

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 15

**PRETORIA, 5 AUGUST
AUGUSTUS 2009**

No. 177

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICES			
1301	Town-planning and Townships Ordinance (15/1986): Ekurhuleni Metropolitan Municipality: Declaration as approved township: Strubenvale Extension 2.....	3	177
1302	do.: do.: Springs Amendment Scheme 312/96.....	7	177

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1301

EKURHULENI METROPOLITAN MUNICIPALITY

DECLARATION OF STRUBENVALE EXTENSION 2 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality declares the township of Strubenvale Extension 2 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(15/4/9 – Strubenvale Ext. 2)

SCHEDULE CONDITIONS UNDER WHICH THE APPLICATION MADE BY FIFTH SEASON INVESTMENTS 99 (PTY) LTD IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO. 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 79 AND PORTION 80 OF THE FARM GROOTVALY REGISTRATION DIVISION 124 I.R. GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be STRUBENVALE EXTENSION 2.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan S.G NO. 6824/2008, dated 23 /10/2008.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, except the following servitude which does not affect the erven in the township:

"The property hereby transferred is subject to a servitude of pipeline together with ancillary rights along a strip of ground indicated by the figure a b c d e f g h j k and l m n p q r on diagram S.G. A5192/71 annexed hereto in favour of Erf 1 Enstra Township held under Deed of Transfer No. F 3696/43 dated 27th April 1943 registered in the Rand Townships Registry:

All as will more fully appear from the aforesaid Notarial Deed No. K2260/1976S".

1.4.1 ENDOWMENT

No endowment is payable to Council for parks and public open spaces.

1.4.2 ENDOWMENT ERVEN

The following erven must be transferred to the GROOTVLEI RESIDENTIAL ESTATE HOMEOWNERS ASSOCIATION before any other erf within the township is transferred:

Erven 1730, 1905 and 1906 (Private Open Spaces – Parks)

Erven 1907 and 1908 (streets)

1.5 REMOVAL AND / OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move and / 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.

1.6 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the Council to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Council all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, dilapidated structures and structures for which a building has not been approved.

1.7 REMOVAL OF LITTER

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

1.8 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.

1.9 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

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

1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT (GDACE)

The township owner shall at his own expense comply with all the conditions imposed by GDACE, which has given conditional approval for the development of the township.

1.11 SOIL CONDITIONS /GEOLOGICAL CONDITIONS

- (a) Proposals for precautionary measures to overcome detrimental soil / geological conditions to the satisfaction of the Council and the National Home Builders Registration Council (NHBRC) shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with such precautionary measures to the satisfaction of the Council and the NHBRC.
- (b) The township owner shall at his own expense, make arrangements with the Council in order to ensure that the recommendations as laid down in the geological report, as well as the provisions of the Dolomite Risk Management Plan are complied with and, when required, engineering certificates for the foundations of the structures and engineering services are submitted.

1.12 CONSTITUTION AND DUTIES OF THE HOME OWNERS ASSOCIATION

- (a) The township owner shall at his/her/it's costs, prior to or simultaneously with the sale of the first erf in the township, properly and legally constitute a Home Owners Association (HOA) (an association incorporated in terms of Section 21 of Act 61 of 1973, as amended).
- (b) The erven created for access and road purposes (i.e Erf 1907 and Erf 1908) ("the access erf") and the erven for Private Open Space (Erven 1730, 1905 and 1906) ("Private Open Space") shall, prior to or simultaneously with the registration of transfer of the first erf in the township, be transferred to the Home Owners Association contemplated in (a) above.
- (c) Each and every owner of an erf in the township (except the access erven 1907 and 1908, erven 1730, 1905 and 1906 parks, erf 1419 office and 1529 school), shall automatically become a member of the Home Owners Association upon registration of transfer of such erf in his/her/it's name.
- (d) The Home Owners Association shall be responsible for the functioning and proper maintenance of the access erven and the Private Open Space Erven. Such functioning and maintenance shall at all times be undertaken to the satisfaction of the Council.
- (e) The township owner shall be responsible for the construction and maintenance of the access erf, until the access erf has been transferred to the Home Owners Association.
- (f) The Home Owners Association shall be legally entitled to levy and claim, from each and every member of the Home Owners Association, the costs incurred in the execution of it's duties – if necessary by means of legal action.

1.13 ACCEPTANCE AND DISPOSAL OF STORM-WATER

The township owner shall ensure that the storm-water drainage of the township fits in with that of the existing and planned roads and storm-water infrastructure in the vicinity and that all storm-water running off or diverted from the roads is received and disposed of in such infrastructure.

1.14 PROVISION OF ENGINEERING DRAWINGS

The developer shall submit to the Council complete engineering drawings in respect of the internal road and storm-water, sewers, as well as water and electricity services, prior to the commencement of the construction of the said services.

1.15 PROVISION OF CERTIFICATE BY PROFESSIONAL ENGINEER

- (a) Before any erf is transferred, the Council must be provided with a certificate by a Professional Engineer for water, sewerage, electricity and internal road and storm-water services, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Council may at it's own discretion allow an exception in respect of the internal engineering services (water, sewerage, electricity, and internal road and storm-water sewers). If this is the case, the township owner shall furnish the Council with a guarantee, issued by a recognised financial institution, in the form required by the Council, complying with the requirements of the Council and stating that the township owner will complete the internal engineering services on or before a date laid down by the Council.
- (b) No building plans, except for existing buildings will be approved before the services are completed and (if applicable) taken over by the Council.

1.16 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity and roads and storm-water sewers) have been completed. The developer must furnish the Council with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and electrical services, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 5% of the contract cost of the electrical services.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AS INDICATED, LAID DOWN BY THE EKURHULENI METROPOLITAN COUNCIL (the "COUNCIL") IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

(a) All Erven

- (i) As this erf forms part of land which may be undermined and which may be liable to subsidence, settlement, shock and cracking due to mining operations in the past, present or future, the owner thereof accepts all liability for any damages thereto or any structure thereon which may result from such subsidence, settlement, shock or cracking.
- (ii) As this erf is situated in an area where dust, pollution and noise occur as a results of the removal or working of the nearby mining area, the owner of the erf accepts that inconvenience may be experienced as a result thereof, and the State or its employees shall accept no responsibility for any such inconvenience which may be experienced.
- (iii) Where, in the opinion of the Council, it is impracticable for storm water to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept and/or permit the passage over the erf of such storm water; provided that the owners of any higher-lying erven, the storm water from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (iv) Every owner of the erf or any person who has an interest therein shall observe and comply with the provisions and requirements of Dolomite Risk Management Plan for Strubensvale Extension 2 Township

(b) All erven excluding erven 1907 and 1908 (streets)

- (i) The erven shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and storm water) (hereinafter referred to as "the services"), in favour of the Council, along any two boundaries, except a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide, over that part of the erf indicated on the township engineering drawings, if and when required by the Council, provided that the Council may waive any such servitude.
- (ii) 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 2m thereof.
- (iii) The Council 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 Council shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Council shall make good any damage caused during the laying, maintenance or removal of such services and other works.

(c) Erven 1907 and 1908 (streets)

The erven shall be subject to a servitude for general municipal services in favour of the Council as indicated on General Plan SG No. 6824/2008.

2.2 REGISTRATION OF SERVITUDES AND CONDITIONS

(a) ERF 1539

SUBJECT to a 4m wide Right-of-Way servitude over the pan-handle portion in favour of Erf 1538 as indicated on General Plan S.G. NO. 6824/2008 (dated 23 October 2008).

ERF 1538

ENTITLED to a 4m wide Right-of-Way servitude over the pan-handle portion of Erf 1539 as indicated on General Plan S.G. NO. 6824/2008 (dated 23 October 2008).

(b) ERVEN 1730, 1905, 1906, (Private Open Space – Parks) and Erven 1907 and 1908 (Streets)

SUBJECT to a right-of-way servitude in favour of all other properties in the township Strubenvale Extension 2 as indicated on General Plan S.G. NO. 6824/2008 (dated 23 October 2008).

ALL ERVEN excluding 1730, 1905, 196, 1907 and 1908

ENTITLED to a servitude of right-of-way over Erven 1730, 1905, 1906 (Private Open Space – parks) and Erven 1907 and 1908 (streets) Strubenvale Extension 2 as indicated on General Plan S.G. NO. 6824/2008 (dated 23 October 2008).

(c) ERF 1577

Erf 1577 shall be subject to a 5m wide servitude for storm water in favour of the Home Owners Association as indicated on the General Plan S.G. NO. 6824/2008 (dated 23 October 2008).

(d) ALL erven in Strubenvale Extension 2 Township, but excluding 1419 (offices) 1529 (school), 1730 1905, 1906 (private open space – parks) and 1907 and 1908 (streets) shall be SUBJECT to the following conditions imposed by FIFTH SEASON INVESTMENTS 99 (PROPRIETARY) LIMITED and enforceable by GROOTVLEI RESIDENTIAL ESTATE HOME OWNERS ASSOCIATION (No. 2008/012442/08):

- (1) Every owner of this erf or of any subdivision thereof or of any interest therein or of any unit thereon as defined in the Sectional Titles Act, shall automatically upon registration of the property into his name become a member of the Homeowners Association and be subject to its constitution until he ceases to be an owner, provided that the rules of the Homeowners Association shall become binding upon the owner on the earlier of the date on which he occupies the property or the date on which it is registered in his name.
- (2) Every owner of the erf or any subdivision thereof or of any interest therein or of any unit thereof as defined in the Sectional Titles Act, shall not be entitled to sell, donate, exchange or transfer the property or any subdivision thereof without the prior written consent of the Homeowners Association which consent the Homeowners Association will be entitled to withhold unless:-
 - i. in the deed of sale, donation or exchange, the party to whom the property is transferred is informed of the existence of the Homeowners Association and the transferee undertakes in the said deed of sale to become a member of the Association and to be bound by the rules and regulations of the Homeowners Association.
 - ii. all amounts due by the owner to the Homeowners Association have been paid to the Association; and
 - iii. the owner is materially in compliance with the provisions of the articles of association of the Homeowners Association.
- (3) The transferee (or his successors in title) is obligated to commence with the erection of buildings on the erf to the reasonable satisfaction of the Homeowners Association within 2 (TWO) years of registration of the property into his name or within such extended period as the Architectural Committee in their sole discretion may allow in writing, failing which the Seller and/or the GROOTVLEI RESIDENTIAL ESTATE HOMEOWNERS ASSOCIATION shall be entitled to increase all levies payable in respect of the property by 500% (Five Hundred Percent).
- (4) For the purposes of sub-clauses (1), (2) and (3) above, the term Homeowners Association is a reference to GROOTVLEI RESIDENTIAL ESTATE HOMEOWNERS ASSOCIATION (No. 2008/012442/08), an Association incorporated under Section 21 of the Companies Act, 1973 (Act 61 of 1973).

LOCAL AUTHORITY NOTICE 1302

EKURHULENI METROPOLITAN MUNICIPALITY SPRINGS AMENDMENT SCHEME 312/96

It is hereby notified in terms of the provisions of Section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Ekurhuleni Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Strubenvale Extension 2, being an amendment of the Springs Town-planning Scheme, 1996.

Map 3 and the scheme clauses of this amendment scheme are filed with the Area Manager: City Development (Springs Customer Care Centre), and are open to inspection during public office hours at the office of the Area Manager: City Development (Springs Customer Care Centre), Room 401, Fourth Floor, Block F, Springs Civic Centre, corner South Main Reef Road and Plantation Road, Springs. This amendment is known as Springs Amendment Scheme 312/96.

(15/4/9 – Strubenvale X2)

For Acting City Manager July 2009

PLAASLIKE BESTUURSKENNISGEWING 1302

EKURHULENI METROPOLITAANSE MUNISIPALITEIT SPRINGS WYSIGINGSKEMA 312/96

Hierby word ingevolge die bepalings van Artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Ekurhuleni Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Strubenvale Uitbreiding 2, synde 'n wysiging van die Springs Dorpsbeplanningskema, 1996 goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Area Bestuurder: Stedelike Ontwikkeling (Springs Klientesorg Sentrum), in bewaring gehou en lê ter insae gedurende publieke kantoorure by die kantoor van die Area Bestuurder: Stedelike Ontwikkeling (Springs Klientesorg Sentrum) Kamer 401, Vierde Vloer, Blok F, Springs Burgersentrum, hoek van South Main Reefweg, en Plantationweg, Springs. Hierdie wysiging staan bekend as Springs Wysigingskema 312/96.

(15/4/9 – Strubenvale X2)

namens: Stadsbestuurder Julie 2009