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LOCAL AUTHORITY NOTICE

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EKURHULENI METROPOLITAN MUNICIPALITY

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) the Ekurhuleni Metropolitan Municipality hereby declares the township **VAN RIEBEECKPARK EXTENSION 31**, to be an approved township, subject to the conditions set out in the Schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTRAL HIGH TRADING 9 C.C. (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 288 (A PORTION OF PORTION 287) OF THE FARM ZUURFONTEIN 33 I.R. HAS BEEN GRANTED

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP

1.1 CANCELLATION OF EXISTING CONDITIONS OF TITLE

The applicant shall at his own expense cause the following conditions and servitudes to be cancelled or the township area to be freed there from:

Conditions (d) and (e) in Deed of Transfer T16031/2006.

1.2 INDICATION OF SERVITUDE

- (i) The applicant shall at his own expense indicate a servitude for municipal purposes in favour of the Local Authority over the whole of Erf 2490, on the general plan.
- (ii) the applicant shall at his own expense indicate right-of-way servitudes in favour of all the Residential 2 erven in the township and the local authority over the whole of Erf 2490 on the general plan.

1.3 FORMULATION AND DUTIES OF THE HOME OWNER'S ASSOCIATION

- i) The township owner shall properly and legally constitute a Home Owner's Association [a company incorporated under Section 21 of the Companies Act, 1973, or a universitas personarum].
- ii) The memorandum of association of the Section 21 Company, or a universitas personarum, shall provide that:
 - (a) each and every owner of an erf in the township shall become a member of the Home Owner's Association upon transfer to him of that erf;
 - (b) the Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes and the engineering services contained thereon. The local authority shall not be liable for the defectiveness of the surfacing of the roadway and/or any essential services;

- (c) the Home Owner's Association must be incorporated with the legal power to levy from each and every member of the Home Owner's Association the costs incurred in fulfilling its function and to have legal recourse to recover such fees in the event of a default in payment by any member; and
- (d) the construction and maintenance of the roadway portion shall be the responsibility of the township owner until transfer of that portion to the Home Owner's Association.

1.4 GENERAL

- (a) The applicant shall satisfy the local authority that:
 - (i) the relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township.
 - (ii) satisfactory access from a public street system to all erven in the township is available;
 - (iii) a street name has been approved by the local authority;
 - (v) the proposed township is not affected by a 1:100 year floodline
 - (vi) The applicant shall comply with the provisions of sections 72 (General Plan); 75 (General Plan: Local Authority) and 101 (Township Register) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

2. CONDITIONS OF ESTABLISHMENT

2.1 NAME

The name of the township shall be Van Riebeeckpark Extension 31.

2.2 DESIGN

The township shall consist of erven and streets as indicated on S.G. Plan No. 6553/2007

2.3 ENDOWMENT

Payable to the local authority:

The township owner shall, in terms of the provisions of Section 81, as well as

Sections 98(2) and (3) of the Town Planning and Townships Ordinance, 1986 pay a lump sum endowment of R66800,00 (Sixty Six Thousand, Eight Hundred Rand) to the local authority.

This money can be used for the proposes of upgrading any parks.

2.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals.

2.5 ACCESS

No ingress from Road P91-1 to the township and no egress to Road P91-1 from the township shall be allowed.

2.6 ENGINEERING SERVICES

- (i) The applicant shall be responsible for the installation and provision of internal engineering services.
- (ii) Once water, sewer and electrical networks have been installed, same will be transferred to the Local Council, free of cost, who shall maintain these networks (except internal street lights).
- (iii) The Section 21 company, will be responsible for the maintenance of the internal road (including storm water) and the internal street lights (including electrical power usage).

2.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The Township owner shall arrange for the drainage of the township to fit in with that of the existing and planned road and storm water infrastructure in the vicinity and for all storm water running off or diverted from the roads to be received and disposed of.

2.8 PRECAUTIONARY MEASURES

(a) The township owner shall at his own expense, make arrangements with the local authority 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;

- (ii) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained;
- (iii) the recommendations as laid down in the geological report/soil report of the township are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

2.9 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own expense 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 required by the local authority to do so.

2.10 REMOVAL OF LITTER

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

2.11 REPOSITIONING OF SERVICES

If, by reason of the establishment of the township, it should become necessary to reposition any existing services of ESKOM, Telkom or the local authority, the cost thereof shall be borne by the township owner.

2.12 TRANSFER OF ERVEN

Erf 2490 shall, at the cost of the township owner, be transferred to the Home Owners Association prior to or simultaneously with the first transfer of any erf.

3. CONDITIONS OF TITLE

- 3.1 The under mentioned erven shall be subject to the mentioned conditions, imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

(a) **ERVEN 2476 – 2489**

- (i) The 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 course 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.

(2) **ERF 2490**

- (i) The erf is subject to a servitude for municipal purposes in favour of the local authority, as indicated on the general plan to guarantee access to the local authority's personnel and vehicles in order to carry out repair and maintenance work to the water, sewer and electrical networks (excluding street lights) after they have been taken over by the local authority.
- (ii) The erf is subject to a servitude of right-of-way in favour of all the other erven in the township, as indicated on the general plan, to guarantee access to a public road to all the residents.

4. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION.

4.1 "RESIDENTIAL 2" – USE ZONE 2

Erven 2476-2489

The erven shall be zoned "Residential 2" subject to:

- (i) The height of the buildings will be restricted to 2 storeys.
- (ii) The coverage on each erf will be restricted to 60%.
- (iii) The density on each erf will be restricted to 30 units/ha (no erf may therefore be smaller than 333m²).
- (v) Only one dwelling per erf will be allowed.
- (vi) A detailed plan or report in respect of all the building structures, signed by a professional engineer must be submitted to the local authority together with any building plans if required by the local authority.
- (vii) If required by the local authority, a certificate that is signed by a professional geological engineer to confirm that the buildings comply to the findings and recommendations of the geological report/soil report, must be submitted to the local authority together with any building plans.
- (viii) A site development plan for the development as a whole in terms of clause 6 of the Kempton Park Town Planning Scheme 1987 must be submitted to the local authority for approval prior to or simultaneously with the submission of the necessary building plans. The site development plan must be referred to the adjoining owners for comments.

4.2 "SPECIAL" USE ZONE 9

Erf 2490

The erf shall be zoned "Special" for a private road including access control and refuse removal facilities subject to: .

- (i) The height of the buildings will be restricted to 2 storeys.
- (ii) The access control and refuse removal buildings/facilities must be indicated on the site development plan.
- (iii) The access control building and refuse removal building are each restricted to 30m² in size.

4.3 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out above, the under mentioned erven shall be subject to the conditions as indicated:

(a) Erven 2481-2489

- (i) The registered owner of the erf shall erect a physical barrier consisting of a

2,0m high brick or concrete wall or a barrier of such other material as may be approved by the local authority, in accordance with the most recent standards of the Gauteng Provincial Government (Department of Public Transport and Roads) before or during development of the erf along the western boundary thereof abutting on Provincial Road P91-1 to the satisfaction of the local authority and shall maintain such barrier to the satisfaction of the local authority.

- (ii) Except for the physical barrier referred to in sub-clause (i) above, a swimming bath or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of the land, shall be erected nor 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 on Provincial Road P91-1 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Gauteng Provincial Government (Department of Public Transport and Roads).
 - (iii) Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on Provincial Road P91-1.
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