

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
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# GENERAL NOTICES

## NOTICE 5264 OF 2008

### EKURHULENI METROPOLITAN MUNICIPALITY DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, the Ekurhuleni Metropolitan Municipality hereby declares Bedfordview Extension 539 Township to be an approved township subject to the conditions set out in the schedule hereto:

#### SCHEDULE

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY CAPSTONE 1668 CC (HEREINAFTER REFERRED TO AS THE 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 1295 (A PORTION OF PORTION OF PORTION 36) OF THE FARM ELANDSFONTEIN 90 IR, GAUTENG PROVINCE, HAS BEEN GRANTED:**

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 Name

The name of the township shall be:  
"Bedfordview Extension 539"

##### 1.2 Design

The township shall consist of erven and streets as indicated on General Plan SG No. 10029/2007.

##### 1.3 Endowment

The township owner shall, 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, pay a contribution to the City Council for the provision of land for a park (Public Open Space). Such amount shall be determined as prescribed in the above-mentioned Regulations.

##### 1.4 Disposal of Existing Conditions of Title

All erven shall be made subject to existing conditions and servitudes, if any, including the following servitudes:

1.4.1 Deed of Servitude K41/1948S which affects Erf 2926

1.4.2 Deed of Servitude K379/2003S which affects Erf 2926

1.4.3 Deed of Servitude K 62/1977S which affects Erven 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925 and 2926.

##### 1.5 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 City Council.

##### 1.6 Access

Access shall be constructed to the satisfaction of the Local Authority.

**1.7 Acceptance and Disposal of Stormwater**

The township owner shall arrange for the drainage of the township to fit in with that of Primrose Hill and Hill Terrace Road and for all the stormwater running off or being diverted from the road to be received and disposed of.

**1.8 Removal or Replacement of Municipal Services**

1.8.1 If, for some reason due to the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

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 City Council.

**1.9 Repositioning of Circuits**

If, for some reason due to the establishment of the township, it should become necessary to reposition any existing circuits of the Electricity Supply Commission (ESKOM), the cost thereof shall be borne by the township owner.

**1.10 Rand Water Pipeline**

The township owner shall adhere to the conditions imposed by Rand Water on the 1800/1400mm Palmiet – Klipfontein (O2) pre-stressed concrete and steel pipeline and servitude.

**1.11 Demolition of Buildings or Structures**

1.11.1 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 City Council.

1.11.2 The township owner shall at his own expense cause all buildings on the erf that are not to be demolished to comply with the Bedfordview Town Planning Scheme, 1995, as well as the National Building Regulations, to the satisfaction of the City Council. The township owner shall at his own expense cause all buildings which do not conform to either the Town Planning Scheme or the National Building Regulations to be demolished to the satisfaction of the City Council.

1.11.3 The township owner shall at his own expense draw up and submit acceptable building plans to the City Council, 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 City Council. The township owner shall at his own expense alter the buildings to comply with the approved building plans to the satisfaction of the City Council.

**1.12 Engineering Services**

The township owner is responsible for making the necessary arrangements for the provision of all engineering services.

**1.13 Formation and Duties of The Home Owners Association To Be Constituted Upon Proclamation Of The Township For Erven 2905 To 2926**

1.13.1 The Township Owner shall at his/her own expense, properly and legally constitute a Home Owner's Association (an association incorporated under Section 21 of Act 61 of 1973), for erven 2905 to 2926 in the township prior to, or simultaneously with the sale of the first of the above erven.

- 1.13.2 Every owner of Erven 2905 to 2926, or of any subdivided portion thereof, or any person who has an interest therein shall remain a Member of the Home Owner's Association and be subject to its constitution until he /she ceases to be an owner of 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 Home Owner's Association.
- 1.13.3 The owner of the erf or any subdivided portion thereof, or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without a Clearance Certificate from the Home Owner's Association that the provisions of the Articles of Association of the Home Owner's Association have been complied with.
- 1.13.4 The term "Home Owner's Association" in the aforesaid conditions of Title shall mean the Home Owners Association of Erven 2905 to 2926 in Bedfordview Extension 539 (an Associated incorporated in terms of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) as amended.
- 1.13.5 The Home Owners Association shall be fully responsible for the functioning and proper maintenance of the Right-of-Way Servitude over Erven 2905 to 2926, the storm water system and street lighting within the township, to the satisfaction of the Local Authority.
- 1.13.6 The Home Owners Association shall have the legal power to levy from each and every member of the Home Owners Association: the costs incurred in fulfilling its functions, and shall have legal recourse to recover such fees in the event of a default in payment by any member.
- 1.13.7 Upon proclamation of the township, the Right-of-Way Servitude and Erf 2926 shall, as soon as the road way has been constructed by the township owner to the satisfaction of the Local Authority, become the responsibility of the Home Owner's Association contemplated in (1.13.1) above.
- 1.13.8 The construction and the maintenance of the road surface within the Right-of-Way Servitude over Erven 2905 to 2926 shall be the responsibility of the township owner subject to (1.13.7) above.
- 2.13.8 Erf 2926 shall be transferred to the Home Owners Association as soon as the road surface has been constructed by the township owner.

## 2. CONDITIONS OF TITLE

### 2.1 Servitudes

- 2.1.1 All erven are subject to a servitude, 2 m wide, in favour of the City Council, for sewerage and other municipal purposes, along any two boundaries of the erf other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m wide across the access portion of the erf, if and when required by the City Council: Provided that the City Council may dispense with any such servitude.
- 2.1.2 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 2 m therefrom.

- 2.1.3 The City Council 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 City Council.
- 2.1.4 All existing municipal services on the erven within the township shall be protected by means of suitable servitudes to the satisfaction of the City Council, registered in favour of the City Council, as and when required by the City Council, by the owner at his own expense.
- 2.1.5 Erven 2905 to 2925 are subject to a right of way servitude in favour of the Home owners association as well as the local authority for municipal purposes, as indicated on the General Plan.
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### **NOTICE 5265 OF 2008**

#### **NOTICE OF APPROVAL BEDFORDVIEW AMENDMENT SCHEME 1449**

The Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance 15 of 1986, declares that it has approved an amendment scheme being an amendment to the Bedfordview Town Planning Scheme 1995, comprising the same land as included in the township of Bedfordview Extension 539 Township.

Map 3 documentation and Scheme Clauses of the Amendment Scheme are filed with the Executive Director: Development Planning, Civic Centre, Van Riebeeck Avenue, Edenvale are open for inspection at all reasonable times.

This amendment is known as Bedfordview Amendment Scheme 1449.

***PATRICK FLUSK, City Manager***

Civic Centre, P O Box 25, Edenvale, 1610

Date :

Notice no :

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