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**IMPORTANT NOTICE**

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 53

#### 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 **NEWMARKET PARK EXTENSION 38**, to be an approved township, subject to the conditions set out in the Schedule hereto.

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STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION, MADE BY MARQUES FINANCE AND INVESTMENTS cc (HEREAFTER REFERRED TO AS THE TOWNSHIP OWNER / APPLICANT) UNDER THE PROVISIONS OF SECTION C OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986, (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 521 OF THE FARM ELANDSFONTEIN NO.108-I.R., IS APPROVED BY THE EKURHULENI METROPOLITAN MUNICIPALITY (ALBERTON CCC)

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be **NEWMARKET PARK EXTENSION 38**.

##### 1.2 DESIGN

The township shall consist of erven and streets as indicated on Plan SG 1143/2009.

##### 1.3 STORM WATER DRAINAGE AND STREET CONSTRUCTION

1.3.1 The Township Owner shall on request by the Council submit to such Council for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by Council, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, tar macadamizing, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the Council.

1.3.2 The scheme shall provide for the catchments of storm water in catch pits hence it shall be drained off in watertight pipes of durable material, approved by the Council, in such manner that water will in no way dam up or infiltrate on or near the surface of the ground. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

The township owner shall, when required by the Council to do so, carry out the approved scheme at its own expense on behalf of and to the satisfaction of the Council under supervision of a civil engineer approved by the Council.

1.3.3 If the township owner fails to comply with the provisions of paragraphs 1.3.1 and 1.3.2 hereof the Council shall be entitled to do the work at the cost of the township owner.

**1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes excluding servitude 0.50 metres wide vide diagram SG No. A2688/1978 S which affects Erf 376 in the township only

**1.5 ACCESS**

Only Erf 413 shall gain access to Lincoln Road. Erven 376 to 412 shall gain access via a Right-of-Way servitude registered over the whole of Erf 413.

The applicant shall, at his cost, do a traffic impact (access) study to the satisfaction of the Department of Roads, Transport and Civil Works of the Ekurhuleni Metropolitan Council to determine access management to the township.

**1.6 ENGINEERING SERVICES**

1.6.1 The township owner shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.

1.6.2 Once water, sewer and electrical networks have been installed, same will be transferred to the Local Authority, free of cost, who shall maintain these networks (except internal street lights).

1.6.3 The Section 21 Company will be responsible for the maintenance of the internal roads (including storm water) and the internal street lights (including electrical power usage), to the satisfaction of the local authority.

1.6.4 The township owner shall be liable for the erection of the street name signs on internal roads. The Section 21 Company shall be liable for the maintenance of the street name signs.

**1.7 DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owners shall at their 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, within a period of six months from the date of publication of this notice.

**1.8 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES**

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

**1.9 GENERAL**

1.9.1 Proposals to overcome detrimental soil conditions, to the satisfaction of the local authority, shall be contained in all building plans submitted for approval, and all buildings shall be erected in accordance with the precautionary measures accepted by the local authority.

1.9.2 The township owner must indemnify the local authority against any and all claims regarding the maintenance and provision of any roads and storm water services in the development (the provision of engineering services under paved areas to be avoided); any damage to the paving, which is caused by an emergency vehicle or any vehicle of the local authority that is involved in any maintenance of services; and any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner), prior to the approval of building plans.

1.9.3 The township owner shall at his own expense, erect a physical barrier along all boundaries not already fenced, consisting of palisade or brick to the satisfaction of the local authority. The maintenance of the barrier shall be at the expense of the township owner / Section 21 company.

1.9.4 The applicant shall satisfy the local authority that street names have been approved in accordance with approved policies for the area. The names to be indicated as per 1.6.4.

## **2. SPECIAL CONDITIONS**

2.1 The township owner shall ensure that a legal body "Home Owners Association", is established in terms of Section 21 of Act 61 of 1973, as amended, which shall include all land owners in the township of Newmarket Park Extension 38.

2.2 The said "Home Owners Association" shall, in addition to such other responsibilities as may be determined by the Council, also be responsible for the maintenance of the intercom and access relating to Erf 413.

2.3 The memorandum of association of the Section 21 Company, or a universitas personarum, shall provide that:

(i) 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;

(ii) The Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the roadways and engineering services in the township. The local authority shall not be liable for any defectiveness of the surfacing of the roadways or / and of the engineering services.

(iii) The Home Owner's Association shall be incorporated with the legal power to levy from each and every member of the Home Owner's Association the costs incurred fulfilling its function and to have legal recourse to recover such fees in the event of a default in payment by any member;

(iv) The construction and maintenance of the roadways shall be the responsibility of the township owner until transfer of the relevant erf / erven has been effected to the company intended.

(v) The Section 21 Company must indemnify the local authority against any and all claims regarding:

(a) the maintenance and provision of any roads and storm water services in the development (the provision of engineering services under paved areas to be avoided);

(b) any damage to the paving, which is caused by an emergency vehicle or any vehicle of the local authority that is involved in any maintenance of services

(c) any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner)

2.3.4 Every owner of the erf or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a Member of the Home Owner's Association and be subject to its constitution until he/she cease 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 Owners' Association.

- 2.3.5 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 the Clearance Certificate from the Home Owners' Association that the provisions of the Articles of Association of the Home Owners' Association have been complied with.

### 3. RESTRICTION

Erf 413, shall be registered in the name of the Association mentioned in 2 (2.1), above, and shall be subject to a servitude in favour of the Local Authority for any municipal services as well as for emergency services and a servitude of right-of-way in favour of all adjacent erven to guarantee access to a public road to all owners.

### 4. CONDITIONS OF TITLE

**The erven shall be subject to the following conditions as indicated, imposed by the Council in terms of the provisions of the Town-Planning and Townships Ordinance, 15 of 1986.**

#### 4.1 ERVEN 376 to 413

- 4.1.1 The erven shall be 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.
- 4.1.2 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 2m thereof.
- 4.1.3 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.
- 4.1.4 As this erf forms part of land which may be underlain and which may be liable to subsidence, settlement, shock and cracking due to mining operations in future, the owner thereof accepts all liability for all damage thereto or any structure thereon which may result from such subsidence, settlement, shock or cracking.

#### 4.2 ERF 413

The whole of erf 413 is subject to a servitude of right of way in favour of erven 376 to 412 in the township as indicated on the General Plan

#### 4.3 ERVEN 376 to 412

Erven 376 to 412 are entitled to a servitude of right of way over the whole of erf 413 as indicated on the general plan.

**4.4 ERF 382**

Erf 382 is subject to a storm water servitude 2,00 metres wide in favour of the local authority as indicated on the general plan.

**4.5 ERF 381**

Erf 381 is subject to a sewer servitude 2 metres wide as indicated on the general plan in favour of the local authority.

**4.6 ERF 413**

The whole of erf 413 is subject to a servitude for municipal services including emergency services in favour of the local authority as indicated on the general plan

**K NGEMA, City Manager: Alberton Customer Care Centre**

**Civic Centre, Alwyn Taljaard Avenue, Alberton**

**NOTICE NO: A013/2010**

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**PLAASLIKE BESTUURSKENNISGEWING 54****EKURHULENI METROPOLITAN MUNICIPALITY****ALBERTON AMENDMENT SCHEME 2132**

The Ekurhuleni Metropolitan Municipality hereby in terms of the provision of Section 125(1)(a) of the Town-Planning and Townships Ordinance, No. 15 of 1986, declares that it has approved an amendment of the Alberton Town-Planning Scheme, 1979, comprising the same land as included in the township of NEWMARKET PARK EXTENSION 38.

Map 3 and the scheme clauses of the amendment scheme are filed with the Director-General, Gauteng Provincial Administration: Development Planning and Local Government, 8<sup>th</sup> Floor, Corner House, 63 Fox Street, Johannesburg and the Manager: Alberton Customer Care Centre and are open for inspection at all reasonable times.

The amendment is known as Alberton Amendment Scheme 2132 and shall come into operation from date of publication of this notice.

**K NGEMA, City Manager: Alberton Customer Care Centre**

**Civic Centre, Alwyn Taljaard Avenue, Alberton**

**NOTICE NO: A013/2010**

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