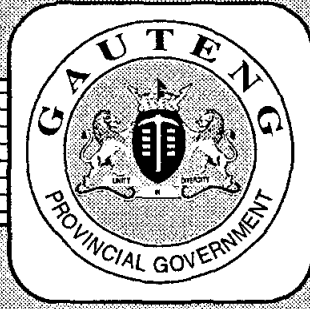


*THE PROVINCE OF  
GAUTENG*



*DIE PROVINSIE  
GAUTENG*

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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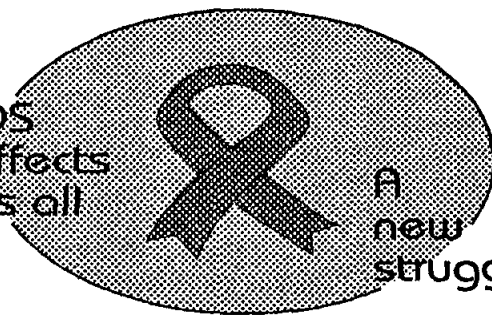
Vol. 11

PRETORIA, 26 OCTOBER 2005  
OKTOBER

No. 456

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

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICES</b>			
2623	Town-planning and Townships Ordinance (15/1986): City of Johannesburg Metropolitan Municipality: Modderfontein Amendment Scheme 11-5412 .....	2	456
2624	do.: do.: Declaration as an approved township: Greenstone Hill Extension 30 .....	3	456

**LOCAL AUTHORITY NOTICES****LOCAL AUTHORITY NOTICE 2623****CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY  
MODDERFONTEIN AMENDMENT SCHEME 11-5412**

The City of Johannesburg hereby, in terms of provisions of section 125 of the Town-planning and Townships Ordinance, 1986 declares that it has approved an amendment scheme, being an amendment of the Modderfontein Town-planning Scheme 1994, comprising the same land as included in the Township of **GREENSTONE HILL EXTENSION 30**

Map 3, annexure and scheme clauses of the amendment scheme are filed with the Deputy Director-General, Gauteng Provincial Government: Department Housing and Local Government, Marshalltown and the Assistant Director: Development Planning, Transportation and Environment, Johannesburg, Room 8100, 8<sup>th</sup> Floor, A-Block, Metropolitan Centre, Braamfontein and are open for inspection at all reasonable times.

This amendment is known as the Modderfontein Amendment Scheme 11-5412

**A NAIR: EXECUTIVE DIRECTOR, DEVELOPMENT PLANNING TRANSPORTATION AND ENVIRONMENT,  
CITY OF JOHANNESBURG, METROPOLITAN MUNICIPALITY  
NOTICE NO: 1098/2005**

**PLAASLIKE BESTUURSKENNISGEWING 2623****STAD VAN JOHANNESBURG METROPOLITAANSE MUNISIPALITEIT  
MODDERFONTEIN WYSIGINGSKEMA 11-5412**

Johannesburg Stad verklaar hierby ingevolge die bepalings van Artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Modderfontein dorpsbeplanningskema, 1994, wat uit dieselfde grond as die dorp **GREENSTONE HILL UITBREIDING 30** bestaan, goedgekeur het.

Kaart 3, bylae en skemaklousules van die wysigingskema word in bewaring gehou deur die Adjunk-Direkteur Generaal, Departement Behuising en Plaaslike Regering, Marshalltown en is by die Assistent Direkteur: Ontwikkelingsbeplanning, Vervoer en Omgewing, Johannesburg, Kamer 8100, 8ste Verdieping, A-Blok, Metropolitaanse Sentrum, Braamfontein beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Modderfontein Wysigingskema 11-5412

**A NAIR: UITVOERENDE DIREKTEUR, ONTWIKKELINGSBEPLANNING, VERVOER EN OMGEWING  
JOHANNESBURG STAD, METROPOLITAANSE MUNISIPALITEIT  
KENNISGEWING NR: 1098/2005**

**LOCAL AUTHORITY NOTICE 2624**

**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY  
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 declares **GREENSTONE HILL EXTENSION 30** to be an approved township subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY MARKETCORP 4 (PTY) LIMITED IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE NO 15 of 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 122 OF THE FARM MODDERFONTEIN NO. 35 IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

**1. CONDITIONS OF ESTABLISHMENT**

- (a) **Name**  
The name of the township shall be **GREENSTONE HILL EXTENSION 30**
- (b) **Design**  
The township shall consist of erven and streets as indicated on General Plan S.G. No 5096/2005.
- (c) **Disposal of existing conditions of title**

All erven shall be made subject to existing conditions and servitudes, if any, but, excluding the following conditions, which do not affect the township –

1. The former Remaining Extent of Portion 2 of the farm Modderfontein 35, Registration Division I.R., Province of Gauteng, indicated by the figure JKLMNPQRSTUWXYZA'a2 on diagram S.G.No.A10830/1993 annexed to Certificate of Consolidated Title T141630/1998 is subject to the following conditions:-
  - (i) By Notarial Deed No. K1177/60S dated 7 February 1959, the withinmentioned property is entitled to a servitude of right of way for constructing, operating and maintaining a railway line over the property held under Deed of Transfer T7879/1950, as will more fully appear from reference to the said Notarial Deed and diagram annexed thereto
  - (ii) By Notarial Deed No. 1181/60S dated 27 August 1959, the withinmentioned property is entitled to a servitude of railway line over the property held under Deed of Transfer T28762/51 with diagram S.G.No.A2174/53 annexed thereto, as will more fully appear from reference to the said Notarial Deed.
  - (iii) By virtue of Notarial Deed No. 242/1963S dated 19 February 1960 the withinmentioned property is entitled to a right of way over:-
    1. Portion M of the Farm Zuurfontein No. 33 I.R., Kempton Park, measuring 159,9274 (One hundred and fifty nine comma two seven four) Hectares;
    2. Portion 1 of Portion C of the Farm Zuurfontein No. 33 I.R., Kempton Park, measuring 12,0786 (Twelve comma nought seven eight six) Hectares;
  - (iv) By virtue of Notarial Deed No. K871/74S dated 4 December 1973, Notarial Deed of Servitude No. 1177/60S has been cancelled in toto in respect of Portions 219 to 222 of the Farm Zuurfontein No. 33 I.R., held under Certificate of Registered Title Nos.38777/72 – 38776/72 and amended and added to in respect of Portions 223 of the Farm Zuurfontein No. 33 I.R., held under Certificate of Registered Title No.38777/72 and the Remainder of Portion 218 of the same farm measuring 17,7968 hectares, held under Certificate of Consolidated Title No.38772/72 as will more fully appear from the said Notarial Deed and diagrams annexed thereto.
  - (v) By virtue of Notarial Deed of Servitude No. K1702/1976S dated 21 January 1976 the property is entitled to a perpetual servitude of unrestricted rights of use for railway purposes and purposes incidental thereto over:-

1. Remaining Extent of Portion 218 of the Farm Zuurfontein 33 I.R., measuring 17,7968 hectares, held under Certificate of Consolidated Title No.38772/72 dated 19 December 1972; and
2. Erf 1151 Estherpark Extension 1 Township, held under Certificate of Consolidated Title No.T23100/1976 dated 16 June 1976;

as will more fully appear from reference to the said Notarial Deed.

- (vi) By Notarial Deed No. K580/1981S dated 2 October 1980 the withinmentioned property is entitled to a perpetual servitude of unrestricted rights of use for railway purposes and purposes incidental thereto over Portion 243 of the Farm Zuurfontein No. 33 I.R., measuring 47,6634 hectares, held under T7064/75 indicated by the figures ABCDEFGHJK curve LM and NP curve QURSTUVWXYZ on Diagram S.G.No.A4111/76 as will more fully appear from reference to the said Notarial Deed with diagram annexed.

2. By virtue of Notarial Deed of Servitude No. K7003/04S the property is subject to a servitude in perpetuity in favour of the Rand Water Board to convey and transmit over the property by means of pipelines already laid or to be laid, as will more fully appear from the said Notarial Deed of Servitude with Diagram S.G. No. 7048/1996 annexed thereto.
3. By virtue of Notarial Deed of Servitude No. K3623/2005S the property is subject to a servitude in perpetuity in favour of the Rand Water Board to convey and transmit over the property by means of pipelines laid or to be laid, as will more fully appear from the said Notarial Deed of Servitude with Diagram S.G. No. 12163/2004 annexed thereto.

(d) **Endowment**

The applicant shall make the necessary arrangements with the Council for the payment of an endowment in respect of the provision of land for the shortfall, in providing suitable open space for parks in terms of the Town Planning and Townships Ordinance, 15 of 1986

(e) **Formation and Duties of Section 21 Company**

- (i) The applicant shall properly and legally constitute a Section 21 Company (the Company) under Section 21 of the Companies Act 61 of 1973 before the first transfer of any erf (which Company shall not be de-registered without the consent of the Council).
- (ii) Each and every owner of Erven 1350 and 1351 and or portions thereof shall become a member of the Company upon transfer of the erf.
- (iii) The Company shall have the legal power to levy from each and every member of the property association, the cost incurred in fulfilling its functions and shall have legal resources to recover such fees in the event of a default in payment by any member
- (iv) The Council shall not be liable for the malfunction of the surfacing of any access way and/or access ways and/or stormwater drainage system and/or essential services with the exception of the sewerage system.
- (v) 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 the future.
- (vi) The Council shall have unrestricted access to Erven 1350 and 1351 at all times.

(f) **Engineering Services**

The applicant shall, when it intends providing the required engineering services:

- (i) By agreement with the Council, classify every engineering service as internal and external engineering services in accordance with Chapter V of the Town Planning and Townships Ordinance, 1986.
- (ii) Install or provide water, electricity and sanitation as well as the construction of roads and stormwater drainage in the township to the satisfaction of the Council and, for this purpose, lodge reports, diagrams and specifications to the Council as required

(g) **Obligations with regard to services and restriction regarding the alienation of erven**

The township owner shall within such period as the Council may determine, fulfill his obligations in respect of the provision of water, electricity and sanitary service as well as the construction of roads and stormwater drainage and the installation of systems therefore, as previously agreed upon between the township owner and the Council. Erven may not be alienated or be transferred into the name of a purchaser prior to the Council certifying that sufficient guarantees/ cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Council.

- (h) **Electricity**  
The applicant shall make satisfactory arrangements with the City Power Johannesburg for the installation of electrical services in and for the township.
- (i) **Acceptance and Disposal of Stormwater**  
The township owner shall make necessary arrangements with the Council for the preparation and submission for approval of a stormwater management plan, for acceptance and disposal thereof.
- (j) **Demolition of Buildings and Structures**  
The township owner shall at its own expense cause all existing buildings and structures within the building reserves, or over common boundaries to be demolished to the satisfaction of the Council, when required by the Council to do so.
- (k) **Removal or Replacement of Services**  
If, by reason of the establishment of the township, it should become necessary to remove or replace any existing Municipal/Telkom services, the cost thereof shall be borne by the township owner.

## 2. CONDITIONS OF TITLE

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

(a) **ERVEN 1350 AND 1351**

- (i) Every owner of an Erf or any subdivision or consolidation thereof or any interest therein shall become and shall remain a member of the Section 21 Company, incorporated under Section 21 of Act 61 of 1973 (the Company) and be subject to its memorandum and articles of association until he ceases to be an owner as aforesaid. The Erf shall not be transferred to any person who has not become a member of the Company.
- (ii) The owner of the Erf shall not be entitled to transfer the Erf without a clearance certificate from the Company that all amounts owing by such owner to the Association have been paid.
- (iii) All erven are 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.
- (iv) 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.
- (v) 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.
- (vi) Except with the written consent of the Council and subject to any conditions as it may impose, neither the owner nor any person shall sink any wells or boreholes on the Erf, or abstract any subterranean water there from.

**A NAIR: EXECUTIVE DIRECTOR, DEVELOPMENT PLANNING TRANSPORTATION AND ENVIRONMENT,  
CITY OF JOHANNESBURG, METROPOLITAN MUNICIPALITY  
NOTICE NO: 1099/2005**

**PLAASLIKE BESTUURSKENNISGEWING 2624****STAD VAN JOHANNESBURG METROPOLITAANSE MUNISIPALITEIT  
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 **GREENSTONE HILL UITBREIDING 30** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**BYLAE**

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR MARKETCORP 4 (PTY) LIMITED INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 122 VAN DIE PLAAS MODDERFONTEIN NO 35 IR, PROVINSIE GAUTENG, TOEGESTAAN IS.

**1. STIGTINGSVOORWAARDES****(a) Naam**

Die naam van die dorp is **GREENSTONE HILL UITBREIDING 30**

**(b) Ontwerp**

Die dorp bestaan uit erwe soos aangedui op Algemene Plan SG No. 5096/2005.

**(c) Beskikking oor bestaande title voorwaardes**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute, as daar is, maar uitgesonderd die volgende voorwaardes wat nie die dorp affekteer nie:

1. The former Remaining Extent of Portion 2 of the farm Modderfontein 35, Registration Division I.R., Province of Gauteng, indicated by the figure JKLMNOPQRSTUVWXYZAa'2 on diagram S.G.No.A10830/1993 annexed to Certificate of Consolidated Title T141630/1998 is subject to the following conditions:-
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2. Erf 1151 Estherpark Extension 1 Township, held under Certificate of Consolidated Title No. T23100/1976 dated 16 June 1976;

as will more fully appear from reference to the said Notarial Deed.

(vi) By Notarial Deed No. K580/1981S dated 2 October 1980 the withinmentioned property is entitled to a perpetual servitude of unrestricted rights of use for railway purposes and purposes incidental thereto over Portion 243 of the Farm Zuurfontein No. 33 I.R., measuring 47,6634 hectares, held under T7064/75 indicated by the figures ABCDEFGHJK curve LM and NP curve QURSTUVWXYZ on Diagram S.G.No.A4111/76 as will more fully appear from reference to the said Notarial Deed with diagram annexed.

2. By virtue of Notarial Deed of Servitude No. K7003/04S the property is subject to a servitude in perpetuity in favour of the Rand Water Board to convey and transmit over the property by means of pipelines already laid or to be laid, as will more fully appear from the said Notarial Deed of Servitude with Diagram S.G. No. 7048/1996 annexed thereto.

3. By virtue of Notarial Deed of Servitude No K6323/2005S the property is subject to a perpetual servitude of right of way in favour of the City of Johannesburg Metropolitan Municipality as will more fully appear from the said Notarial Deed of Servitude with Diagram S.G. No 12163/2004 annexed thereto.

(d) **Begiftiging**

Die aansoeker moet kragtens die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 aan die Raad as begiftiging 'n bedrag betaal vir die voorsiening van grond vir enige tekort vir voorsiening van oop ruimte vir parke.

(e) **Samestelling en verpligtinge van Artikel 21 Maatskappy**

- (i) Die applikant moet op 'n behoorlik en wettige wyse 'n Artikel 21 Maatskappy (die Maatskappy) stig ingevolge Artikel 21 van die Maatskappy Wet 61 van 1973 voor die oordrag van enige erf (welke Maatskappy se registrasie nie geskrap sal word sonder toestemming van die Raad nie)
- (ii) Iedere en elke eienaar van Erwe 1350 en 1351 en/of gedeeltes daarvan sal 'n lid van die Maatskappy word by oordrag van die erf.
- (iii) Die Maatskappy sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van iedere 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.
- (iv) Die Raad sal nie aanspreeklik wees vir enige gebrek aan die oppervlak van die toegangsweg en /of die stormwater dreineringsstelsel en/of enige noodsaaklike dienste nie, met die uitsondering van die riooleringstelsel.
- (v) Die Raad sal gevrywaar word van enige aanspreeklikheid vir die herstelkoste van die toegangspad in die geval waar dit in die toekoms toegang moet verkry of ondergrondse dienste moet voorsien.
- (vi) Die Raad sal ten alle tye onbeperkte toegang hê tot Erwe 1350 en 1351.

(f) **Ingenieursdienste**

Die applikant sal, wanneer hy van voorneme is om die dorp van ingenieursdienste te voorsien:

- (i) By ooreenkoms met die Raad elke ingenieursdiens ingevolge Hoofstuk V van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 klassifiseer as interne en eksterne ingenieursdienste.
- (ii) Installeer of voorsien water, elektrisiteit en sanitasie sowel as die konstruksie van paaie en stormwater dreineringsstelsel in die dorp tot die bevrediging van die Raad en vir hierdie doel moet die verslae, planne en spesifikasies soos vereis deur die Raad ingedien word.

(g) **Verpligtinge ten opsigte van dienste en beperking op die vervreemding van erwe**

Die dorpseienaar sal binne sodanige periode as wat die Raad mag bepaal, sy verantwoordelikheid nakom met betrekking tot die voorsiening van water, elektrisiteit en sanitasie sowel as vir die konstruksie van paaie en stormwater dreinerings en die installering daarvan, soos vooraf tussen die eienaar en die Raad ooreengekom is. Erwe mag nie vervreem of oorgedra word in die naam van 'n koper alvorens die Raad gesertifiseer het dat voldoende waarborge / kontantbydraes ten opsigte van die verskaffing van dienste deur die dorpseienaar aan die Raad voorsien of betaal is.

(h) **Elektrisiteit**

Die applikant moet die nodige reëlings tref met City Power Johannesburg vir die installering van elektriese dienste in en vir die dorp.

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- (i) **Ontvangs en Versorging van Stormwater**  
Die dorpseienaar sal die nodige reëlings tref met die Raad vir die voorbereiding en indiening vir die goedkeuring van 'n stormwater bestuursplan, vir die ontvangs en versorging daarvan.
- (j) **Sloping van geboue en strukture**  
Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes, of oor gemeenskaplike grense geleë is, laat sloop tot bevrediging van die Raad, wanneer die Raad dit vereis.
- (k) **Verskuiwing of vervanging van munisipale dienste**  
Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale/Telkom dienste te verskuif of te vervang moet die koste daarvan deur die dorpseienaar gedra word.

## 2. TITELVOORWAARDES

Die erwe hieronder genoem sal onderworpe wees aan die voorwaardes soos opgelê deur die Stad van Johannesburg ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

### (1) ERWE 1350 EN 1351

- (i) Elke eienaar van 'n erf of onderverdeling of konsolidasie daarvan of enige iemand wat belang daarin het sal 'n lid van die Artikel 21 Maatskappy word en bly, daargestel ingevolge Artikel 21 van Wet 61 van 1973 (die Maatskappy), en is onderworpe aan die memorandum en artikels van die Maatskappy totdat hy eienaarskap staak. Die erf sal nie oorgedra word na enige persoon wat nog nie 'n lid van die Maatskappy is nie.
- (ii) Die eienaar van die Erf sal nie toegelaat word om die erf oor te dra sonder 'n klaringsertifikaat van die Maatskappy wat aandui dat alle bydraes geskuld deur die eienaar van die Maatskappy betaal is.
- (iii) Alle erwe is onderworpe aan 'n serwituut, 2 meter breed vir riolerings- en ander munisipale doeleindes, ten gunste van die Raad langs enige 2 grense, uitgesonderd 'n straatgrens, en in die geval van 'n pypsteel erf, 'n addisionele serwituut vir munisipale doeleindes en wanneer verlang deur die Raad: Met dien verstande dat die Raad van enige sodanige serwituut mag afsien.
- (iv) Geen geboue of ander struktuur mag binne die voornoemde serwituut gebied opgerig word nie en geen grootwortelbome mag binne 'n afstand van 2 meter daarvan geplant word nie.
- (v) 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 goeie redene 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.
- (vi) Behalwe met die geskrewe toestemming van die Raad en onderworpe aan voorwaardes wat die Raad mag vereis, mag nie die eienaar of enige ander persoon enige put of boorgat op die erf sink of enige ondergrondse water onttrek daarvan nie.

**A NAIR: UITVOERENDE DIREKTEUR, ONTWIKKELINGSBEPLANNING, VERVOER EN OMGEWING  
JOHANNESBURG STAD, METROPOLITAANSE MUNISIPALITEIT  
KENNISGEWING NR: 1099/2005**