

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 1128 OF 2020**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY WATERFALL PETROL STATIONS WUQF PROPRIETARY LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 864 OF THE FARM WATERVAL No. 5 IR GAUTENG PROVINCE HAS BEEN APPROVED.**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE OPENING OF THE TOWNSHIP REGISTER AND THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP.**

**(1) CANCELLATION OF EXISTING CONDITIONS OF TITLE**

The township owner shall at its own costs, cause the following restrictive conditions and/or servitudes to be cancelled or the township area to be freed therefrom:

**(2) GENERAL**

(a) The township owner shall, prior to approval of the General Plan, make arrangements with Corporate Geo-Informatics (CGIS) for the allocation of a street name to the public road (or street names to the public roads) in the township (to be indicated on the layout plan so that it forms part of the General Plan).

(b) A satisfactory geo-technical report (in triplicate) shall be submitted to the local authority and the Amendment Scheme shall not be considered/approved by the local authority until such time as the comments on the said report, have been obtained and included in the mentioned Amendment Scheme.

(c) The 1:100 year floodline certification, duly signed by a professional engineer, in respect of the property on which the township will be established, shall be obtained and indicated on the layout plan.

(d) The township owner shall submit acceptable proof that all outline scheme reports have been approved by the Municipal Entities (Johannesburg Water & Johannesburg Roads Agency).

(e) Authorisation/exemption to establish the township in terms of the National Environmental Management Act (No 107 of 1998) shall be obtained from the Department of Agriculture and Rural Development and shall be submitted to the local authority.

(f) The comments of the Department: Mineral Resources on the establishment of the township, shall be obtained and shall be submitted to the local authority.

(g) The comments of the Department of Roads and Transport (Gauteng Provincial Government) on the establishment of the township, shall be obtained and shall be submitted to the local authority.

(h) A traffic impact study shall be submitted to Johannesburg Roads Agency (Pty) Ltd for approval.

(i) The township owner shall obtain and submit a certificate from ESKOM that electricity supply to the township, is available: Provided that if supply is not available and the township has been approved by the local authority 5 years or more than 5 years ago, a letter from ESKOM shall be submitted confirming that supply is not available.

(j) The township owner shall, prior to the issuing of the Section 101 certificate, submit the required scheme outlay reports, diagrams, plans and specifications to the Municipal Entities (Johannesburg Water and JRA)

(k) Adequate access shall be provided to the township from a public road to the satisfaction of the Council, prior to proclamation of the township.

(l) The township owner shall, after approval of the General Plan of the township, submit the relevant Amendment Scheme to the local authority for approval, in order that it can be published simultaneously with the declaration of the township as an approved township.

(m) The township owner shall comply with the provisions of sections 28(5), (9), (10) and (11) of the By-Law.

## 2. CONDITIONS OF ESTABLISHMENT.

### (1) NAME

The name of the township is **Jukskei View Extension 142**.

### (2) DESIGN

The township consists of erven as indicated on the **General Plan No. SG : 3688/2019**.

### (3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP

(a) 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.

(b) The township owner shall not install or construct any engineering services unless the necessary written agreement has been entered into with the local authority, after proclamation of the township.

(c) Failure by the township owner to enter into agreement contemplated in (b) above, shall result in the forfeiture of the off-setting of external contributions payable and any claims against the local authority, resulting from the installation of the bulk infrastructure.

### (4) ELECTRICITY

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Chapter 6 Part 1 of the By-Law make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity.

### (5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)

Should the development of the township not be commenced with before **02 August 2028** the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

### (6) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

(a) Should the development of the township not be completed before 13 March 2029 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(c) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, **No. JVX142/P1/2019**. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

(d) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated

(7) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 11 November 2024 The application to establish the township, shall be resubmitted to the Department : Mineral Resources for reconsideration.

(8) 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 lines of no access as indicated on the approved layout plan of the township No. **JVx142/P1/2019**.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) OPEN SPACE CONTRIBUTION

The township owner shall, if applicable, in terms of the Section 48 of the By-Law pay an open space contribution to the local authority *in lieu* of providing the necessary open space in the township or for the shortfall in the provision of land for open space.

(14) 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.(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 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 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 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.

(c) The township owner shall submit to the local authority, a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the local authority. 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 such certificate had been issued by ESKOM.

(15) **OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES**  
The township owner shall, at its costs and to the satisfaction of the local authority or any third party, 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 and/or the third party.

### 3. DISPOSAL OF EXISTING CONDITIONS OF ESTABLISHMENT

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

#### 1 **EXCLUDING the following conditions which do not affect the township by virtue of the location thereof**

A. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2350.9636 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed No K1293/1963S with Diagram SG No A576/1963 relating thereto, subject to a servitude (indicated by the lines ABCDE and FGHJK on the said diagram), in terms whereof, the right has been granted to the Electricity Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions as will more fully appear on reference to said Notarial Deed, and

- a. partially amended by Notarial Deed K3212/1994S in so far as it affects the remaining extent of portion 1 Waterval 5 IR measuring 2249.8888 hectares by the partial cancellation of the servitude in so far as it affects the portion of the property along the lines ABC and DEF on diagram SG No A5428/1991, as will more fully appear from the said deed;
- b. partially amended by Notarial Deed K4369/2008S so far as it affects the portion 716 (a portion of portion 1) Waterval 5 IR measuring 22.0288 hectares by the partial cancellation of the servitude in respect of the underground electric cables and to grant a new servitude for laying underground electric cables, 6.00 metres wide parallel to and along the entire length of the

- northern boundary of portion 716, as will more fully appear from the said deed.
- c. partially amended by Notarial Deed K1004/2009S so far as it affects the portion 716 (a portion of portion 1) Waterval 5 IR measuring 22.0288 hectares by the partial amendment of the servitude to allow for the construction of a water attenuation pond within the underground cable servitude area, the partial cancellation of servitude 5 (five) feet wide either side of the line ABCD and FGHIK on diagram SG No A576/1963 and for the grant of a new servitude 6.00 metres wide parallel to and along the entire length of the northern boundary of portion 716, as will more fully appear from the said deed;
  - d. partially amended by Notarial Deed K6144/2014S so far as it affects Erf 3635 Jukskei View extension 88 township measuring 1.2563 hectares by the partial amendment of the servitude to allow for the construction of a fenced off parking area under the power lines, for use by the lessee of Erf 3635, subject thereto that the parking area a fenced and that no vehicles, structures or buildings higher than 2.5 m from the natural ground-level may be allowed with the servitude area, together with ancillary rights, as will appear more fully from the said deed.
- B. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2253.3189 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed No K55/1973S, subject to a servitude granted to Electricity Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights and subject to conditions as will more fully appear on reference to said Notarial Deed and diagram annexed thereto. The route of this servitude is indicated by the figure ABCDEFGHA on Diagram SG No A5191/1971.
- C. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2250.6858 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed No K2514/1976S, subject to a servitude granted to Electricity Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions as will more fully appear on reference to said Notarial Deed. The Route of this servitude has been determined in respect of the remaining extent of portion 1 Waterval 5 IR measuring 2249.8888 hectares by Notarial Deed of Amendment of Servitude K3475/1981S by the line a B and b D on Diagram SG No A1392/1980 attached thereto.
- D. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2249.8888 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed No K5028/1992S, subject to a servitude in terms whereof the

right has been granted to ESKOM to convey electricity over the property together with ancillary rights, and subject to conditions as will more fully appear on reference to said Notarial Deed, the centre line of which has been determined by Notarial Deed of Route Description K3213/1994S by the line(s) ABCD and EFGH on diagram S.G No A5427/1991 attached thereto.

- E. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2083.2179 hectares (of which the property hereby transferred forms a part) is
- a. By Virtue of Notarial Deed of Servitude K3366/1997S dated 19 November 1996 with diagram SG No.A7672/1989 relating thereto, subject to a servitude for municipal purposes 3m wide, the route of which is indicated by the line A B C D E F G H J K L M N P Q R S T U V W X Y Z A' B' C' D' E' F' G' H' J' K' L' M' N' P' Q' on diagram SG No A7672/1989, in favour of the Town Council of Midrand as will more full appear from the said Notarial Deed, together with ancillary rights, as amended
    - i. in respect of a portion of the remaining extent of portion 1 measuring 1181.6867 hectares by Notarial Deed of Amendment of Servitude K3271/2013S by the partial cancellation of that portion of the servitude indicated by the centre line A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 on diagram SG No 984/2013 and by the granting of the rerouted servitude along the line A B C D E F G H J K L M N P on diagram SG No 3200/2010 and the line A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 on diagram SG No 3199/2010 and
    - ii. in respect of a portion of the remaining extent of portion 1 measuring 1128.9618 hectares by Notarial Deed of Amendment of Servitude K470/2014S by the partial cancellation of the servitude along the route indicated by the line A B C D E on diagram SG no 2413/2013 and granting the servitude over that portion of the remaining extent of portion 1 Waterval 5 IR indicated by the centre line A B C D E F G H J on diagram SG No 2408/2013.
  - b. By virtue of Notarial Deed of Servitude No K4398/1999S dated 27th August 1999, subject to a servitude with ancillary rights in favour of ESKOM depicted by the figure ABCD on S.G No 6150/1997 as will more fully appear from reference to the said Notarial Deed.
  - c. By virtue of Notarial Deed of servitude K4394/1999S, subject to a sewer servitude line servitude in extent 2021 (two thousand and twenty one) square metres indicated by the figure ABCDEFGHJKL on diagram SG number 12040/1997, together with ancillary rights, in favour of portion 516 (a portion



- of portion 61) of the farm waterfall number 5, registration division IR, as amended by the partial cancellation thereof in terms of notarial deed of partial cancellation of servitude number K1366/2012S with diagram 3614/2011 attached thereto, and as will more fully appear from the said deed.
- d. By virtue of Notarial Deed of Servitude No K3161/2000S dated 4 May 2000, subject to a perpetual servitude of electric power transmission to convey electricity, together with ancillary rights, in favour of Eskom indicated by the line ABCD and HJK on S.G No 8801/1998, as will more fully appear from reference to the said Notarial Deed.
  - e. By virtue of Notarial Deed of Servitude K3487/2009S subject to a servitude in favour of Eskom Holdings Limited with ancillary rights as will more fully appear from the said deed the area of which servitude has been determined by Notarial Deed of Route Description K2826/2011S by the figure ABCD on diagram SG 4110/2010 annexed thereto.
  - f. By virtue of Notarial Deed of Servitude No. K747/2010S, subject to a sewer servitude, together with ancillary rights, 2.00 metres with in favour of the City of Johannesburg as indicated by the line A B C D E F G H J K L M N P Q R S T U V W on Diagrams SG No. 2212/2008 annexed thereto and as will more fully appear from the said deed.
  - g. By virtue of Notarial Deed of Servitude K222/2011S, subject to a sewer servitude 5.00 m wide, together with ancillary rights, in favour of the City of Johannesburg Metropolitan Municipality the centre line of which is indicated by the line ABCDEF on diagram SG No 12350/2004 attached thereto.
- F. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1629.4804 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed of Servitude No K2800/2007S, subject to a Servitude, together with ancillary rights, in favour of the Eskom Holdings Limited as will more fully appear from the said deed, the area of which servitude has been determined by K786/2009S as the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 on diagram SG No 628/2008 annexed to the said deed.
- G. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1572.0108 hectares (of which the property hereby transferred forms a part) is
- a. By virtue of Notarial Deed of Servitude K537/2010S the withinmentioned property is subject to a sewer servitude, together with ancillary rights, in favour of the City of Johannesburg as depicted by the line A B C D E F G H J K L M N P Q R S T U V W X Y Z A' B' C' D' E' F' G' H' J' K' L' M' N' P' Q' R' S' T' U' V' W' X' Y' Z' A" B" C" D" E" F" G" H" J" K" L" M" N" P" Q" R" S" T" U" V" W"

X" Y" Z" a b c d e f g h j k l m n p q r s t u v w x y z a' b' c' d' e' f' g' h' k' l' m' n' p' q' r' s' t' on Diagram S.G. A6302/1993.

- b. By Virtue of Notarial Deed of Servitude K1848/2010S, subject to a servitude, together with ancillary rights, in favour of the City of Johannesburg Metropolitan Municipality 2.00 metres wide along the line ABCDEFGHJ for sewer purposes and for storm water pipe line purposes 3.00 metres wide along the lines KLM and LN on diagram SG No 4143/2009 attached thereto.
  - c. By Virtue of Notarial Deed of Servitude K1849/2010S, subject to a right of way servitude, together with ancillary rights, in favour of the City of Johannesburg Metropolitan Municipality in respect of the figure ABCDEFGJA on diagram SG No.1451/2009 and the figure ABCDEFGJKLMNPQRSTUVWXYZA on diagram SG No 2933/2009 attached thereto.
- H. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1457.0601 hectares (of which the property hereby transferred forms a part) is
- a. By virtue of Notarial Deed of Servitude No K3772/2010S, subject to a sewer servitude of varying width, together with ancillary rights, in favour of the City of Johannesburg which is indicated by reference to the line ABCDEFGHJK with varying width as indicated on diagram SG No. 8021/1998 and an area measuring 3687 m<sup>2</sup> indicated by the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 A on diagram SG. No 5362/2009 attached thereto and as will more fully appear from the said deed.
  - b. By Virtue of Notarial Deed of Servitude No. K4218/2010S, subject to a 3.00m wide sewer servitude, together with ancillary rights, in favour of the City of Johannesburg as indicated by the line ABCDEFGHJKLMNP on Diagram SG No.3199/2010 and by the line A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 on diagram SG No 3200/2010 annexed thereto and as will more fully appear from the said deed.
  - c. By Virtue of Notarial Deed of Servitude No. K4795/2010S, subject to a 8.00m wide sewer servitude, together with ancillary rights, in favour of the City of Johannesburg the northern boundary of which is indicated by the line LK on Diagram SG No. A4717/1985.
- I. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1363.5549 hectares (of which the property hereby transferred forms a part) is, by virtue of Notarial Deed of Servitude No. K1107/2013S, subject to a substation servitude, together with ancillary rights, in favour of Eskom Holdings SOC Limited as indicated by the figure ABCDA on Diagram SG No 5861/2009 annexed thereto and as will more fully appear from the said deed.

- J. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1318.0994 hectares (of which the property hereby transferred forms a part) is
- a. By virtue of Notarial Deed K3589/2011S subject to a servitude granted in favour of Eskom Holding SOC Limited in respect of that portion of the property measuring 8471m<sup>2</sup> indicated by the figure ABCDEFA on diagram SG 1435/2011 annexed thereto, as will more fully appear from the said notarial deed.
  - b. By Virtue of Notarial Deed of Servitude No. K2206/2012S, subject to a right of way servitude, together with ancillary rights, indicated by the figure ABCDA on Diagram SG No 4560/2010 annexed thereto, in favour of the remainder of Portion 2 of the farm Bothasfontein 408 JR as will more fully appear from the said deed.
  - c. By Virtue of Notarial Deed No. K3982/2012S, subject to a servitude of right of way and use for parking purposes, together with ancillary rights, in favour of Waterfall Hospital WUQF Proprietary Limited measuring 1656 m<sup>2</sup> indicated by the figure ABCDA on Diagram SG No 14/2011 annexed thereto and as will more fully appear from the said deed.
- K. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1128.9618 hectares (of which the property hereby transferred forms a part) is
- a. By Virtue of Notarial Deed of Servitude No K465/2014S, is subject to a right of way servitude, together with ancillary rights, in favour of Eskom measuring 579 m<sup>2</sup> indicated by the figure ABCDEF on diagram SG no 2411/2013 and measuring 1316 m<sup>2</sup> by the figure ABCDE on diagram SG No 2412/2013 annexed thereto, and as will appear more fully from the said notarial deed.
  - b. By Virtue of Notarial Deed of Servitude No K466/2014S, subject to a substation servitude, together with ancillary rights, in favour of Eskom measuring 18 m<sup>2</sup> as indicated by the figure ABCD on diagram SG no 2409/2013 and measuring 18 m<sup>2</sup> by the figure ABCD on diagram SG No 2410/2013 annexed thereto, and as will appear more fully from the said notarial deed.
  - c. By Virtue of Notarial Deed of Servitude No K467/2014S, subject to a servitude, together with ancillary rights, in favour of the City of Johannesburg, stormwater purposes 3.00 m wide the centre line is indicated by the line ABCD on diagram SG No 3659/2013 and a sewer pipeline 2.50 m wide the centre line of which is indicated by the line AB on diagram SG No 3658/2013 and as will appear more fully from the said notarial deed.
  - d. By Virtue of Notarial Deed of Servitude No K468/2014S, subject to a servitude area measuring 2.2520 hectares, together with ancillary rights, in favour of

the City of Johannesburg to use the Servitude Area in perpetuity as a roadway for use by the general public, and to convey water and sewerage over the servitude area indicated by the figure ABCDEFGHJKLMNPQRSTA on diagram SG no 4098/2013 annexed thereto, as will appear more fully from the said notarial deed.

- L. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1028.5854 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed of Servitude No K2624/2016S, subject to a substation servitude, together with ancillary rights, in favour of Eskom measuring 18m<sup>2</sup> as indicated by the figure ABCDA on diagram SG no 5862/2009 annexed hereto, and as will appear more fully from the said notarial deed.
- M. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1023.2580 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed of Servitude No K4751/2016S, subject to a right of way servitude, in favour of Portion 796 (a portion of portion 1) of farm Waterval 5 IR, measuring 276 m<sup>2</sup> as indicated by the figure ABCDEA on diagram SG no 4813/2015 annexed thereto, and as will appear more fully from the said notarial deed.
- N. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 1000.2888 hectares (of which the property hereby transferred forms a part) is
- a. by virtue of Notarial Deed of Servitude No K1957/2017S, entitled to a right of way servitude over that portion of Erf 3544 Jukskei View Extension 78 township 10.5 metres wide as indicated on General Plan SG no 4102/2013, and as will appear more fully from the said notarial deed.
  - b. by virtue of Notarial Deed of Servitude No K3907/2017S subject to a sewer servitude 3.00 metres wide the centre line of which is indicated by the line ABCDEFGHJKLMNPQRSTUVWXYZ on diagram SG No 13349/1996, together with ancillary rights, in favour of the City of Johannesburg Metropolitan Municipality as will more fully appear from the said notarial deed.
- O. The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 935.3026 hectares (of which the property hereby transferred forms a part) is
- a. By Virtue of Notarial Deed of Servitude K167/2020S, dated 26 November 2019, the within mentioned property is subject to a servitude for Public Railway Transport Services in favour of the Gauteng Provincial Government, measuring 3.4749 hectares and indicated by the figure ABCDEFGHJKLMNPQRSTUA on diagram SG number 6420/2016, as will more fully appear from the said notarial deed;
  - b. By virtue of Notarial Deed of Servitude K169/2020S, dated 24 December 2019, the within mentioned property is subject to a 3.00 m wide sewer servitude, the centre

line of which is indicated by the line ABCDEFGHJ on diagram SG No 1275/2018, registered in favour of the City of Johannesburg Metropolitan municipality, as will appear more fully from the said notarial deed;

- c. By virtue of Notarial Deed of Servitude K170/2020S, dated 24 December 2019, the within mentioned property is subject to a 502 m<sup>2</sup> water pipeline servitude, indicated by the figure ABCDEFGHA on diagram SG No 1276/2018, registered in favour of the City of Johannesburg Metropolitan municipality, as will appear more fully from the said notarial deed;
- d. By virtue of Notarial Deed of Servitude K171/2020S, dated 24 December 2019, the within mentioned property is subject to a 4.00 m wide water pipeline servitude, the centre line of which is indicated by the line ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1 on diagram SG No 1277/2018, registered in favour of the City of Johannesburg Metropolitan municipality, as will appear more fully from the said notarial deed.

**2. Due to the location thereof, the following condition affects certain erven only**

**(i) Erf 4530 Only**

- (a) The former remaining extent of portion 1 of the farm Waterval 5 IR measuring 2083.2179 hectares (of which the property hereby transferred forms a part) is by virtue of Notarial Deed **K300/2009S**, subject to a servitude with ancillary rights, in favour of Eskom Holdings Limited a electric power line servitude 31.00 metres wide, the centre line of which is indicated by the line E F G H on diagram SG No 5392/2007, together with a servitude area measuring 6400m<sup>2</sup> indicated by the figure A B C D on diagram SG No 5388/2007, a servitude area measuring 7271m<sup>2</sup> indicated by the figure A B C D E F G H on diagram SG No 3857/2008, and a servitude area measuring 390 m<sup>2</sup> indicated by the figure A B C D on diagram SG No 5392/2007, a right of way indicated by the line A B C D on diagram SG No 5389/2007, a servitude 6.00 metres wide the south western boundary of which is indicated by the line **AabFGA on diagram SG No 3687/2019**, as will appear more fully from the said deed, and as further amended by
  - i. Notarial Deed of Servitude of Amendment K3589/2011S, by the partial cancellation of the servitude in respect of the figure ABCDEFGH on diagram SG No 3857/2008, and the grant of a servitude area measuring 8471m<sup>2</sup> indicated by the figure ABCDEFA on diagram SG No 1435/2011 annexed thereto, as will more fully appear from the said deed; and

- ii. Notarial Deed of Amendment No. K4187/2012S in respect of the partial cancellation of the servitude in respect of the area indicated by the figure ABCD on Diagram SG No 5388/2007 and the grant of a replacement servitude in respect of the area ABCDA on diagram SG No 5067/2011 annexed thereto, as will more fully appear from the said 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 erven in the township lie in an area with soil conditions that can cause serious damage to the buildings and structures. In order to limit such damage, foundations and other structures must be designed by a competent professional engineer 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. The NHBRC classification for foundations is considered as **S/P(fill)**

(b) It is recommended that the proposed Township Jukskei View Extension 142 be zoned as **Soil Zone II**.

(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.

##### B. - Conditions to be imposed in favor of third parties.

###### Erf 4529

(a) The withinmentioned property is subject to a mini electrical substation servitude in favour of Eskom Holdings SOC Limited, 3m x 6m as indicated on the general plan.

#### 5. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 54 OF THE BY-LAW, IN ADDITION TO THE PROVISIONS OF THE HALFWAY HOUSE AND TOWN PLANNING SCHEME, 1976.

###### (1) ERVEN 4529 AND 4530

USE ZONE .... XI ..... SPECIAL

Primary Rights: "Special" permitting a filling station and related uses including a convenience shop, quick serve restaurants, car wash and automatic teller machines, including ancillary and related uses.

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Consent Rights:	As per Scheme.
F.A.R:	0.5, provided that the convenience shop shall not exceed 300m <sup>2</sup> and the quick serve restaurants shall not exceed 350m <sup>2</sup> .
Height:	Two (2) Storeys
Coverage:	50%
Density:	N/A
Parking:	As per Scheme, provided that the parking may be relaxed in terms of the submission of a Site Development Plan.
Building Lines:	As per Scheme, Provided that the building lines may be relaxed by the Local Authority.

General Conditions :

- 1.A Site Development Plan shall be submitted to the local authority for approval, where such plan shall be approved prior to the approval of building plans.
- 2.If necessary, the Site Development Plan (SDP) will be assessed by the Urban Design Assessment Committee (UDAC) to ensure the proposed development conforms to a variety of urban design principles.
3. Access shall be to the satisfaction of the Council.
4. The property shall be landscaped and maintained to the satisfaction of the Local Authority.
5. The requirements of the Municipal Owned Entities (MOE's) and or any other Department/s shall be complied with to the satisfaction of the respective officers.

Drafted: 26 August 2019  
Amended 11 August 2020  
Louanne Pretorius

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