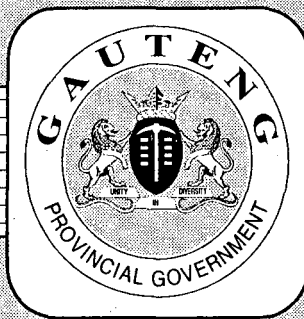


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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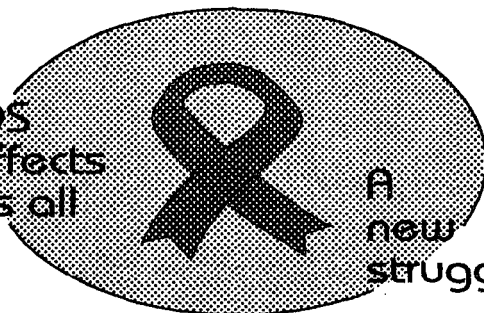
Vol. 11

PRETORIA, 28 APRIL 2005

No. 175

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

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**MASADA BUILDING at 196 PROES STREET, PRETORIA  
(i.e. CORNER OF PAUL KRUGER AND PROES STREETS)  
with effect from 3 May 2005.**

For enquiries and information:

**Mr M Z Montjane  
Tel: (012) 334-4653  
Cell: 083 640 6121**

## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 857

#### CITY OF JOHANNESBURG AMENDMENT SCHEME 07- 4502

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 12**

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- 4502

**Executive Director: Development Planning  
Transportation and Environment**  
Notice No. 256

### PLAASLIKE BESTUURSKENNISGEWING 857

#### STAD VAN JOHANNESBURG WYSIGINGSKEMA 07- 4502

Die Stadsraad 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 12** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema 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- 4502

**Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing**  
Notice No. 256

### LOCAL AUTHORITY NOTICE 858

#### 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 12** to be an approved township subject to the conditions set out in the Schedule hereto.

#### SCHEDULE

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY INROADS PROPERTIES (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 223 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 12**

2. **Design**  
The township shall consist of erven as indicated on **General Plan S.G. 8930/2004**
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/or City Power / Eskom.
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, 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 have 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 be 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 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.
  - (iii) By Notarial Deed No. K1824/04 dated 4 March 2004 the withinmentioned property is subject to a servitude for sewerage purposes i.f.o City of Johannesburg Metropolitan Municipality 7m wide indicated by the center line of which is indicated by the figures ABCDEFGHJ on Diagram SG No. 8700/90, 3m wide the center line of which is indicated by the figures ABCDEFGHJK and LMN on Diagram SG No. 9150/92, 222m<sup>2</sup> and indicated by the figures PRQLSP on Diagram SG No. 9180/92 relating thereto as will more fully appear from the reference to the said Notarial Deed.
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 park erven (Erven 163 and 165) 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 Erf 164 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) Access from Erven 163, 164 and 165 to a public road shall be across Erven 161 and 162 in the township Kyalami Gardens Extension 1.

**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) Erf 165**

The erf is subject to a right of way servitude in favour of the Kyalami Glen Homeowners Association as indicated on the General Plan.

**(3) Erven 163 and 164**

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

**Executive Director: Development Planning  
Transportation and Environment  
Notice No. 256**

**PLAASLIKE BESTUURSKENNISGEWING 858****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 12** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**BYLAE**

**VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR INROADS PROPERTIES (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 223 VAN DIE PLAAS BOTHASFONTEIN 408 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.**

**1. STIGTINGSVOORWAARDES****1. NAAM**

Die naam van die dorp is **KYALAMI GARDENS UITBREIDING 12**

**2. ONTWERP**

Die dorp bestaan uit erwe soos aangedui op **Algemene Plan SG No. 8930/2004**

**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.

(c) 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 reserwering van die mineraleregte 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.
- (iii) By Notarial Deed No. K1824/04 dated 4 March 2004 the withinmentioned property is subject to a servitude for sewerage purposes i.f.o City of Johannesburg Metropolitan Municipality 7m wide indicated by the center line of which is indicated by the figures ABCDEFGHJ on Diagram SG No. 8700/90, 3m wide the center line of which is indicated by the figures ABCDEFGHJK and LMN on Diagram SG No. 9150/92, 222m<sup>2</sup> and indicated by the figures PRQLSP on Diagram SG No. 9180/92 relating thereto as will more fully appear from the reference to the said Notarial Deed.

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

- (a) Die aansoekers moet wetiglik 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 Privaat Oop Ruimte erwe (Erwe 163 en 165) 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 Erf 164 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 rioleringstelsel.
- (f) Toegang van Erwe 163, 164 en 165 tot 'n openbare pad sal oor die toegangs-erwe 161 en 162 in die dorp Kyalam Gardens Uitbreiding 1wees.

**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 serwituut 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 serwituut 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 serwituut mag afsien.
- (b) Geen geboue 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 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 noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut 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) Erf 165**

Die erf is onderworpe aan 'n reg van weg serwituut ten gunste van die Kyalami Glen Inwoners Vereniging soos aangedui op die Algemene Plan.

**(3) Erwe 163 en 164**

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



**LOCAL AUTHORITY NOTICE 859**

**CITY OF JOHANNESBURG  
AMENDMENT SCHEME 07- 4874**

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 13**

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- 4874

**Executive Director: Development Planning  
Transportation and Environment**  
Notice No. 357

**PLAASLIKE BESTUURSKENNISGEWING 859**

**STAD VAN JOHANNESBURG  
WYSIGINGSKEMA 07- 4874**

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 13** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema 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- 4874

**Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing**  
Notice No. 357

**LOCAL AUTHORITY NOTICE 860**

**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 13** 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 227 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 13**

2. **Design**  
The township shall consist of erven as indicated on **General Plan S.G. 10208/2004**
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/or City Power / Eskom.
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, 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) In terms of the Town Planning and Township's Ordinance, 15 of 1986, a 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 have 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 11/1/12-11164 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 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.
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 park erf (Erf 191) 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 169 to 190 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) Access from Erven 169 to 191 to a public road shall be across Erven 161 and 162 in the township Kyalami Gardens Extension 1.

## 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 169, 172, 173, 176, 177, 179, 182, 183, 186, 187, 190 and 191**

The erf is subject to a right of way servitude in favour of the Kyalami Glen Homeowners Association as indicated on the General Plan.

### (3) **Erven 179 and 191**

The erven are subject to a servitude for transformer purposes in favour of Eskom as indicated on the General Plan.

**Executive Director: Development Planning  
Transportation and Environment  
Notice No. 357**

**PLAASLIKE BESTUURSKENNISGEWING 860****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 13** 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 227 VAN DIE PLAAS BOTHASFONTEIN 408 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.**

**1. STIGTINGSVOORWAARDES****1. NAAM**

Die naam van die dorp is **KYALAMI GARDENS UITBREIDING 13**

**2. ONTWERP**

Die dorp bestaan uit erwe soos aangedui op **Algeriene Plan SG No. 10208/2004**

**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) In terme van die Ordonnansie op Dorpsbeplanning en Dorpe, 15 van 1986, sal 'n bydrae tot die voorsiening van ingenieursdienste en begiftiging ten opsigte van parkegrond betaalbaar wees.
- (c) 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. BESIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe moet onderhewig gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, insluitende die reservering van die mineraleregte 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 aforesaid Notarial Deed) as will more fully appear from the reference to the said Notarial Deed.

**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 Privaat Oop Ruimte erf (Erf 191) 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 169 tot 190 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) Toegang van Erwe 169 tot 191 tot 'n openbare pad sal oor die toegangs-erwe 161 en 162 in die dorp Kyalam Gardens Uitbreiding 1wees.

**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 serwituut 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 serwituut 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 serwituut mag afsien.
- (b) Geen geboue 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 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 goeëddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut 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 169, 172, 173, 176, 177, 179, 182, 183, 186, 187, 190 en 191**

Die erwe is onderworpe aan 'n reg van weg serwituut ten gunste van die Kyalami Glen Inwoners Vereniging soos aangedui op die Algemene Plan.

**(3) Erwe 179 en 191**

Die erwe is onderworpe aan 'n serwituut vir transformer doeleindes ten gunste van Eskom, soos aangedui op die Algemene Plan.

**Uitvoerende Direkteur: Ontwikkelings, Beplanning, Vervoer en Omgewing**

Notice No. 357

**LOCAL AUTHORITY NOTICE 861****CITY OF JOHANNESBURG  
AMENDMENT SCHEME 07-4875**

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 15**

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 07-4875

**Executive Director: Development Planning  
Transportation and Environment**  
Notice No. 358

**PLAASLIKE BESTUURSKENNISGEWING 861****STAD VAN JOHANNESBURG  
WYSIGINGSKEMA 07-4875**

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 15** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema 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 07-4875

**Uitvoerende Direkteur: Ontwikkelings Beplanning, Vervoer en Omgewing**  
Notice No. 358

**LOCAL AUTHORITY NOTICE 862****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 15** 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 228 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 15**

2. **Design**  
The township shall consist of erven as indicated on **General Plan S.G. 10198/2004**
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/or City Power / Eskom.
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, 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) In terms of the Town Planning and Townships Ordinance, 15 of 1986, a contributions towards the provisions of external engineering services, bulk sewer and endowment in lieu of parkland shall be payable.
  - (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 have 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 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.
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 park and access erven (Erven 215 and 216) 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 192 to 214 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) Access from Erven 192 to 216 to a public road shall be across Erven 161 and 162 in the township Kyalami Gardens Extension 1.

## 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 192, 194, 197, 201 and 204

The erf is subject to a right of way servitude in favour of the Kyalami Glen Homeowners Association as indicated on the General Plan.

### (3) Erf 205

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

**Executive Director: Development Planning  
Transportation and Environment  
Notice No. 358**



**PLAASLIKE BESTUURSKENNISGEWING 862**

**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 15** 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 228 VAN DIE PLAAS BOTHASFONTEIN 408 JR, PROVINSIE GAUTENG, TOEGESTAAN IS.**

**1. STIGTINGSVOORWAARDES**

**1. NAAM**

Die naam van die dorp is **KYALAMI GARDENS UITBREIDING 15**

**2. ONTWERP**

Die dorp bestaan uit erwe soos aangedui op **Algemene Plan SG No. 10198/2004**

**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) In terme van die Ordonnansie op Dorpsbeplanning en Dorpe, 15 van 1986, sal 'n bydrae tot die voorsiening van ingenieursdienste en begiftiging ten opsigte van parkegrond betaalbaar wees.

(c) 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 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.

## 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 Stadsraad 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 Privaat Oop Ruimte en toegangs erwe (Erwe 215 en 216) 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 192 tot 214 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 hê 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 gebrektheid van die oppervlak van die toegangsweg en of die vloedwater dreineringsstelsel en of enige noodsaaklike dienste, met die uitsondering van die rioleringsstelsel.
- (f) Toegang van Erwe 192 tot 216 tot 'n openbare pad sal oor die toegangs-erwe 161 en 162 in die dorp Kyalam Gardens Uitbreiding 1 wees.

## 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 serwituut 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 serwituut 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 serwituut mag afsien.
- (b) Geen geboue 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 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 goeiddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut 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 192, 194, 197, 201 en 204

Die erf is onderworpe aan 'n reg van weg serwituut ten gunste van die Kyalami Glen Inwoners Vereniging soos aangedui op die Algemene Plan.

### (3) Erf 205

Die erf is onderworpe aan 'n serwituut vir transformeer doeleindes ten gunste van Eskom, soos aangedui op die Algemene Plan.

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