor Erwe 161 en 162 ten gunste van die Raad
- (g) Toegang van Erwe 1 tot 53, en 55 tot 155 en 159 tot 'n openbare pad sal oor die toegangs-erwe 161 en 162 wees.
- (h) Die Raad sal onbeperkte toegang tot Erwe 161 en 162 te alle tye, verkry.

2. TITELVOORWAARDES

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

(1) ALLE ERWE

- (a) Die erf is geregtig op 'n servituut van 2 meter breed vir riolerings- en ander munisipale doeleindes, ten gunste van die Raad langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele servituut vir munisipale doeleindes 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 servituut mag afsien.
- (b) Geen geboue 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 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 rioolhoofpyleidings en ander werke wat hy volgens goeëdunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde servituut 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 rioolhoofpyleidings en ander werke veroorsaak word.

(2) Erwe 3 tot 6, 8, 21, 24 tot 27, 31, 32, 48, 49, 65, 66, 77 en 78

Die erwe is onderworpe aan 'n 3 meter wedersuidse reg van weg servituut , soos aangedui op die Algemene Plan.

(3) Erwe 55, 60, 90, 100, 115 en 125

Die erwe is onderworpe aan 'n reg van weg servituut soos aangedui op die Algemene Plan.

(4) **Erwe 54 en 161**

Die erwe is onderworpe aan 'n serwituut vir elektriese substasie doeleindes, soos aangedui op die Algemene Plan.

(5) **Erf 114**

Die erf is onderworpe aan 'n munisipale serwituut 3 meter wyd vir stormwater doeleindes ten gunste van die plaaslike bestuur, soos aangedui op die Algemene Plan.

(6) **Erwe 161 en 162**

Die erf is onderworpe aan 'n serwituut en reg van weg ten gunste van die plaaslike bestuur, soos aangedui op die Algemene Plan.

Uitvoerende Direkteur: Ontwikkelings, Beplanning, Vervoer en Omgewing
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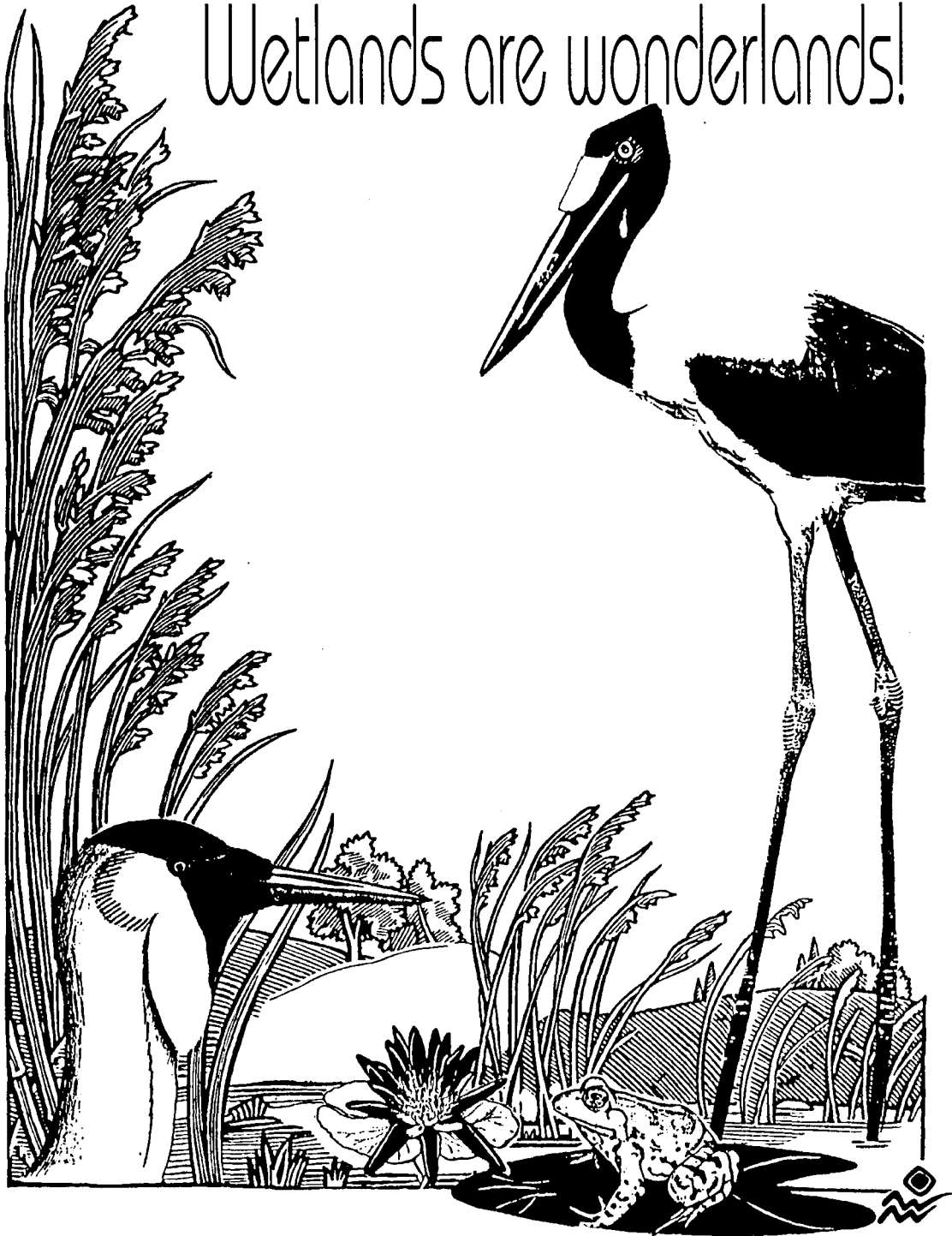
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HENNIE MALAN

Director: Financial Management
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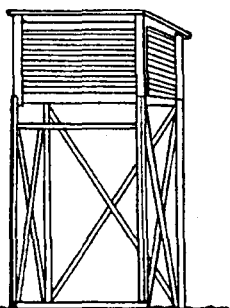
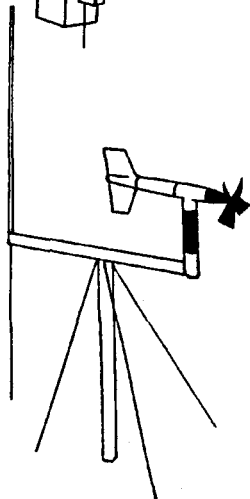
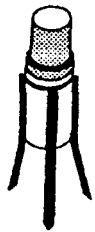
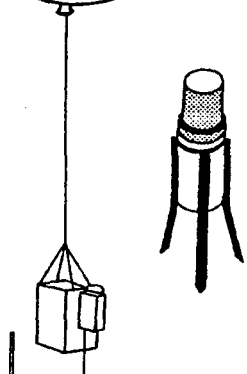
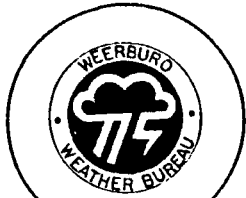
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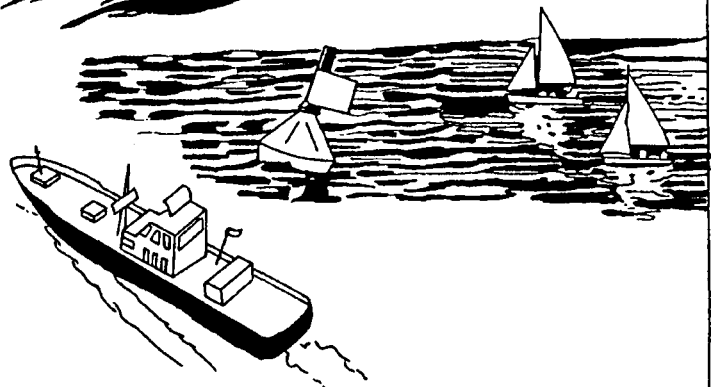
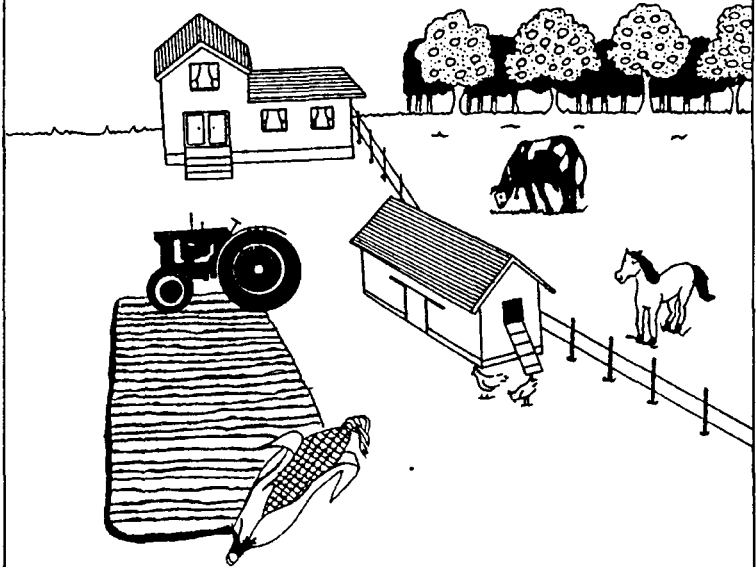
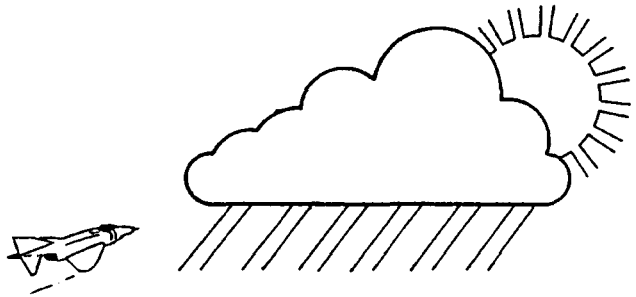
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