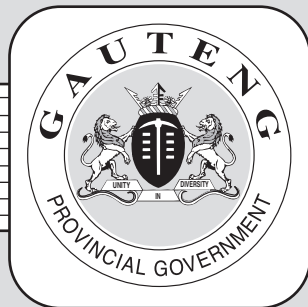


**THE PROVINCE OF
GAUTENG**



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PROCLAMATIONS • PROKLAMASIES
PROCLAMATION NOTICE 384 OF 2021
KHAYALAMI GARDENS EXTENSION 43

- A. In terms of section 28(15) of the City of Johannesburg Municipal Planning By-Law, 2016, the City of Johannesburg Metropolitan Municipality declares Khayalami Gardens Extension 43 to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY KGX43 DEVCO PROPRIETARY LIMITED, REGISTRATION NUMBER 2019/612339/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 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 323 (A PORTION OF PORTION 309) OF THE FARM BOTHASFONTEIN 408-JR, GAUTENG PROVINCE, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT.

(1) NAME

The name of the township is **KHAYALAMI GARDENS EXTENSION 43.**

(2) DESIGN

The township consists of erven as indicated on General Plan S.G. No. 1665/2020

(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) 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 10 December 2020 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 27 February 2020 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 07/18215/02. 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 27 February 2020.

(7) ACCESS

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

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions, servitudes and entitlements, excluding:

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

1. The former Remaining Extent of Portion 88 (a portion of Portion 2) of the farm Bothasfontein No. 408, Registration Division J.R., Province of Gauteng, of which the withinmentioned property forms a portion, is subject to the conditions-
 - A. The Property hereby transferred is subject to a perpetual right of way servitude in favour of the City of Johannesburg, 7 (seven) metres wide, the centre line of which is represented by the line ABCDEF on Diagram SG No. A5607/1990 annexed to Notarial Deed of Servitude K5667/1991S, as will more fully appear from the said Notarial Deed of Servitude.
2. The former Remaining Extent of Portion 2 of the farm Bothasfontein No. 408, Registration Division J.R., Province of Gauteng, of which the withinmentioned property forms a portion, is subject to the conditions-
 - A. A portion measuring approximately 126 square metres has been expropriated by City of Johannesburg, vide Expropriation Notice EX114/1988.
 - B. Subject to a perpetual servitude of right of way of sewer purposes in favour of the City of Johannesburg, 7 (seven) metres wide the centre line of which is indicated by the line d', e', f' on Consolidation Diagram SG No. 4386/2017, and as will more fully appear from Notarial Deed of Servitude K897/1992S.
 - C. The withinmentioned property is subject to a perpetual right of way servitude in favour of the City of Johannesburg, 7 (seven) metres wide the centre line of which is represented by the line a', b', c', d' on Consolidation Diagram SG No. 4386/2017, as will more fully appear from Notarial Deed of Servitude K5726/2018S.
3. The Remaining Extent of Portion 309 of the farm Bothasfontein No. 408, Registration Division J.R., Province of Gauteng, in extent 54,5273 hectares, of which the withinmentioned property forms a portion, is subject to the conditions-
 - A. By Notarial Deed of Servitude K6518/2019S the withinmentioned property is subject to a servitude of right of way in favour of the City of Johannesburg Metropolitan Municipality, measuring 4351 (four thousand three hundred and fifty one) square metres as 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 A on Servitude Diagram SG No. 3324/2018, as will more fully appear from the said Notarial Deed.
 - B. By Notarial Deed of Servitude K6519/2019S the withinmentioned property is subject to a servitude of right of way in favour of the City of Johannesburg Metropolitan Municipality, measuring 224 (two hundred and twenty four) square metres as indicated by the figure A B C D A Servitude Diagram SG No. 3325/2018, as will more fully appear from the said Notarial Deed.

B. Including the following entitlement which must be passed on to all the individual erven in the township:

- A. The former Remaining Extent of Portion 2 of the farm Bothasfontein No. 408, Registration Division J.R., Province of Gauteng, of which the withinmentioned property forms a portion, is subject to the conditions-

The withinmentioned property is entitled to a servitude in perpetuity to gain access to and use the Remainder of Portion 1 of the Farm Waterval for roadway purposes over the Remaining Extent of Portion 1 of the farm Waterval 5, I.R., measuring 1319,09949 hectares, as will more fully appear from Notarial Deed of Servitude K2206/2012S.

- B. By Notarial Deed of Servitude K_____S the withinmentioned property is entitled to a servitude of right of way over the Remaining Extent of Portion 309 of the farm Bothasfontein No. 408, measuring 2178 (two thousand one hundred and seventy eight) square metres as indicated by the figure A B C D E F G H J K L M A on Servitude Diagam SG No. 1663/2020, 3324/2018, as will more fully appear from 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.

(a) The erven lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must show measures to be taken, in accordance with recommendations contained in the engineering- geological report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions unless it is proved to the Local Authority that such measures are unnecessary to that the same purposes can be achieved by other more effective means.

The NHBRC coding for foundations is classified as **C-C1/R**

(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 unless the following conditions and/or servitudes have been registered:

- B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54 of the By-Law of the City of Johannesburg, in addition to the provisions of the City of Johannesburg Land Use Scheme, 2018, declares that it has approved an amendment scheme being an amendment of the City of Johannesburg Land Use Scheme, 2018, comprising the same land as included in the township of **Khayalami Gardens Extension 43**.

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 07-18215.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T025/2021

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