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PROCLAMATION • PROKLAMASIE

PROCLAMATION 92 OF 2018**ALLENS NEK EXTENSION 14**

A. In terms of section 49(1) of the Deeds Registries Act, 1937 (Act 47 of 1937), read with section 32(1) of the City of Johannesburg Municipal Planning By-Law, 2016. The City of Johannesburg Metropolitan Municipality hereby extend the boundaries of Alens Nek Extension 14 to include the Remaining Extent of Portion 205 of the Farm Panorama 200 – I.Q. subject to the conditions set out in the schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY CROWMARSH PROPERTIES (PROPRIETARY) LIMITED (REGISTRATION NUMBER: 1992/006641/07) (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF SECTION 32 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY LAW, 2016 FOR PERMISSION TO EXTEND THE BOUNDARIES OF ALLENS NEK EXTENSION 14 TOWNSHIP TO INCLUDE THE REMAINING EXTENT OF PORTION 205 OF THE FARM PANORAMA 200-I.Q., GAUTENG PROVINCE HAS BEEN APPROVED.

1. CONDITIONS OF EXTENSION.

- (1) **DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**
The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier in terms of section 46 (1) of the City of Johannesburg Municipal Planning By-Law, 2016
- (2) **ACCESS**
(a) Access to or egress from the township shall be provided to the satisfaction of the local authority and Johannesburg Roads Agency (Pty) Ltd.
(b) No access to or egress from the township shall be permitted via the line of no access as indicated on the approved layout plan.
(c) Access is to be taken off Phillallen Avenue via a right of way servitude to the satisfaction of Johannesburg Roads Agency (Pty) Ltd
- (3) **ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE**
The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.
- (4) **REFUSE REMOVAL**
The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.
- (5) **REMOVAL OR REPLACEMENT OF EXISTING SERVICES**
If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.
- (6) **DEMOLITION OF BUILDINGS AND STRUCTURES**
The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(7) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 2.(2) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2.(2) above. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(8) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

(9) CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to consolidate Erven 563 and 564 (to be known as Erf 756), 755 and 757 to the local authority for approval.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any:-

A. Excluding the following which do not affect the township due to its locality:

1. *“Gesegde Gedeelte “a” (die resterende gedeelte waarvan hiermee getransporteer word), wat ‘n gedeelte uitmaak van Gedeelte “F” van die Roodepoort, is onderhewig aan sodanige van die verpligtings vervat in Notariele Akte Nr. 573/1923S (gewysig deur Notariele Aktes Nr. 85/1929S en Nr. 26/1937S) as waaraan die gesegde Gedeelte “F” onderhewig is”*

2. *1. PORTION F (a portion whereof is hereby transferred is subject to the following conditions servitudes, namely:*

(a) ONDERWORPE aan en geregtig tot waterregte bepaal en gereël blykens Notariele Akte 573/1924S, geregistreer op 15 Oktober 1924.

(b) VOORMELDE GEDEELTE F en GEDEELTES E, G, H en Resterende Gedeelte (groot as sodanig 153,5042 hektaar) van die voormelde plaas, gehou respektiewelik onder Sertifikate van Verdelingstitel 130/1937, 128/1937, 127/1937 en 131/1937, gesamentlik, is geregtig, tesame met GEDEELTE C en D van die Noord-Westelike Gedeelte van die plaas WELTEVREDEN 4, Distrik ROODEPOORT, oorspronklik gehou onder Sertifikaat van Verdellings-titel 154/1935 en GEDEELTE 1 en die Resterende Gedeelte (groot as sodanig 35,5396 hektaar) van GEDEELTE E van die Noord-Westelike Gedeelte van die gesegde plaas, gehou respektiewelik onder Sertifikate van Verdelingstitel 111/1937 en 112/1937, gesamentlik, en GEDEELTE A2, groot 219,4935 hektaar, en die Resterende Gedeelte van GEDEELTE A1, groot as sodanig 131,4420 hektaar, van die Noord-Westelike Gedeelte van die plaas WELTEVREDEN 4, oorspronklik gehou respektiewelik onder Aktes van Transport 2404/1908, is geregtig tot al die bestaande water op GEDEELTE B2 van die Noord-Westelike Gedeelte van die gesegde plaas, groot 219,4978 hektaar, oorspronklik gehou onder Akte van Transport 2406/1908, vir hulle gebruik in terme van die voorsienings van Notariele Akte 573/1924S, soos meer ten volle sal blyk uit Notariele Akte 85/1929S, geregistreer op 15 Februarie, 1929.

(c) *B I J Notariele Akte 26/1937S is dit ooreengekom dat die reg tot gebruik van water toekomende aan die eiendomme vermeld onder Notariele Aktes 573/1924S en 85/1929S slegs vir genot sal dien van die eienaars van GEDEELTE H en Resterende Gedeelte, groot 153,5042 hektaar, van die plaas PANORAMA 22, gehou onder Verdelingssertifikate 127/1937 en 131/1937.*

3. *By Notarial Deed No. K2251/1986S dated 3rd June 1986, the withinmentioned property is subject to a servitude of right of way for the purpose of a public street for vehicles and pavement for pedestrians in favour of the Town Council of Roodepoort as indicated by the figure A B C D on Diagrams SG. No. A5514/1985 as will more fully appear from reference to the said Notarial Deed.*

4. CONDITIONS OF TITLE.

A. Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

(1) ALL ERVEN

(a) The erf lies in an area with soil conditions that can cause serious damage to buildings and structures. In order to limit such damage, foundations and other structures must be designed by a competent professional engineer unless it can be proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC classification for foundations is considered as H/S1-S2/C-C2, Soil Zone III.

(b) (i) Each erf is subject to a servitude, 2m wide, in favour of the local authority, 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 local authority: Provided that the local authority may dispense with any such servitude.

(ii) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 local authority.

(c) The erven shall not be transferred without the written consent of the local authority first having been obtained and the local authority shall have an absolute discretion to withhold such consent, unless the transferee accepts the following condition: The local authority had limited the electricity supply to the erven to 140kVA and should the registered owners of the erven exceed the supply or should an application to exceed such supply be submitted to the local authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54(1)(b) of the City of Johannesburg Municipal Planning By-Law, 2016 declares that it has approved an amendment scheme being an amendment of the Roodepoort Town Planning Scheme, 1987, comprising the same land as that with which the boundaries of Allens Nek Extension 14 are being extended. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 05-15927.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T060/2018

PROCLAMATION 93 OF 2018**ALLENS NEK EXTENSION 14**

A. In terms of section 49(1) of the Deeds Registries Act, 1937 (Act 47 of 1937), read with section 32(1) of the City of Johannesburg Municipal Planning By-Law, 2016. The City of Johannesburg Metropolitan Municipality hereby extend the boundaries of Alens Nek Extension 14 to include Portion 105 (a portion of portion 76) of the Farm Panorama 200 – I.Q. subject to the conditions set out in the schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY CROWMARSH PROPERTIES (PROPRIETARY) LIMITED (REGISTRATION NUMBER: 1992/006641/07) (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF SECTION 32 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY LAW, 2016 FOR PERMISSION TO EXTEND THE BOUNDARIES OF ALLENS NEK EXTENSION 14 TOWNSHIP TO INCLUDE PORTION 105 (PORTION OF PORTION 76) OF THE FARM PANORAMA 200-I.Q., GAUTENG PROVINCE HAS BEEN APPROVED

1. CONDITIONS OF EXTENSION

(1) **DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**
The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier in terms of section 32(6)(b) of the City of Johannesburg Municipal Planning By-Law, 2016.

(2) **ACCESS**

(a) Access to or egress from the township shall be provided to the satisfaction of the local authority and Johannesburg Roads Agency (Pty) Ltd.

(b) No access to or egress from the township shall be permitted via the line of no access as indicated on the approved layout plan.

(c) Access is to be taken off Phillallen Avenue via a right of way servitude to the satisfaction of Johannesburg Roads Agency (Pty) Ltd

(3) **ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE**

The township owner shall arrange for the storm water drainage of the township to fit in with that of the adjacent road/roads and all storm water running off or being diverted from the road/roads shall be received and disposed of.

(4) **REFUSE REMOVAL**

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(5) **REMOVAL OR REPLACEMENT OF EXISTING SERVICES**

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(6) **DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(7) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 2.(2) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2.(2) above. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

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(9) CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to consolidate Erven 563 and 564 (to be known as Erf 756) and 755, to the local authority for approval.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any:-

A. Excluding the following which do not affect the township due to its locality:

1. *“Gesegde Gedeelte “a” (die resterende gedeelte waarvan hiermee getransporteer word), wat ‘n gedeelte uitmaak van Gedeelte “F” van die Roodepoort, is onderhewig aan sodanige van die verpligtings vervat in Notariele Akte Nr. 573/1923S (gewysig deur Notariele Aktes Nr. 85/1929S en Nr. 26/1937S) as waaraan die gesegde Gedeelte “F” onderhewig is”*

2. *1. PORTION F (a portion whereof is hereby transferred is subject to the following conditions servitudes, namely:*

(a) ONDERWORPE aan en geregtig tot waterregte bepaal en gereël blykens Notariele Akte 573/1924S, geregistreer op 15 Oktober 1924.

(b) VOORMELDE GEDEELTE F en GEDEELTES E, G, H en Resterende Gedeelte (groot as sodanig 153,5042 hektaar) van die voormelde plaas, gehou respektiewelik onder Sertifikate van Verdelingstitel 130/1937, 128/1937, 127/1937 en 131/1937, gesamentlik, is geregtig, tesame met GEDEELTE C en D van die Noord-Westelike Gedeelte van die plaas WELTEVREDEN 4, Distrik ROODEPOORT, oorspronklik gehou onder Sertifikaat van Verdellings-titel 154/1935 en GEDEELTE 1 en die Resterende Gedeelte (groot as sodanig 35,5396 hektaar) van GEDEELTE E van die Noord-Westelike Gedeelte van die gesegde plaas, gehou respektiewelik onder Sertifikate van Verdelingstitel 111/1937 en 112/1937, gesamentlik, en GEDEELTE A2, groot 219,4935 hektaar, en die Resterende Gedeelte van GEDEELTE A1, groot as sodanig 131,4420 hektaar, van die Noord-Westelike Gedeelte van die plaas WELTEVREDEN 4, oorspronklik gehou respektiewelik onder Aktes van Transport 2404/1908, is geregtig tot al die bestaande water op GEDEELTE B2 van die Noord-Westelike Gedeelte van die gesegde plaas, groot 219,4978 hektaar, oorspronklik gehou onder Akte van Transport 2406/1908, vir hulle gebruik in terme van die voorsienings van Notariele Akte 573/1924S, soos meer ten volle sal blyk uit Notariele Akte 85/1929S, geregistreer op 15 Februarie, 1929.

(c) *B I J Notariele Akte 26/1937S is dit ooreengekom dat die reg tot gebruik van water toekomende aan die eiendomme vermeld onder Notariele Aktes 573/1924S en 85/1929S slegs vir genot sal dien van die eienaars van GEDEELTE H en Resterende Gedeelte, groot 153,5042 hektaar, van die plaas PANORAMA 22, gehou onder Verdelingssertifikate 127/1937 en 131/1937.*

3. *By Notarial Deed No. K2251/1986S dated 3rd June 1986, the withinmentioned property is subject to a servitude of right of way for the purpose of a public street for vehicles and pavement for pedestrians in favour of the Town Council of Roodepoort as indicated by the figure A B C D on Diagrams SG. No. A5514/1985 as will more fully appear from reference to the said Notarial Deed.*

3. CONDITIONS OF TITLE.

A. Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

(1) ALL ERVEN

(a) The erf lies in an area with soil conditions that can cause serious damage to buildings and structures. In order to limit such damage, foundations and other structures must be designed by a competent professional engineer unless it can be proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC classification for foundations is considered as H/S1-S2/C-C2, Soil Zone III.

(b) (i) Each erf is subject to a servitude, 2m wide, in favour of the local authority, 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 local authority: Provided that the local authority may dispense with any such servitude.

(ii) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 local authority.

(c) The erven shall not be transferred without the written consent of the local authority first having been obtained and the local authority shall have an absolute discretion to withhold such consent, unless the transferee accepts the following condition: The local authority had limited the electricity supply to the erven to 140kVA and should the registered owners of the erven exceed the supply or should an application to exceed such supply be submitted to the local authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54(1)(b) of the City of Johannesburg Municipal Planning By-Law, 2016 declares that it has approved an amendment scheme being an amendment of the Roodepoort Town Planning Scheme, 1987, comprising the same land as that with which the boundaries of Allens Nek Extension 14 are being extended. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 05-15578.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T061/2018

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