

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

# **Provincial Gazette Extraordinary Buitengewone Provinciale Koerant**

**Vol. 14**

**PRETORIA, 7 APRIL 2008**

**No. 92**

---

**CONTENTS • INHOUD**

No.		Page No.	Gazette No.
<b>GENERAL NOTICES • ALGEMENE KENNISGEWINGS</b>			
843	Town-planning and Townships Ordinance (15/1986): Ekurhuleni Metropolitan Municipality: Amendment Scheme 1163 .....	3	92
844	do.: Declaration as approved township: Union Extension 49 .....	3	92

---

## LOCAL AUTHORITY NOTICES

---

### LOCAL AUTHORITY NOTICE 843

#### **EKURHULENI METROPOLITAN MUNICIPALITY AMENDMENT SCHEME 1163**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Germiston Town-planning Scheme, comprising the same land, as included in the Township of UNION EXTENSION 49

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Area Manager, Development Planning Services Centre, 15 Queen Street, Germiston and are open for inspection at all reasonable times.

The amendment scheme is known as Germiston Amendment Scheme 1163

**Area Manager: Germiston Service Delivery Centre: Ekurhuleni Metropolitan Municipality**

---

### PLAASLIKE BESTUURSKENNISGEWING 843

#### **EKURHULENI METROPOLITAANSE MUNISIPALITEIT WYSIGINGSKEMA 1163**

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Germiston Dorpsbeplanningskema, wat uit dieselfde grond as die dorp UNION UITBREIDING 49 bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Area Bestuurder, Germiston Diensleweringsentrum, 15 Queenstraat, Germiston en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysigingskema staan bekend as Germiston Wysigingskema 1163

**Area Bestuurder: Germiston Diensleweringsentrum: Ekurhuleni Metropolitaanse Munisipaliteit**

---

### LOCAL AUTHORITY NOTICE 844

#### DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) the Ekurhuleni Metropolitan Municipality hereby declares Union Extension 49 Township to be an approved township subject to the conditions set out in the Schedule hereto:

**CONDITIONS UNDER WHICH THE APPLICATION IS MADE BY ALWYNA JACOBA SAAYMAN,  
(HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER 3 OF  
THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986, FOR PERMISSION TO ESTABLISH A  
TOWNSHIP ON PORTION 628 OF THE FARM ELANDSFONTEIN 108 IR, GAUTENG PROVINCE, HAS BEEN  
GRANTED:**

**1. CONDITIONS OF ESTABLISHMENT**

**1.1 Name**

The name of the township shall be Union Extension 49.

**1.2 Design**

The township shall consist of erven and streets as indicated on General Plan No.6880/2007

**1.3 Street Names**

Public Streets through the township are continuation of existing roads namely Hein Road and De Beer Avenue which are acceptable to the municipality.

**1.4 Endowment**

Contributions for engineering services and open space are payable in terms of the provisions of Section 63 of the Town Planning and Townships Ordinance, 15 of 1986 (as amended), and Regulation 43 of the Town Planning and Townships Regulations shall be payable to the Municipality for parks (Open Space).

**1.5 Disposal of Existing Conditions of Title**

All erven shall be made subject to existing servitudes if any.

**1.6 Removal of Litter**

The township owner shall at his / her own expense cause all litter within the township area to be removed to the satisfaction of the Municipality.

**1.7 Demolition of Building or Structures**

The township owner shall at his own expense cause all existing buildings and structures situated within the building line reserves, side spaces, road reserves, or over the common boundaries to be demolished to the satisfaction of the Municipality. Requirements of Regulation R1182 and R1183 of the Environmental Conservation Act 79 of 1989 are to be complied with.

The township owner shall at his own expense draw up and submit acceptable building plans to the Municipality, for approval in terms of the provisions of the National Building Regulations, for all buildings on the erf for which no building plans have been approved by the Municipality. The township owner shall at his own expense alter the buildings to comply with the approved building plans to the satisfaction of the Municipality.

Due to soil condition a special foundation / design is recommended and should be to the satisfaction of the Municipality (Department: Roads, Transport and Civil Works).

**1.8 Engineering Services**

The township owner is responsible for making the necessary arrangements for the provision of all engineering services and the payment of External Services Contributions in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986). A service agreement should be entered in to with the Municipality.

All municipal services that cross the common boundaries between the erven shall be removed and relocated by, and at the cost of the township owner, as and when required by the Municipality.

All existing municipal services on the erven within the township shall be protected by means of suitable servitudes to the satisfaction of the Municipality, registered in favour of the Municipality, as and when required by the Municipality, by the owner at his own expense.

**1.9 Restriction on the Disposal of Erven**

1.9.1 The township owner shall, in terms of prior agreement with the Municipality, fulfil its obligations with regard to the provision of water, sanitation (and if applicable) electricity and the installation of reticulations for such purposes, prior to the disposal of any erf within the township.

1.9.2 No erven may be alienated or transferred in the name of a purchaser prior to the Municipality having confirmed that sufficient guarantees have been furnished in respect of the provision of services by the township applicant to the Municipality.

- 1.9.3 The portions of land required for Road widening of Hein Road and De Beer Road should be transferred to council for public road purposes on proclamation of the Township

## 2. CONDITIONS OF TITLE

### 2.1 Servitudes

#### 2.1.1 Municipal Servitudes:

- (i) All Erven are subject to a servitude, 1,5 m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any two boundaries of the Erf other than a street boundary, if and when required by the Municipality: Provided that the Municipality 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 1,5 m therefrom.
- (iii) The Municipality shall be entitled to temporarily deposit 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 Municipality.

#### 2.1.2 ERF 298:

Right of way servitude 10,5 metres wide respectively, shall be registered over Erf 298 for general access purposes in favour of all erven within the Township as indicated on the General Plan No.6880/2007.

### 2.2 Formation of Section 21 Company / Body Corporate / Home Owner's Association

A Section 21 Company/Home Owner's Association (legal entity) shall be established by and at the cost of the Developer / Owner.

Every owner of the Erf, or any subdivided portion thereof, or any person who has an interest therein shall become a member of the legal entity and be subject to its constitution until he/she ceases to be an owner to aforesaid. Neither the Erf, nor any subdivided portion thereof, nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a member of the legal entity.

The owner of the Erf, or any subdivided portion thereof, or any person, who has an interest in therein, shall not be entitled to transfer the Erf or any subdivided portion therein without a Clearance Certificate from the Home Owners Association that the Articles of the legal entity Association have been complied with.

A copy of the legal entity and its constitution shall be submitted to the Municipality (Directorate: Development Planning) prior to the issuing of a Clearance Certificate for the transfer of Erven.

The Township Owner must accept the conditions regarding the establishment of a legal entity in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Municipality, in writing.

The roads and stormwater infrastructure and landscaping of sidewalks for the private road (Erf 298) will not be taken over by the Municipality and the construction and cost thereof

shall be the responsibility of the owner where after the maintenance of these services and the pavements shall be come the responsibility of the legal entity.

The Private Road servitude over Erf 298 shall be the responsibility of the legal entity and the legal entity shall manage and maintain all common property including the refuse collection areas with regard to Erf 298 i.e. the private road.

The legal entity shall indemnify the Municipality against any and all claims regarding:

- The maintenance and the provision of any roads and stormwater services in the development. (The provision of engineering services under paved areas are to be avoided);
- Any damage that may be caused by an emergency vehicle or any vehicle of the Municipality that is involved with the maintenance of services;
- Any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner/legal entity).
- The Developer / Owner shall be responsible for all road signs and markings in proposed development where after the legal entity shall be responsible for the maintenance thereof on the private road / "right-of-way" servitude area.
- Unhindered access must be given to all emergency vehicles and all service authorities (water, electricity, Telkom etc.) at all times.

The Township / Owner shall be responsible for the installation and cost of a street lighting network where after the maintenance and the power usage shall be the responsibility of the legal entity. The Municipality will not take over the street lighting network. The street lighting supply should be metered and the legal entity shall be liable for the electricity consumption (if installed).

Once the electrical, water and sewer main line networks have been installed these shall be transferred to the Municipality free of cost, who shall maintain the networks (except for the internal street lights).

Any architectural changes to the existing dwelling unit shall be prepared and submitted to the council for approval. Also each plan must be endorsed by the Body Corporate / Home owners association.

---

## **PLAASLIKE BESTUURSKENNISGEWING 844**

### **VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, (Ordonnansie 15 van 1986) verklaar Ekurhuleni Metropolitaanse Munisipaliteit hierby die Dorp Union Uitbreiding 49 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**VOORWAARDEN WAARONDER DIE AANSOEK GEDOEN DEUR ALWYNA JACOBA SAAYMAN (HIERNA VERWYS AS DORPSEIENAAR) INGEVOLGE DIE BEPALINGS VAN HOOFSTUK 3 VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 15 VAN 1986, OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 628 VAN DIE PLAAS ELANDSFONTEIN 108 IR PROVINSIE GAUTENG TOEGESTAAN IS.**

#### **1. STIGTINGSVOORWAARDEN**

##### **1.1 Naam**

Die naam van die dorp is Union Uitbreiding 49.

##### **1.2 Ontwerp**

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan Nr 6880/2007.

**1.3 Straatname**

Publieke strate in die dorpsgebied is 'n verlenging van bestaande strate naamlik Heinweg en De Beerlaan wat aanvaarbaar is vir die Raad.

**1.4 Begiftiging**

Bydraes vir ingenieursdienste en oopruimte is betaalbaar in terme van die bepalings van Artikel 63 van die Ordonnansie op Dorpsbeplanning en Dorpe 15 van 1986 (soos gewysig) en Regulasie 43 van die Dorpsbeplanning en Dorpe Regulasies is betaalbaar aan die munisipaliteit vir publieke oopruimte.

**1.5 Beskikking oor bestaande Titelvoorwaardes**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute as daar is.

**1.6 Verwydering van Rommel**

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwijder tot bevrediging van die Raad wanneer die Raad dit vereis.

**1.7 Sloping van Geboue en Strukture**

Die dorpseienaar moet op eie koste alle bestaande geboue enstrukture wat binne boulyn reserwes, kantrumtes of oor gemeenskaplike grense geleë is laat sloop tot bevrediging van die Raad wanneer die Raad dit vereis.

Vereistes van Regulasie R1182 en R1183 van die Wet op Omgewingsbeskerming (Wet 79 van 1989) moet aan voldoen word.

Die dorpseienaar sal op sy eie koste aanvaarbare bouplanne laat opstel en indien by die Raad vir goedkeuring in terme van die Nasionale Bouregulasies vir alle geboue op die erf waarvoor daar nog nie planne deur die Raad goedgekeur is nie.

Die dorpseienaar sal op eie koste die geboue laat verander om te voldoen aan die goedgekeurde bouplanne tot bevrediging van die Raad.

As gevolg van die grondtoestande word spesiale fondasies/ontwerp voorgestel en dit sal tot bevrediging geskied van die Raad (Department Paaie, Vervoer en Siviele Werke).

**1.8 Ingenieursdienste**

Die dorpseienaar is verantwoordelik vir die nodige reëlings vir die voorsiening van ingenieursdienste en die betaling van Eksterne Dienste Bydraes in terme van die bepalings van die Dorpsbeplanning en Dorpe Ordonnansie 1986 (Ordonnansie 15 van 1986).

'n Diensteooreenkoms moet met die Raad gesluit word.

Alle Municipale dienste wat die gemeenskaplike grens kruis tussen die erwe sal verwyder en hervestig word op die koste van die dorpseienaar soos en wanneer die Raad dit vereis.

Alle bestaande Municipale dienste op die erwe in die dorp sal beskerm word deur serwitute tot bevrediging van die Raad.

Toepaslike serwitute sal geregistreer word ten gunste van die Raad op die koste van die dorpseienaar soos en wanneer vereis deur die Raad.

**1.9 Beperking op die vervreemming van erwe**

1.9.1 Die dorpseienaar sal in terme van vorige ooreenkoms met die Raad sy verantwoordelikhede na kom met betrekking tot die voorsiening van water, riol (en indien van toepassing) elektrisiteit en die installering van dienste vir sodanige doel, voordat enige erf in die dorp vervreem word.

- 1.9.2 Geen erf mag vervoer word of getransporteer word in die naam van 'n koper voordat die Raad bevestig het dat voldoende waarborgte aan hom voorsien is deur die dorpseienaar met betrekking tot die voorsiening van dienste.
- 1.9.3 Die pad verbreding gedeeltes van Heinweg en De Beerlaan sal aan die Raad getransporteer word vir publieke paddoeleindes met proklamasie van die dorp.

## 2. TITELVOORWAARDES

### 2.1 Serwitute

#### 2.1.1 Munisipale serwitute

- (i) Alle erwe is onderworpe aan 'n serwituit, 1,5m breed, vir riolerings- en ander munisipale doeleteindes ten gunste van die Plaaslike Bestuur langs enige twee grense uitgesonderd 'n straatgrens en indien en wanneer verlang deur die plaaslike bestuur : met dien verstande dat die plaaslike bestuur van enige sodanige serwituit mag afsien.
- (ii) Geen gebou of ander struktuur mag binne die voorgenoemde serwituitgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituit of binne 'n afstand van 1,5m daarvan geplant word nie.
- (iii) Die plaaslike bestuur is geregtig op enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rielhoofpypleidings en ander werke wat hy volgens goeddunke noodsaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde serwituit grens en voorts is die plaaslike bestuur geregtig 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 verwyderings van sodanige rielhoofpypleidings en ander werke veroorsaak word.

#### 2.1.2 Erf 298

'n Reg van Weg serwituit 10,5 m wyd sal geregistreer word oor erf 298 vir algemene toegangsdoeleindes ten gunste van al die erwe in die dorp soos aangedui op Algemene Plan Nr 6880/2007.

### 2.2 Die stigting van 'n Artikel 21 Maatskappy/Beheerliggaam/Huiseienaarsvereniging

'n Artikel 21 maatskappy/Huiseienaarsvereniging (regsentiteit) sal deur die ontwikkelaar/eienaar op sy eie koste gevestig word.

Elke eienaar van 'n erf, of enige onderverdeling daarvan of enige persoon wat 'n belang daarin het sal 'n lid word van die regsentiteit en sal onderhewig wees aan die regsentiteit se konstitusie totdat hy of sy nie meer 'n eienaar daarvan is nie.

Nog die erf, nog enige onderverdeling daarvan, nog enige belang daarvan sal oorgedra word aan enige persoon wat hom of haarself nie verbind het om 'n lid te word tot die regsentiteit nie.

Die eienaar van die erf of enige onderverdeling daarvan of enige persoon wat 'n belang daarin het sal nie geregtig wees om die erf of enige onderverdeling daarvan te transporter sonder 'n uitklaringsertifikaat van die Huiseienaarsvereniging nie tot effek dat daar voldoen is aan die vereistes van die Huiseienaarsvereniging nie.

'n Afskrif van die regsentiteit en sy konstitusie sal aan die Raad (Direktoraad Ontwikkelingsbeplanning) voorgele word voordat 'n uitklaringsertifikaat vir die oordrag van die erwe uitgereik word.

Die dorpseienaar moet die voorwaardes met betrekking tot die daarstel van 'n regsentiteit skriftelik aanvaar. Die skriftelike aanvaarding moet 'n onderneming insluit dat alle kopers skriftelik in kennis gestel sal word van die voorwaardes soos deur die Raad neergelê.

Die paaie en stormwater infrastruktuur asook die landskapping van die sypaadjes vir die private pad (Erf 298) sal nie deur die Raad oorgeneem word nie. Die konstruksie en koste daarvan sal die verantwoordelikheid wees van die Dorpseienaar waarna die onderhou van sodanige dienste en sypaadjes die verantwoordelikheid sal word van die regsentiteit.

Die private pad serwituit oor Erf 298 sal die verantwoordelikheid wees van die regsentiteit en die regsentiteit sal alle gemeenskaplike eiendom insluitend die vulis verwyderingsarea in die private pad (Erf 298) bestuur en onderhou.

Die regsentiteit sal die Raad vrywaar teen enige eise met betrekking tot:

- Die onderhou en voorsiening van enige paaie en om stormwaterdienste in die ontwikkeling (die voorsiening van ingenieursdienste onder geplaveide gebied moet vermy word).
- Enige skade wat veroorsaak mag word deur nooddienste of enige voertuig van die Raad wat betrokke is by die onderhou van dienste.
- Enige skade en/of toevallige skade aan die water en riool infrastruktuur sal vir die rekening wees van die eienaar/regsentiteit.
- Die ontwikkelaar/eienaar sal verantwoordelik wees vir alle padtekens in die voorgestelde ontwikkeling waarna die regsentiteit verantwoordelik sal wees vir die instandhouding daarvan op die privaatpad/"reg-van-weg" serwituit area.
- Ongehinderde toegang moet aan alle noodvoertuie en diensleweraars voorsien word (water, elektrisiteit, Telkom ensovoorts) ten alle tye.

Die Dorpseienaar sal verantwoordelik wees vir die installering en koste van 'n straatlignetwerk waarna die onderhou en kraggebruik die verantwoordelikheid van die regsentiteit sal wees.

Die Raad sal nie beheer oorneem van die straatlignetwerk nie.

Die Straatligtoevoer moet gemeet word en die regsentiteit sal verantwoordelik wees vir die elektriese verbruik (indien geinstalleer)

Wanneer die elektriese, water en riool hoofnetwerke geinstalleer is sal dit aan die Raad oorgedra word gratis, wat dit sal onderhou (behalwe vir die interne straatligte).

Enige argitektoniese veranderinge aan die bestaande wooneenheid sal voorberei en ingedien word by die Raad vir goedkeuring.

Elke plan moet ook ge-endosseer wees deur die Beheerliggaam/Huiseienaarsvereniging.