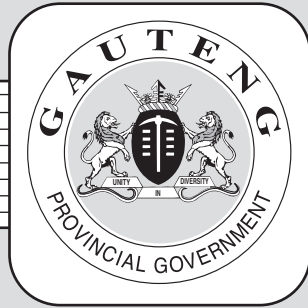


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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS		
1550	City of Johannesburg Municipal Planning By-Law, 2016: Blue Hills Extension 109.....	391	3

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1550 OF 2021****Blue Hills Extension 109**

- A. In terms of Section 28.(15) of the City of Johannesburg Municipal Planning By-Law, 2016 the City of Johannesburg Metropolitan Municipality declares **Blue Hills Extension 109** 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 BH EQUESTRIAN ESTATE PROPRIETARY LIMITED (REGISTRATION NUMBER 2009/006604/07) (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 47 OF THE FARM WITBOS 409 JR HAS BEEN APPROVED.

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

The name of the township is **Blue Hills Extension 109**.

(2) DESIGN

The township consists of erven and the roads as indicated on General Plan S.G. No. 438/2021.

(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 11 July 2029 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 17 April 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. 07-19392/AA. 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 17 April 2019.

(7) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 12 March 2025 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/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(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. 07-19392/AA.

(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) RESTRICTION ON THE TRANSFER OF ERVEN

Erven 1789 to 1794 shall, prior to or simultaneously with registration of the first transfer of an erf in the township and at the costs of the township owner, be transferred only to Blue Hills Equestrian Estate Homeowners Association (Registration Number 2011/007844/08) which Association shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the said erven. All refuse, building rubble and/or other materials shall be removed from the erven prior to the transfer thereof to the mentioned Association.

(14) OPEN SPACE CONTRIBUTION

The township owner shall, if applicable, in terms of 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.}

(15) 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 1.(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 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 1.(3) above. Erven 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.

(16) 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 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.

(17) NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to notarially tie Erven 1793 and 1794 with Erf 780 Blue Hills Extension 11 to the local authority for approval.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

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

A. Excluding the following servitude which only affects Erf 1788 and Mopani Road:

By Notarial Deed No. K762/2020S the withinmentioned property is subject to a servitude of right of way in favour of Portion 35 (a portion of Portion 29) of the farm Witbos No. 409, Registration Division JR, Province of Gauteng, as depicted by the figure ABCDEFA on Diagram S.G. No. 469/2019 measuring 1098 (one thousand and ninety eight) square metres as will more fully appear on reference to the said Notarial Deed.

B. Excluding the following servitude which only affects Erf 1788:

By Notarial Deed No. K763/2020S the withinmentioned property is subject to a servitude of right of way in favour of Portion 35 (a portion of Portion 29) of the farm Witbos No. 409, Registration Division JR, Province of Gauteng, as depicted by the figure ABCDEFGA on Diagram S. G. No. 470/2019 measuring 1386 (one thousand three hundred and eighty six) square metres, as will more fully appear on reference to the said Notarial Deed.

C. Excluding the following servitude which only affects Erven 1786 and 1787:

By Notarial Deed No. K764/2020S the withinmentioned property is subject to a servitude of right of way in favour of Portion 35 (a portion of Portion 29) of the farm Witbos No. 409, Registration Division JR, Province of Gauteng, as depicted by the figure ABCDEFA on Diagram S.G. No. 472/2019 measuring 812 (eight hundred and twelve) square metres as will more fully appear on reference to the said Notarial Deed.

D. Excluding the following servitudes which only affect Main Road:

(a) *By Notarial Deed No. K1825/2013S the withinmentioned property is subject to a servitude for electrical purposes in favour of Eskom SOC Limited measuring 5, 00 metres wide as depicted by the figure ABCDEFGHA*

on Diagram S.G. No. 2405/2011 as will more fully appear on reference to the said Notarial Deed.

(b) By Notarial Deed No. K1827/2013S dated 26 February 2013 the withinmentioned property is subject to a perpetual servitude for electric power transmission by means of underground cables in favour of Eskom SOC Limited measuring 5,00 metres wide as depicted by the figure ABCDEFA on Servitude Diagram S. G. No. 2403/2011, as will more fully appear on reference to the said Notarial Deed.

E. Excluding the following servitude which only affects Mopani and Main Roads:

By Notarial Deed No. K1828/2013S dated 26 February 2013 the withinmentioned property is subject to a perpetual servitude for electric power transmission by means of underground cables in favour of Eskom SOC Limited measuring 5,00 metres wide as depicted by the figure ABCDEFGHJKA on Servitude Diagram S.G. No. 2401/2011, as will more fully appear on reference to the said Notarial Deed.

3. CONDITIONS OF TITLE.

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

(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 Geo-technical 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. The NHBRC coding for foundations is classified as S/C1/R/P (flooding).

(2) ALL ERVEN (EXCEPT ERVEN 1793 AND 1794)

(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.

(3) ERVEN 1789 TO 1792

The erven shall not be transferred by Blue Hills Equestrian Estate Homeowners Association (Registration Number 2011/007844/08) without the written consent of the local authority first having been obtained.

(4) ERVEN 1791, 1793 AND 1794

(a) Each erf as indicated on the General Plan, is subject to a servitude for municipal purposes and right of way in favour of the local authority.

(b) The erven shall not be transferred by Blue Hills Equestrian Estate Homeowners Association (Registration Number 2011/007844/08) without the written consent of the local authority first having been obtained.

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) ALL ERVEN (EXCEPT ERVEN 1789 TO 1794)

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer become and remain a member of Blue Hills Equestrian Estate Homeowners Association (Registration Number 2011/007844/08) incorporated for the purpose of the community scheme ("the Association") and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from such Association certifying that the provisions of the Memorandum of Incorporation have been complied with and the purchaser has bound himself/herself to the satisfaction of the Association to become and remain a member of the Association.

(2) ERF 1775

(a) The erf is subject to the following servitudes in favour of ESKOM as indicated on the General Plan:

- (i) an electrical mini-substation servitude; and
- (ii) a 3m wide electrical servitude.

(b) The erf is entitled to a servitude of right of way for access purposes over Erf 1791 as indicated on the General Plan.

(3) ERVEN 1776 TO 1779

Each erf is entitled to a servitude of right of way for access purposes over Erf 1791 as indicated on the General Plan.

(4) ERF 1784

The erf is subject to a servitude of right of way in favour of all the erven in Blue Hills Extension 82, as indicated on the General Plan.

(5) ERVEN 1787 AND 1788

Each erf is subject to a 3m wide electrical servitude in favour of ESKOM as indicated on the General Plan.

(6) ERF 1791

(a) The erf is subject to a 3m wide electrical servitude in favour of ESKOM as indicated on the General Plan.

(b) The entire erf is subject to a servitude of right of way for access purposes in favour of Erven 1775 to 1779 as indicated on the General Plan.

C. Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended.

(1) ERVEN 1759 TO 1788

(a) The registered owner of each erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Main Road.

(b) Except for the physical barrier referred to in clause (a) above or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land,

shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erf abutting Main Road neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

- B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of Section 54.(1) of the City of Johannesburg Municipal Planning By-Law, 2016 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 **Blue Hills Extension 109**. 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 07-19392.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T115/2021

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