

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 18 OF 2018  
KYLAMI RIDGE EXTENSION 6**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Johannesburg Metropolitan Municipality declares Kyalami Ridge Extension 6 to be an approved township subject to the conditions set out in the Schedule hereunder.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY LEOGEM PROPERTY PROJECTS PROPRIETARY LIMITED REGISTRATION NUMBER 1992/003579/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 724 (A PORTION OF PORTION 63) OF THE FARM WITPOORT 406 JR, GAUTENG PROVINCE HAS BEEN APPROVED.**

**1. CONDITIONS OF ESTABLISHMENT.****(1) NAME**

The name of the township is Kyalami Ridge Extension 6

**(2) DESIGN**

The township consists of erven and roads as indicated on General Plan SG No.3683/2017

**(3) 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.

**(4) ACCESS**

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

**(5) 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.

**(6) 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.

**(7) 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.

(8) 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.

(9) RESTRICTION ON THE DEVELOPMENT OF ERVEN

Erf 6 and Erf 7 may only be developed jointly as a development scheme as provided for in terms of the Sectional Titles Act, Act 95 of 1986.

(10) ENDOWMENT

The township owner shall, if applicable, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment to the local authority for the provision or the shortfall in the provision of land for a park (public open space).

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

(a) The township owner shall, after compliance with clause 2.(3) 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 stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, 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 stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2.(3) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, 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.

(12) 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 alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered, 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.

**2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.**

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

**3. CONDITIONS OF TITLE.**

**A. Conditions of Title imposed by the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).**

(1) ALL ERVEN

(a) The erven lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geotechnical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

(2) ALL ERVEN

(a) 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.

(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 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.

**B. Conditions of Title imposed in favour of third parties to be registered/created on the first registration of the erven concerned.**

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

(1) ERF 6

The erf is subject to a 6m X 3m servitude for electrical mini-substation purposes in favour of ESKOM as indicated on the General Plan.

4. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 125(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), declares that it has approved an 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 Ridge Extension 6. 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 07-15496.

**PROKLAMASIE 18 VAN 2018****KYALAMI RIDGE-UITBREIDING 6**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), verklaar die Stad van Johannesburg Metropolitaanse Munisipaliteit hiermee die dorp Kyalami Ridge Uitbreiding 6 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die meegaande Bylae.

**BYLAE**

**VERKLARING VAN DIE VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR LEOGEM PROPERTY PROJECTS EIENDOMS BEPERK REGISTRASIENOMMER 1992/003579/07 (HIERNA DIE DORPSEIENAAR GENOEM) INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 724 (GEDEELTE VAN GEDEELTE 63) VAN DIE PLAAS WITPOORT 406 JR GOEDGEKEUR IS.**

**1. STIGTINGSVOORWAARDES****(1) NAAM**

Die naam van die dorp is Kyalami Ridge Uitbreiding 6.

**(2) ONTWERP**

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG Nr 3683/2017

**(3) VOORSIENING EN INSTALLERING VAN INGENIEURSDIENSTE**

Die dorpseienaar moet die nodige reëlings met die plaaslike bestuur tref vir die voorsiening en installering van alle ingenieursdienste waarvan die plaaslike bestuur die verskaffer is, asook die konstruksie van strate en stormwaterdreinerings in en vir die dorp, tot die tevredenheid van die plaaslike bestuur.

**(4) TOEGANG**

Toegang tot of uitgang vanuit die dorp moet voorsien word tot die tevredenheid van die plaaslike bestuur en/of Johannesburg Roads Agentskap (Edms) Bpk.

**(5) ONTVANGS EN VERSORGING VAN STORMWATERDREINERING**

Die dorpseienaar moet reël dat die stormwaterdreinerings van die dorp inpas by dié van die aangrensende paaie en dat alle stormwater wat van die paaie afloop of afgelei word, ontvang en versorg word.

**(6) VULLISVERWYDERING**

Die dorpseienaar moet voldoende vullisversamelingspunte in die dorp voorsien en moet reëlings tot tevredenheid van die plaaslike bestuur tref vir die verwydering van alle vullis.

**(7) VERWYDERING OF VERVANGING VAN BESTAANDE DIENSTE**

Indien dit, as gevolg van die stigting van die dorp, nodig is om enige bestaande munisipale, TELKOM en/of ESKOM dienste te verwyder of te vervang, moet die koste van sodanige verwydering of vervanging deur die dorpseienaar gedra word.

**(8) SLOPING VAN GEBOUE EN STRUKTURE**

Die dorpseienaar moet op sy eie koste, alle bestaande geboue en strukture wat binne boulynreserwes, kantruimtes of oor gemeenskaplike grense geleë is, laat sloop tot die tevredenheid van die plaaslike bestuur, wanneer daartoe versoek deur die plaaslike bestuur.

**(9) BEPERKING OP DIE OORDRAG VAN 'N ERF**

Erf 6 en 7 mag slegs as gemeenskaplike eiendom oorgedra word aan die regsentiteit wat ingevolge die bepalings van die Wet op Deeltitels, 1986 (Nr 95 van 1986) soos gewysig

**(10) BEGIFTIGING**

Die dorpseienaar moet ingevolge die bepalings van Artikel 98(2) saamgelees met Regulasie 44 van die Dorpsbeplanning en Dorpe Ordonnansie, 1986 (Ordonnansie 15 van 1986) 'n globale bedrag as begiftiging aan die plaaslike bestuur betaal vir die tekort aan die voorsiening van grond vir 'n park (openbare oop ruimte).

**(11) VERPLIGTINGE MET BETREKKING TOT DIE KONSTRUKSIE EN INSTALLERING VAN INGENIEURSDIENSTE EN BEPERKINGS BETREFFENDE DIE VERVREEMDING OF OORDRAG VAN ERWE**

(a) Die dorpseienaar moet, na sy voldoening aan klousule 2. (3) hierbo, op eie koste en tot bevrediging van die plaaslike bestuur alle ingenieursdienste insluitend die interne paaie en die stormwater retikulering binne die grense van die dorp. Erwe en / of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper of 'n Sertifikaat van Geregistreerde Titel geregistreer word voordat die plaaslike owerheid aan die Registrateur van Aktes sertifiseer dat hierdie ingenieursdienste opgerig en geïnstalleer is nie .

(b) Die dorpseienaar moet sy verpligtinge nakom ten opsigte van die installering van elektrisiteit, water en sanitêre dienste asook die konstruksie van paaie en stormwater dreinerings en die installering van stelsels daarvoor, soos ooreengekom tussen die dorpseienaar en die plaaslike bestuur in bepalings van klousule 2. (3) hierbo. Erwe en / of eenhede in die dorp mag nie in die naam van 'n koper vervreem of oorgedra word nie, of 'n Sertifikaat van Geregistreerde Titel sal geregistreer word voordat die plaaslike owerheid aan die Registrateur van Aktes sertifiseer dat voldoende waarborge / kontantbydraes ten opsigte van van die ingenieursdienste is aan genoemde plaaslike owerheid voorgelê of betaal.

**(12) VERPLIGTINGE MET BETREKKING TOT DIE BESKERMING VAN INGENIEURSDIENSTE**

Die dorpseienaar moet, op sy koste en tot bevrediging van die plaaslike bestuur, alle serwitute ondersoek en registreer wat nodig is om die geboue / geïnstalleerde dienste te beskerm. Erwe en / of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper of 'n Sertifikaat van Geregistreerde Titel geregistreer word voordat die plaaslike owerheid aan die Registrateur van Aktes sertifiseer dat hierdie ingenieursdienste was of sal wees nie beskerm word tot bevrediging van die plaaslike owerheid.

**2. BESKIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien enige:-

**3. TITELVOORWAARDES****A. Titellovoorwaardes opgelê deur die plaaslike bestuur ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).****(1) ALLE ERWE**

Die erwe is geleë in 'n gebied waar grondtoestande geboue en strukture kan affekteer en skade kan aanrig. Bouplanne wat by die plaaslike bestuur ingedien word vir oorweging, moet maatreëls aandui wat geneem sal word om moontlike skade aan geboue en strukture as gevolg van die nadelige fundamente toestande, te beperk. Hierdie maatreëls moet in ooreenstemming wees met die aanbeveling vervat in die Geotegniese verslag van die dorp, tensy bewys kan word dat sodanige

maatreëls onnodig is of dat dieselfde doel op ander meer effektiewe wyse bereik kan word.

(2) ALLE ERWE

(a) Elke erf is onderworpe aan 'n serwituut 2m breed, ten gunste van die plaaslike bestuur, vir riolerings- en ander munisipale doeleindes, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

(b) Geen gebou of ander struktuur mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 2m daarvan, geplant word nie.

(c) Die plaaslike bestuur is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidinge, en ander werke wat hy volgens goeddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts sal die plaaslike bestuur geregtig wees tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleiding en ander werke veroorsaak word.

**B. Titellooskryfte ten gunste van derde partye wat geregistreer / geskep word op die eerste registrasie van die betrokke erwe.**

Geen erf in die dorp sal oorgedra word nie, of 'n Sertifikaat van Geregistreerde Titel sal geregistreer word nie, tensy die volgende voorwaardes en / of serwitute geregistreer is:

(1) ERF 6

Die erf is onderworpe aan 'n 6m X 3m serwituut vir elektriese mini-substasie doeleindes ten gunste van ESKOM soos aangedui op die Algemene Plan

4. Die Stad van Johannesburg Metropolitaanse Munisipaliteit verklaar hiermee ingevolge die bepalings van artikel 125(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), dat hy 'n wysigingskema synde 'n wysiging van die Halfway House and Clayville Dorpsbeplanningkema, 1976 wat uit dieselfde grond as die dorp Kyalami Ridge Uitbreiding 6 bestaan, goedgekeur het. Kaart 3 en die skemaklousules van die wysigingskemas word in bewaring gehou deur die Uitvoerende Direkteur: Ontwikkelingsbeplanning: Stad van Johannesburg en is beskikbaar vir inspeksie op alle redelike tye. Hierdie wysiging staan bekend as Wysigingskema 07-15496.

**Hector Bheki Makhubo**

**Deputy Director: Legal Administration / Adjunk Direkteur: Regsadministrasie**

**City of Johannesburg Metropolitan Municipality /**

**Stad van Johannesburg Metropolitaanse Munisipaliteit**

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