

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
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IMPORTANT NOTICE

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 854

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 **CHLOORKOP EXTENSION 62**, to be an approved township, subject to the conditions set out in the Schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY HOCOM PROPERTIES (PROPRIETARY) LIMITED (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 25 (A PORTION OF PORTION 8) OF THE FARM MOOIFONTEIN NO.14 I.R, GAUTENG PROVINCE, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 Name

The name of the township shall be Chloorkop Extension 62.

1.2 Design

The township shall consist of erven and street(s) as indicated on General Plan S.G. Diagram No. 5263/2010.

1.3 ACCESS

Access to and egress from the township to the public street system shall be to the satisfaction of the Local Authority.

1.4 DISPOSAL OF EXISTING SERVITUDES AND CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, including the reservation of the rights to minerals (if any), excluding the following:

1.4.1 Condition that does not affect the township:

Portions 'C', 'B' and 'D' of portion of the said farm Mooifontein, held under Deeds of Partition Title Nos. 20969/1939, 20970/1939, 20971/1939, 20972/1939 and 20973/1939 shall be entitled to dip drinking water for household purposes out of the said fountain on Portion 25, hereby transferred, subject to the condition that in the exercise of this right access to the fountain along the existing road to the fountain only.

1.4.2 Condition that affects only Erf 5553 in the township:

Portion 'E' of portion of the said farm Mooifontein held under Deed of Partition Title No.20974/1939 shall be entitled to all the water of certain fountain situate to the south of the hereinbefore mentioned furrow and on or in the vicinity of the eastern boundary of the property hereby transferred, being the common boundary between the said portion 'E' and the property hereby transferred, subject to the provision that the owner of the said portion 'E' shall properly open up the same from portion 'E' and properly fence same.

1.4.3 Servitudes that affect only Erf 5550 in the township:

a) The figure mnpEm represents a servitude in favour of Rand Water, as indicated on General Plan S.G. Diagram No. 5263/2010, as well as Surveyor General diagram S.G. No. 13240/1998, registered by virtue of Deed of Servitude No. K 2354/2011s.

- b) The figure cdB2efgc represents a 3 metre wide servitude for storm-water purposes in favour of Ekurhuleni Metropolitan Council, as indicated on General Plan S.G. Diagram No. 5263/2010, as well as Surveyor General diagram S.G No.6294/2009, registered by virtue of Deed of Servitude No. K 239/2010s.

1.4.4 Servitude that affect only Erf 5551, 5553 and Maritz Street in the township:

The figure qabB2B1 represents the north-western and western boundaries of a 2 metre wide servitude for electricity purposes in favour of the Ekurhuleni Metropolitan Council, as indicated on General Plan S.G. Diagram No. 5263/2010, as well as Surveyor General Diagram S.G No.6294/2009, registered by virtue of Deed of Servitude No.K238/2010s.

1.4.5 Servitude that affects only Erf 5552 and 5553 in the township:

The line hB7 represents a 3 metre wide servitude for storm-water purposes in favour of the Ekurhuleni Metropolitan Council, as indicated on General Plan S.G. Diagram No. 5263/2010, as well as Surveyor General diagram S.G No.6294/2009, registered by virtue of Deed of Servitude K239/2010s.

1.4.6 Servitude that affects only Erven 5550, 5552 and Maritz Street in the township:

The figure jklEj represents a servitude area in favour of Ekurhuleni Metropolitan Municipality for sewer purposes as indicated on General Plan S.G. Diagram No. 5263/2010, as well as Surveyor General diagram S.G. No.A7555/1989, registered by virtue of Deed of Servitude K2355/2011s.

1.5 ENDOWMENT

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

1.6 ERVEN TO BE TRANSFERRED TO SECTION 21-COMPANY

Erf 5553 ("Private Open Space" – erf for a park) must be transferred to the Section 21-company (that was established in terms of Section 21 of the Companies Act, Act 61 of 1973, for the administration and maintenance of communal facilities and services in the township) prior to the registration of any other erf or unit within the township.

1.7 CONSTITUTION AND DUTIES OF THE SECTION 21-COMPANY

- (a) The Applicant shall at his own expense, prior to the registration of the first erf/unit in the township, properly and legally constitute a Section 21-company, incorporated in terms of Section 21 of the Companies Act (Act 61 of 1973).
- (b) Each and every owner of an erf/unit in the township, except Erf 5553 (Private Open Space), shall become a member of the said Section 21-company upon registration of ownership of such erf/unit into his/her/its name.
- (c) The Section 21-company, contemplated in sub-paragraph (a) above, shall be responsible for the administration and maintenance of the Private Open Space, erf (Erf 5553) and other communal facilities and services for the township. Such administration and maintenance shall at all times be undertaken to the satisfaction of the Council.
- (d) The Applicant shall be responsible for the construction of communal facilities and services infrastructure and the proper maintenance thereof, as well as the maintenance of the Private Open Space (Erf 5553), until such facilities and infrastructure (including Erf 5553) have been legally transferred to and taken over by the said Section 21-company.
- (e) The said Section 21-company shall be legally entitled to levy and claim, from each and every member of the Section 21-company, the costs incurred in the execution of its duties / responsibilities – if necessary, by means of legal action.

1.8 REMOVAL AND / OR REPLACEMENT OF MUNICIPAL OR ANY OTHER ENGINEERING OR COMMUNICATION SERVICES INFRASTRUCTURE

Should it become necessary to move and / or replace any existing municipal or other engineering or communication services infrastructure as a result of the establishment of the township, it shall be done in liaison with the owner of such infrastructure and the cost thereof shall be borne by the Applicant.

1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the Council to do so, the Applicant shall at his own expense cause to be demolished (to the satisfaction of the Council) all existing buildings and structures if any, in a street reserve, servitude area, or building restriction area, or dilapidated structures and structures for which building plans have not been approved.

1.10 REMOVAL OF LITTER / RUBBLE

- (a) The Applicant shall at his own expense have all litter / rubble within the township area removed to the satisfaction of the Council, when required to do so by the Council.
- (b) The Applicant shall at his own expense have all litter/rubble removed from Erf 5553 (to the satisfaction of Council), before Erf 5553 is transferred to the Section 21 – company contemplated in Condition 2.6(a) above.

1.11 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The Applicant shall at his own expense comply with, or make satisfactory arrangements to ensure compliance with all the conditions imposed by GDARD, which has given conditional approval for the development of the township, as per their letter of authorization dated 21 January 2010 (ref. no. 002/06-07/N0594), read with their letter dated 15 June 2010 (ref. no. GAUT 006/09-10/N0119).

1.12 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 (NHBR) 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 NHBR.
- (b) The Applicant shall at his own expense, make arrangements with the Council in order to ensure that the recommendations as laid down in the geological report are complied with and, when required, engineering certificates for the foundations of the structures and engineering services are submitted.

1.13 PROVISION FOR REFUSE REMOVAL WITHIN THE TOWNSHIP

- (a) Provision must be made for either kerb-side refuse removal or proper refuse holding areas with access from the street must be provided, in a manner that does not detrimentally affect the movement of traffic along the street.
- (b) All streets / roadways along which refuse removal by the Council is required, must be designed in a manner that will allow easy manoeuvring of refuse removal vehicles, to the satisfaction of the Council and any overhanging cables or structures over such streets / roadways must be at least 4,5 (four comma five) metres high above the road surface level, to allow for refuse removal vehicles to pass underneath.

1.14 ACCEPTANCE AND DISPOSAL OF STORM-WATER

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

1.15 OBLIGATIONS OF APPLICANT WITH REGARD TO ENGINEERING SERVICES INFRASTRUCTURE

The Applicant shall within such period as the Council may determine (or such period as determined in the engineering services agreement), fulfil his obligations in respect of the installation / construction of engineering service infrastructure (i.e. water, sewerage, electricity, roads and storm-water drainage infrastructure) as per an engineering services agreement to be entered into between the Applicant and the Council. Such engineering services agreement may include payment of contributions, by the Applicant, towards bulk engineering services.

1.16 PROVISION OF ENGINEERING DRAWINGS

The Applicant shall submit to the Council complete engineering drawings, for approval by the Council, prior to commencement with the installation / construction of engineering services infrastructure.

1.17 PROVISION OF AS-BUILT DRAWINGS AND CERTIFICATES BY PROFESSIONAL ENGINEER

Upon completion of the installation / construction of engineering services infrastructure by the Applicant, the Applicant shall supply the Council with as-built drawings and certificates by a professional engineer, in which it is certified that such engineering services infrastructure has been completed and that the engineer accepts liability for such infrastructure.

1.18 MAINTENANCE PERIOD AND GUARANTEE

Unless stated otherwise in the engineering services agreement between the Applicant and the Council, a maintenance period of 12 (twelve) months commences from the date when the last of the engineering services infrastructure (i.e. water, sewerage, electricity and roads and storm-water drainage infrastructure) installed / constructed by the Applicant has been completed and the as-built drawings and engineer's certificates have been submitted to the Council. The Applicant must furnish the Council with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials, which guarantee must be for an amount that is equal to at least 5% of the contract cost for the material and installation / construction of such infrastructure.

1.19 RESTRICTION REGARDING REGISTRATION OF ERVEN AND APPROVAL OF BUILDING PLANS

No erf / unit in the township may be registered, nor will building plans be approved, before the Council has certified that the Applicant has complied with all his obligations and all conditions for establishment of the township, to the satisfaction of the Council.

2. CONDITIONS OF TITLE**2.1 GENERAL CONDITIONS OF TITLE LAID DOWN BY THE EKURHULENI METROPOLITAN COUNCIL IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****All Erven**

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.

2.2 CONDITIONS AND SERVITUDES IN FAVOUR OF THE COUNCIL

All erven

- (a) The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewerage, electricity and storm-water drainage) (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.
- (b) 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.
- (c) 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.

2.3 CONDITIONS AND SERVITUDES IN FAVOUR OF THIRD PARTIES

Erven 5550, 5551 and 5552

- (a) 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 Section 21-company (established in terms of the Companies Act, Act 61 of 1973, for the administration and maintenance of communal facilities and services in the Chloorkop X62 Township) and be subject to its constitution until he ceases to be an owner, provided that the rules of the Section 21-company 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.
- (b) 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 Section 21-company, which consent the Section 21-company 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 Section 21-company and the transferee undertakes in the said deed of sale to become a member of the Section 21-company and to be bound by the rules and regulations of the Section 21-company;
 - (ii) all amounts due by the owner to the Section 21-company have been paid to it; and
 - (iii) the owner is materially in compliance with the provisions of the articles of association of the Section 21-company.

Khaya Ngema, City Manager

LOCAL AUTHORITY NOTICE 855**EKURHULENI METROPOLITAN MUNICIPALITY****LETHABONG TOWN PLANNING SCHEME, 1998: AMENDMENT SCHEME 45**

The Ekurhuleni Metropolitan Municipality hereby declares that it has approved an amendment scheme, being the amendment of the Lethabong Town Planning Scheme, 1998, comprising the same land as included in the township of Chloorkop Extension 62 in terms of the provisions of section 125 of the Town-planning and Townships Ordinance, 1986(Ordinance 15 of 1986)

Map 3 and the scheme clauses of the amendment scheme are filed with the Area Manager: City Development, Edenvale Customer Care Area, Ekurhuleni Metropolitan Municipality, Edenvale Civic Centre, 1st Floor, Entrance 3, Room 248, corner Hendrik Potgieter Road and Van Riebeeck Avenue, Edenvale, and are open for inspection at all reasonable times.

This amendment is known as Lethabong Amendment Scheme 45 and shall come into operation from date of publication of this notice.

Khaya Ngema, City Manager

Edenvale Civic Centre, corner Hendrik Potgieter Road and Van Riebeeck Avenue, Edenvale
