

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 703 OF 2015

SCHEDULE DECLARATION AS APPROVED TOWNSHIP

IN TERMS OF SECTION 103 OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE 1986, (ORDINANCE 15 OF 1986) THE EKURHULENI METROPOLITAN COUNCIL HEREBY DECLARES UNION EXTENSION 41 TOWNSHIP TO BE AN APPROVED TOWNSHIP SUBJECT TO THE CONDITIONS IN THE SCHEDULE HERETO.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY ALBEMARLE GARDENS (PTY) LTD, (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNERS) UNDER THE PROVISIONS OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 640 (A PORTION OF PORTION 132) 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 41".

1.2 Design

The township shall consist of erven and streets as indicated on Surveyor General Plan No. S.G. No. 11110/2007

1.3 Street Names

There are existing streets within the township (Chris Street and Jacoba Road).

1.4 Endowment

Endowment is payable for open space 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.

1.5 Disposal of Existing Conditions of Title

All erven shall be made subject to existing conditions and servitudes, but excluding:

1.5.1 Conditions contained in Deed of Transfer T 141984/06 registered in terms of the Agricultural Holdings (Transvaal) Registration Act No. 22 of 1919, which will lapse on excision of the Agricultural Holding.

1.5.2 The following condition contained in Deed of Transfer T 141984/06 which does not affect the erven in the township:

“subject to the terms of Notarial Deed of Servitude No. 419/1889 having reference to perpetual rights to water in favour of other portions of the farm ELANDSFONTEIN No. 6 district Germiston and especially entitled to a Servitude of Right-of-Way over Portions 2, 3, 4, 5, 7, 8, 9, 10, 12, 13 and 14 of the said Portion “J” as shown on the diagrams of those portions”.

1.6 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 Municipality.

1.7 Demolition of Buildings or Structures

1.7.1 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.

1.7.2 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.

1.8 Engineering services

1.8.1 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).

1.8.2 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.

1.8.3 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 of 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 Jacoba Road and Chris Street shall be transferred to Municipality 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 337: Gate House Servitude:

A servitude for a Gate House shall be registered over Erf 337, as indicated on the Surveyor General Plan No. S.G. No. 11110/2007

2.1.3 ERF 339: Right of Way Servitude:

A right of way servitude shall be registered over Erf 339 for general access purposes as indicated on the Surveyor General Plan No. S.G. No. 11110/2007

2.2 Servitudes for Access Purposes

2.2.1 ERF 337: A servitude for a Gate House in favour of Erven 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338 and 339 as indicated on the Surveyor General Plan No S.G.No. 11110/2007.

2.2.2 ERF 339: Subject to a Right-of-Way Servitude for access purposes as indicated on the Surveyor General Plan No S.G.No 11110/2007, in favour of Erven 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337 and 338.

The aforementioned erven are entitled to a right of way servitude over ERF 339

2.3 Formulation and duties of the Section 21 Company / Body Corporate / Home Owner's Association

All erven are subject to the following conditions:

A Section 21 Company / Body Corporate / 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 in therein shall become a Member of the Section 21 Company / Body Corporate / Home Owner's Association (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 Section 21 Company / Body Corporate / Home Owner's Association.

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 Association of the Home Owners Association have been complied with.

The Township Owner must accept the conditions regarding the establishment of a Section 21 Company / Body Corporate / Home Owner's Association (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 will not be taken over by the Municipality and the construction and cost thereof shall be the responsibility of the Township Owner where after the maintenance of these services shall be the responsibility of the Section 21 Company / Body Corporate / Home Owner's Association (legal entity).

The Private Road servitude shall be the responsibility of the Section 21 Company / Body Corporate / Home Owner's Association (legal entity) and the Section 21 Company / Body Corporate / Home Owner's Association (legal entity) shall manage and maintain all common property/servitude areas (including the refuse collection areas).

The Section 21 Company / Body Corporate / Home Owner's Association (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 Section 21 Company / Body Corporate / Home Owner's Association (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 Section 21 Company / Body Corporate / Home Owner's Association (legal entity). The Municipality will not take over the street lighting network. The street lighting supply should be metered and the Section 21 Company / Body Corporate / Home Owner's Association (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).

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 321

EKURHULENI METROPOLITAN MUNICIPALITY

GERMISTON TOWN PLANNING SCHEME 1985 : AMENDMENT SCHEME 1135

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, 1985, comprising the same land, as included in Union x 41.

Map 3, Annexure and Scheme Clauses of the amendment scheme are filed with Germiston City Planning Department, 15 Queen Street, Germiston and are open for inspection at all reasonable times. The amendment scheme is known as the Germiston Amendment Scheme 1135. Khaya Ngema: City Manager, Ekurhuleni Metropolitan Municipality, Private Bag X 1069, Germiston, 1400.

PLAASLIKE BESTUURSKENNISGEWING 321

EKURHULENI METROPOLITAANSE MUNISIPALITEIT

GERMISTON STADSBEPLANNINGSKEMA 1985 : WYSIGINGSKEMA 1135

Die Stadsraad verklaar hiermee in terme van die bepaling van Artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat die Stadsraad die wysigingskema, wat 'n wysiging is van die Germiston Stadsbeplanningskema, 1985, met betrekking tot die grond in die dorp Union x 41, goedgekeur het.

Kaart 3, Bylae en Skemaklousules van die wysigingskema word deur die Germiston Stadsbeplanning Departement, Queenstraat 15, Germiston in bewaring gehou en lê gedurende gewone kantoorure ter insae vir inspeksie.

Hierdie wysiging staan bekend as die Germiston Wysigingskema 1135. Khaya Ngema: Munisipale bestuurder, Ekurhuleni Metropolitaanse Munisipaliteit, Privaatsak X 1069, Germiston, 1400.
