

***THE PROVINCE OF  
GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

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**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION 65 OF 2022****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(TEMBISA CUSTOMER CARE CENTRE)  
DECLARATION AS AN APPROVED TOWNSHIP**

In terms of Section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Ekurhuleni Metropolitan Municipality (Tembisa Customer Care Centre) hereby declares **Clayville Extension 110** Township to be an approved township, subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

**STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY MPANDE CLAYVILLE (PROPRIETARY) LIMITED (BEING THE REGISTERED OWNER OF THE LAND AND HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PARTS A AND C OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), (HEREAFTER REFERRED TO AS ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 143 (A PORTION OF PORTION 122) OF THE FARM OLIFANTSFONTEIN 402-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED**

**1. CONDITIONS OF ESTABLISHMENT****1.1. NAME**

The name of the township shall be **Clayville Extension 110**.

**1.2. DESIGN**

The township shall consist of erven, parks and streets as indicated on General Plan SG No.: 918/2022.

**1.3. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

1.3.1. All erven shall be made subject to the following existing conditions and servitudes in Deed of Transfer T70763/2021:

1.3.1.1 Including the following servitudes which affect all the erven:

A. THE FORMER Portion 122 of the farm OLIFANTSFONTEIN 402, Registration Division J.R., Province of Gauteng, measuring as such 84,3175 hectares (of which the property held hereunder forms a portion) is subject and entitled to the following conditions:

1. The Remaining Extent of the farm OLIFANTSFONTEIN represented on Diagram S.G No A 230/05 belonging to Certificate of Registered Title No 1249/1905 by the figure lettered ABCS1S2GHJS3NOP mid river Q exclusive of figure abcd (whereof the property held hereunder forms a portion) is subject to the conditions and rights contained in certain Deed of Division dated the 15<sup>th</sup> of February 1888 and filed with Deed of Transfer No 678/1984 as regards the distribution of water named Sterkfontein.

2. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Gauteng measuring 2033,6742 hectares (whereof the property hereby transferred forms a portion) is subject to the following conditions:
  - (a) Subject to the terms of an Order of the Water Court filed with Certificate of Registered Title No 1249/1905.
- 5.2 The property hereby transferred shall not receive the benefit of any restrictions imposed in favour of the Remaining Extent of the farm OLIFANTSFONTEIN 402, Registration Division J.R., Province of Gauteng, measuring as such 601,5667 hectares, which rights are reserved to such Remaining Extent in respect of restrictions regarding the sinking of wells and boreholes and trading rights.
- C. The within mentioned property is subject to a right of pre-emption in favour of the transferor in terms of which the transferee is not entitled to dispose of the properties to a third party unless it has first offered the properties for sale to the transferor and the transferor has declined the offer. Such right of pre-emption will be valid for a period of 12 (twelve) years from the transfer date plus 3 (three) consecutive renewal periods of 5 (five) years each, if the transferor has exercised its right of renewal in terms of the lease agreement commencing on the transfer date.
- 1.3.2 Excluding the following servitudes which do not affect the township due to its location:
  - 2(b) Subject to the right of the Victoria Falls and Transvaal Power Company Limited to convey electricity over the said property together ancillary rights, as will more fully appear from Notarial Deed No 73/1929-S registered on the 12th of February 1929.
  - 2(c) Subject to a right in favour of the Victoria Falls and Transvaal Power Company Limited to convey electricity over the said property, together with ancillary rights as will more fully appear from Notarial Deed No 238/1929-S registered on the 6th May 1929.
3. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 1541,6375 hectares (whereof the property hereby is transferred forms a portion) is subject to the rights granted to THE ELECTRICITY SUPPLY COMMISSION to convey electricity over the property with ancillary rights and subject to conditions, as will more fully appear from Notarial Deed No 89/1946-S registered on the 4th March 1946.
4. The remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng, measuring 1532,9273 hectares (whereof the property hereby transferred forms a portion) is subject to a right granted to the CITY COUNCIL OF PRETORIA to convey electricity over the property together with ancillary rights, and subject to conditions as will more fully appear from Notarial Deed No 773/1948-S registered on the 29<sup>th</sup> October 1948, with Diagram SG No 12629/1998 relating thereto.
6. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 1321,9523 hectares (whereof the property hereby is transferred forms a portion) is subject to the right granted to Electricity Supply Commission to convey electricity over the property together with ancillary rights as will more

fully appear from Notarial Deed No I 579/1962-S registered on the 25<sup>th</sup> June 1962.

7. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R, Province of Gauteng measuring 1330,0461 hectares (whereof the property hereby transferred forms a portion) is subject to the following conditions.
  - (a) Subject to the right granted to the Electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed No 272/1958-S registered on the 17<sup>th</sup> March 1958.
  - (b) Subject to a servitude in perpetuity to convey and transmit water by means of pipelines already laid or which may hereafter be laid with ancillary rights, in favour of the Rand Water Board as will more fully appear from Notarial Deed No 775/1959-S with diagram annexed thereto registered on the 25<sup>th</sup> July 1959.
  - (c) Subject to the right granted to the electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed No 704/1961-S registered on the 23<sup>rd</sup> June 1961.
9. The Remaining extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 949,1490 hectares (whereof the property hereby transferred forms a portion) is subject to the following conditions:
  - (a) Subject to a servitude for sewerage and other purposes measuring 5374 square metres in favour of the DIE OOS-RANDSE ADMINISTRASIERAAD, together with ancillary rights as will more fully appear from Notarial Deed of Servitude K497/1980 S registered 18 February 1988.
  - (b) Subject to the right granted to ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights, as will more fully appear from Notarial Deed K499/1980 S registered 18 February 1988.
  - (c) Subject to a servitude 22 (TWENTY-TWO) meters wide in favour of ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights as will more fully appear from Notarial Deed K498/1990 S registered on 18 February 1980.
10. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 622,3979 hectares (whereof the property hereby transferred forms a portion) is subject to the following conditions:
  - (a) Subject to the right granted to ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights as will more fully appear from Notarial Deed K336/1976-S registered on 11 February 1976 which servitude is cancelled in so far as indicated by the line ABCDE on Diagram SG No A 8944/88 annexed to Deed of Servitude K4211/1989S, as will more fully appear from the said Deed of Servitude K4211/1989S.

(b) By virtue of Notarial Deed K4211/1989S

- (i) Servitude K336/76S is hereby cancelled in so far as indicated by the line ABCDE on Diagram SG no A6944/88 annexed to the said Notarial Deed and the rights to granted ESKOM to convey electricity over the property by means of power lines and cables transferring the property along the lines a8 and ancillary rights and subject to conditions as will more fully appear from reference to the said Notarial Deed.

11. The Remaining Extent on the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 797,6155 hectares (whereof the property hereby transferred forms a portion) is SUBJECT to the following conditions:

- (a) Subject to the right granted to ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights as will more fully appear from Notarial Deed 2361/1982 S registered on 1 September 1982 in centre line of the servitude 2 metres wide whereof is indicated by the line AB on Diagram SG No 7499/82 annexed to Notarial Deed of Route Description K 1416/83 S.

12. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R Province of Gauteng measuring 573,6741 hectares (whereof the property hereby transferred forms a portion) is subject to the following conditions:

Subject to the right granted to ESKOM to convey electricity over the property together with ancillary rights as will more fully appear from Notarial Deed K949/1992S.

14. The within mentioned property is subject to a power line servitude in favour of ESKOM with ancillary rights as more fully shown on K7334/2003S.

15. By virtue of Notarial Deed of Servitude K1105/2004S dated 17th November 2003 the within mentioned property is subject to two perpetual servitudes within the permanent servitude area for the installation, maintenance and use of pipeline and works and the right to patrol, inspect, repair, renew, remove and relay such pipelines and works together with ancillary rights in favour of SASOL GAS LIMITED no 1964/006005/06 as will more fully appear from the said notarial deed of Servitude.

16. By virtue of Notarial Deed of Servitude K3420/2010S dated 25 May 2010 the within mentioned property is subject to a servitude for Right of Way, in extent 2,4960 (Two comma Four Nine Six Zero) hectares 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 A 1A on servitude Diagram no SG No 1077/2009 in favour of the Ekurhuleni Metropolitan Municipality as will more fully appear from the said Notarial Deed.

1.3.3 The following entitlements/rights will not be passed on to erven in the township:

5.1 The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 1334,3193 hectares whereof the property hereby transferred forms a portion is entitled to the following conditions):

- (a) Entitled to certain rights re the sinking of wells and boreholes and trading rights over Portion 26 of the same farm as will appear from reference to Deed of Transfer T6826/1953.
  - (b) Entitled to certain rights re the sinking of wells and boreholes and trading rights over Portion 27 of the same farm as will appear from reference to Deed of Transfer T22226/1953.
8. The Remaining Extent of the farm OLIFANTSFONTEIN 402 Registration Division J.R., Province of Gauteng measuring 965,3156 hectares (whereof the property hereby transferred forms a portion) is entitled to the following conditions.
- (a) Entitled to enforce the following conditions against Portion 34 and 35 transferred under Deed of Transfer T19962/71 that is, that no boreholes or wells may be sunk on the said portions without the written consent of CULLINAN HOLDINGS LIMITED except one (1) borehole for emergencies as will more fully appear from the said transfer.
  - (b) Entitled to enforce the following condition against Portion 12 called SUNLAWS ESTATE A of the said farm OLIFANTSFONTEIN transferred under Deed of Transfer T1996/1971 that is no boreholes or wells may be sunk on the said Portion 12 without the written consent of CULLINAN HOLDINGS LIMITED except that one well or borehole may be sunk to provide an emergency water supply, as will more fully appear from the said Deed of Transfer.
13. Subject to the following conditions imposed by the City Council of Midrand:
- (a) The portion is subject to a servitude for municipal purposes, in favour of the local authority, 2 metres wide along any one boundary and 5 metres wide along any other boundary. These servitudes shall be positioned on boundaries other than road boundaries, as determined 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 area and no large, rooted trees shall be planted within the area of such servitude or within 2 metres thereof.
  - (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area such material as may be excavated by it during the course of such works as it is 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 works being made good by the local authority.

#### 1.4 INSTALLATION AND PROVISION OF SERVICES

The applicant shall make the necessary arrangements for the finalization of the services agreements with the local authority for the provision and installation of water, electricity and sanitation as well as the construction of roads and stormwater drainage in the township.



If external services are not available or the existing external services are not sufficient to accommodate the township, special arrangements will have to be made after consultation with the applicable departments in the Municipality.

#### 1.5 PRECAUTIONARY MEASURES

- (a) The township owner shall appoint a competent person(s) to compile:-
  - (i) A CONSTRUCTION REPORT, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.
  - (ii) A complete DOLOMITE RISK MANAGEMENT PLAN and WET SERVICES PLAN, specific to the development.
- (b) The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management Plan legally to a representative Body Corporate or similar entity, as applicable.
- (c) The township owner shall at its own expense make arrangements with the Municipality, in order to ensure that-
  - (i) water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and
  - (ii) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Municipality.

#### 1.6 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF ROADS AND TRANSPORT

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Roads and Transport when consent was granted for the development.

#### 1.7 ACCESS

No ingress from Provincial Roads K105 and K27 to the township and no egress to Provincial Roads K105 and K27 from the township shall be allowed unless the consent in writing of the Gauteng Department of Roads and Transport has been obtained, no ingress from or egress to Road M57 (P122-1) shall be allowed.

#### 1.8 RECEIVING AND DISPOSAL OF STORMWATER

The stormwater plan for this township must be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The low points in roads and the accumulation of stormwater in crescents, cul-de-sac's and lower lying erven must be drained to the satisfaction of the Municipality



#### 1.9 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Gauteng Department of Roads and Transport, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

#### 1.10 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

#### 1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

#### 1.12 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Municipality, when required to do so by the Municipality.

#### 1.13 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

#### 1.14 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by the Gauteng Department of Agriculture and Rural Development including, if applicable, those by which exemption has been granted from compliance with Regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

#### 1.15 CONSOLIDATION OF ERVEN

The township owner shall at his own expense, after proclamation of the township but prior to the development of any erf/unit in the township, consolidate erven 11623 and 11624 Clayville Extension 110 to the satisfaction of the local authority.

The Ekurhuleni Metropolitan municipality hereby grants its consent in terms of Section 92(1)(b) of Ordinance 15 of 1986, which consolidation shall only come into operation on proclamation of the township and subject to the section 82 certificate being issued by Ekurhuleni Metropolitan Municipality.

The township owner shall at his own expense, after consolidation of the above erven, Notarially Tie the consolidated erf with Erf 126 Sterkfontein Extension 4 Township to the satisfaction of the local authority.

## 2. CONDITIONS OF TITLE

### 2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE MUNICIPALITY IN TERMS OF THE PROVISIONS OF ORDINANCE 15 OF 1986

#### 2.1.1 ALL ERVEN

- (a) The erf shall be subject to a servitude, 3 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3 m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.
- (b) No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m thereof.
- (c) The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(TEMBISA CUSTOMER CARE CENTRE)  
CITY OF EKURHULENI TOWN PLANNING SCHEME 2014: AMENDMENT SCHEME  
T0174C**

The City of Ekurhuleni Metropolitan Municipality (Tembisa Customer Care Centre) hereby, in terms of the provisions of section 125 (1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the City of Ekurhuleni Land Use Scheme, 2021, comprising the same land as included in the township **Clayville Extension 110** township.

The amendment scheme documents will lie for inspection during normal office hours at the offices of the Head of Department: City Planning, City of Ekurhuleni Metropolitan Municipality, and at the offices of the Area Manager: Mr Tshepo Ramokoka, Kempton Park Civic Centre; as well as at the Gauteng Provincial Government, Office of the Premier, Gauteng Planning Division.

This amendment scheme is known as City of Ekurhuleni Amendment Scheme **T0174C**, and shall come into operation on the date of publication of this notice.

Dr. Imogen Mashazi: City Manager,  
City of Ekurhuleni Metropolitan Municipality,  
Private Bag X1069 Germiston, 1400

Notice :CP 008.2022

[15/3/7/C4X68]



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