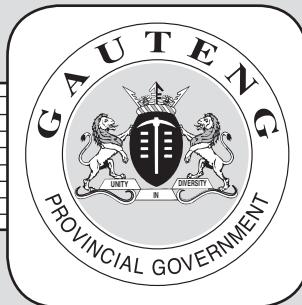


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE VAN
GAUTENG**

Provincial Gazette Provinsiale Koerant

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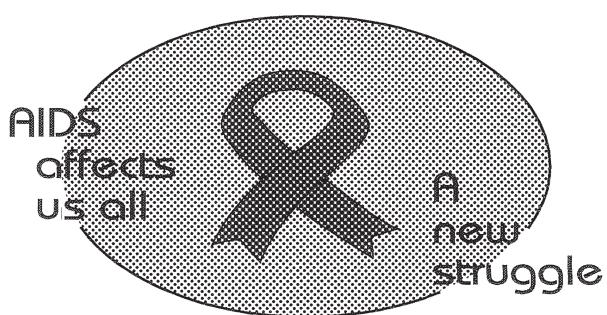
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PRETORIA
15 MAY 2018
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No. 134

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 749 OF 2018

BARBEQUE DOWNS EXTENSION 61

- A. In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Johannesburg Metropolitan Municipality declares **Barbeque Downs Extension 61** 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 RENICO CONSTRUCTION PROPRIETARY LIMITED (REGISTRATION NUMBER 2002/032108/07) (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 304 (A PORTION OF PORTION 301) OF THE FARM BOTHASFONTEIN NO. 408-JR, GAUTENG PROVINCE HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT.

(1) NAME

The name of the township is **Barbeque Downs Extension 61**.

(2) DESIGN

The township consists of erven as indicated on General Plan S. G. No. 1654/2017.

(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) ELECTRICITY

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) 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 been commenced with before 3 December 2019 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 been completed before 28 May 2025 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. 07-15213/01. 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 28 May 2015.

(7) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 3 August 2020, 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 line/lines of no access as indicated on the approved layout plan of the township No. 07-15213/01.

(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 roads and all stormwater running off or being diverted from the 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) 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).

(14) RESTRICTION ON THE TRANSFER OF AN ERF

Erf 1125 shall vest only as common property to the legal entity established for Erf 1124 in accordance with the provisions of Section 4(2) of the Sectional Title Act, 1986 (No.95 of 1986) as amended, which legal entity shall have full responsibility for the functioning and proper maintenance of Erf 1125 and the engineering services within the said erf.

(15) 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 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 be registered in the name of the township owner, 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 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 and servitudes, if any.

A. Excluding the following which only affects Twain Street:

The perpetual servitude of right of way and municipal purposes registered in favour of the City of Johannesburg Metropolitan Municipality and the general public vide diagram S.G. No. 4151/2015, in terms of Notarial Deed of Servitude No. K218/2016.

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. The NHBRC coding for foundations is classified as Soil Zone II.

(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.

(3) ERF 1124

The erf is subject to a 4m² wide sewer servitude in favour of the local authority, as indicated on the General Plan.

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 1124

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

- B. 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 **Barbeque Downs Extension 61**. 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 07-15213.

PLAASLIKE OWERHEID KENNISGEWING 749 VAN 2018

BARBEQUE DOWNS UITBREIDING 61

- C. 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 **Barbeque Downs Uitbreiding 61** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die meegaande Bylae.

BYLAE

VERKLARING VAN DIE VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR RENICO CONSTRUCTION EIENDOMS BEPERK (REGISTRASIONOMMER 2002/032108/07) (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 304 ('N GEDEELTE VAN GEDEELTE 301) VAN DIE PLAAS BOTHASFONTEIN NR 408-JR GAUTENG PROVINSIE, GOEDGEKEUR IS.

1. STIGTINGSVOORWAARDES

(1) NAAM

Die naam van die dorp is **Barbeque Downs Uitbreiding 61**.

(2) ONTWERP

Die dorp bestaan uit erwe soos aangedui op Algemene Plan LG Nr 1654/2017.

(3) ONTWERP EN VOORSIENING VAN INGENIEURSDIENSTE IN EN VIR DIE DORP

Die dorpseienaar moet tot die bevrediging van die plaaslike bestuur die nodige reëlings tref vir die ontwerp en voorsiening van alle ingenieursdienste waarvan die plaaslike owerheid die verskaffer is.

(4) ELEKTRISITEIT

Die plaaslike owerheid is nie die grootmaatverskaffer van elektrisiteit na of in die dorp nie. Die dorp eienaar moet ingevolge artikel 118 (2) (b) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) die nodige reëlings tref met ESKOM, die gelisensieerde verskaffer van elektrisiteit vir die voorsiening van elektrisiteit.

(5) GAUTENG PROVINSIALE REGERING (DEPARTEMENT LANDBOU EN LANDELIKE ONTWIKKELING)

Indien die ontwikkeling van die dorp nie voor 3 Desember 2019 begin is nie, het die Aansoek om die dorp te vestig, sal teruggestuur word aan die Departement van Landbou en Landelike Ontwikkeling vir vrystelling/magtiging ingevolge die Nasionale Omgewingsbestuur Wet, 1998 (Wet 107 van 1998), soos gewysig.

(6) GAUTENG PROVINSIALE REGERING (DEPARTEMENT VAN PAAIE EN VERVOER)

(a) Indien die ontwikkeling van die dorp nie voor 28 Mei 2025 voltooi word nie, moet die aansoek om die dorp te stig, heringedien word by die Departement van Paaie en Vervoer vir heroorweging.

(b) Indien omstandighede egter, voor die verval datum vermeld in (a) hierbo, tot so 'n mate verander dat paaie en/of PWV roetes onder die beheer van die betrokke Departement deur die beoogde uitleg van die dorp geraak word, moet die dorpseienaar die aansoek herindien vir doeleinades van die nakoming van die vereistes van die beherende liggaam in gevolge die bepalings van Artikel 48 van die Gauteng Vervoerinfrastruktuur Wet, 2001 (Wet 8 van 2001).

(c) Die dorpseienaar moet voor of tydens ontwikkeling van die dorp, 'n fisiese versperring wat in ooreenstemming is met die vereistes van die Departement, langs die lyne van geen toegang soos aangedui op die goedgekeurde uitlegplan van die dorp, Nr 07-15213/01, ooprig. Die oprigting van sodanige versperring en die instandhouding daarvan, moet tot tevredenheid van die gemelde Departement gedoen word.

(d) Die dorpseienaar moet voldoen aan die voorwaardes van die Departement soos uiteengesit in die Departement se skrywe gedateer 28 Mei 2015.

(7) NASIONALE REGERING (DEPARTEMENT: MINERALE HULPBRONNE)

Indien die ontwikkeling van die dorp nie voor 3 Augustus 2020 voltooi word nie, moet die aansoek om die dorp te stig, heringedien word by die Departement: Minerale Hulpbronne vir heroorweging.

(8) TOEGANG

(a) Toegang tot of uitgang vanuit die dorp moet voorsien word tot die tevredenheid van die plaaslike bestuur en/of Johannesburg Padagentskap (Edms) Bpk en/of die Departement van Paaie en Vervoer (Gauteng Proviniale Regering).

(b) Geen toegang tot of uitgang vanuit die dorp sal toegelaat word via die lyne van geen toegang soos aangedui op die goedgekeurde uitlegplan van die dorp, Nr 07-15213/01.

(9) ONTVANGS EN VERSORGING VAN STORMWATERDREINERING

Die dorpseienaar moet reël dat die stormwaterdreinering 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.

(10) 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.

(11) 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 verwijder of te vervang, moet die koste van sodanige verwydering of vervanging deur die dorpseienaar gedra word.

(12) SLOPING VAN GEBOUE EN STRUKTURE

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

(13) BEGIFTIGING

Die dorpseienaar moet, indien van toepassing, 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).

(14) BEPERKING OP DIE OORDRAG VAN 'N ERF

Erf 1125 sal slegs as gemeenskaplike eiendom aan die regsentiteit gevestig vir Erf 1124 in ooreenstemming met die bepalings van Artikel 4(2) van die Deeltitelwet, 1986 (Nr 95 van 1986), soos gewysig, vestig, welke regsentiteit vol sal wees verantwoordelikheid vir die funksionering en behoorlike instandhouding van Erf 1125 en die ingenieursdienste binne genoemde erf.

(15) 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 retikulasie binne die grense van die dorp erwe en/of eenhede in die dorp mag nie in die naam van 'n koper oorgedra word voordat die plaaslike owerheid aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste opgerig en geïnstalleer is nie.

(b) Die dorpseienaar moet sy verpligtinge nakom ten opsigte van die installering van water- en sanitêre dienste sowel as die konstruksie van paaie en stormwaterdreinering en die installering van stelsels daarvoor, soos ooreengekom tussen die dorpseienaar en die plaaslike owerheid ingevolge klousule 2.(3) hierbo. Erwe en/of eenhede in die dorp mag nie in die naam van 'n koper oorgedra word alvorens die plaaslike owerheid aan die Registrateur van Aktes sertifiseer dat voldoende waarborgs / kontantbydraes ten opsigte van die ingenieursdienste aan die het gesê plaaslike owerheid.

(c) Die dorpseienaar moet 'n sertifikaat uitgereik deur ESKOM aan die plaaslike owerheid voorlê daardie aanvaarbare finansiële reëlings met betrekking tot die voorsiening van elektrisiteit is deur die dorpseienaar aan die plaaslike owerheid gemaak. Erwe en/of eenhede in die dorp mag nie oorgedra word in die naam van 'n koper geregistreer word in die naam van die dorpseienaar voordat

die plaaslike owerheid aan die Registrateur van Aktes sertificeer dat sodanige sertifikaat deur ESKOM uitgereik is nie.

(16) **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 in die naam van 'n koper oorgedra word alvorens die plaaslike owerheid aan die Registrateur van Aktes sertificeer dat hierdie ingenieursdienste tot bevrediging van die plaaslike owerheid beskerm is of sal word nie.

2. BESKIKKING OOR BESTAANDE TITELVOORWAARDES

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

(a) A. Uitgesluit die volgende wat net Twain straat raak:

Die ewigdurende serwituit van reg van weg en munisipale doeleinades ten gunste van die Stad van Johannesburg Metropolitaanse Munisipaliteit en die algemene publiek vide diagram S.G. No. 4151/2015, geregistreer in terme van Notariele Akte van Serwituit Nr K218 / 2016.

3. TITELVOORWAARDES

A. Titelvoorwaardes opgelê deur die plaaslike bestuur ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

(1) ALLE ERWE

(a) Elke erf is onderworpe aan 'n serwituit 2m breed, ten gunste van die plaaslike bestuur, vir riolerings- en ander munisipale doeleinades, langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituit vir munisipale doeleinades 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 serwituit mag afsien.

(b) Geen gebou of ander struktuur mag binne die voornoemde serwituitgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituit 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 rioolhoofpyleidings, en ander werke wat hy volgens goeddunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituit 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 rioolhoofpyleiding en ander werke veroorsaak word.

(b) Die erwe is geleë in 'n area waar grondtoestande ernstige skade aan geboue en strukture kan aanrig. Ten einde sulke skade te beperk, moet fondamente en strukturele elemente van die geboue en strukture deur 'n bevoegde professionele ingenieur ontwerp en onder sy toesig opgerig word, tensy aan die plaaslike bestuur bewys kan word dat sodanige maatreëls onnodig is of dat dieselfde doel op ander meer effektiewe wyse bereik kan word.

(2) ERF 1124

Die erf is onderworpe aan 'n 4m breë rioolserwituit ten gunste van die plaaslike bestuur soos aangedui op die Algemene Plan:

B. Titelvoorwaardes opgelê ten gunste van derde partye wat geregistreer /geskep moet word op die eerste registrasie van die betrokke erwe.

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

(1) ERF 1124

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

- D. 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 en Clayville Dorpsbeplanningskema, 1976 wat uit dieselfde grond as die dorp **Barbeque Downs Uitbreiding 61** 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 07-15213.

Hector Bheki Makhubo

Deputy Director: Legal Administration / Adjunk Direkteur: Regsadministrasie

City of Johannesburg Metropolitan Municipality /

Stad van Johannesburg Metropolitaanse Munisipaliteit

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