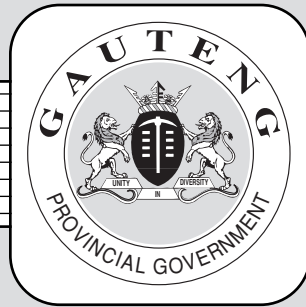


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

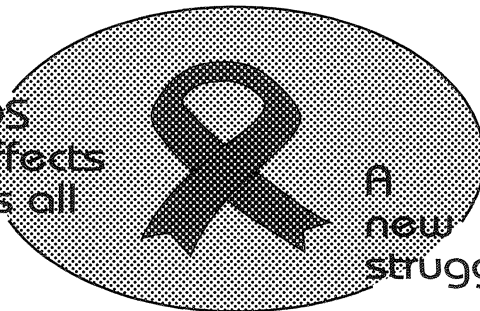
Vol. 19

PRETORIA, 11 JULY  
JULIE 2013

No. 192

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICE</b>			
903	Town-planning and Townships Ordinance (15/1986): Ekurhuleni Metropolitan Municipality: Establishment of township: Pomona Extension 118 .....	3	192

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 903

#### EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE)

Declaration as an approved Township

In terms of Section 103(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986) the Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby declares Pomona Extension 118 Township, to be an approved township, subject to the conditions as set out in the schedule hereto.

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY I AND M ENTERPRISES CC (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 290 (A PORTION OF PORTION 287) OF THE FARM RIETFONTEIN NO. 31, REGISTRATION DIVISION I.R HAS BEEN GRANTED**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP**

**(1) INDICATION OF SERVITUDE**

- (i) The applicant shall at his own expense indicate a right-of-way servitude on the general plan over the entire Erf 3581 in favour of all the owners and occupants in the township.
- (ii) The applicant shall at his own expense indicate a servitude for municipal purposes on the general plan over the entire Erf 3581 in favour of the local authority.
- (iii) Erf 3581 is affected by a servitude area as indicated on the general plan.

**(2) GENERAL**

The applicant shall satisfy the local authority that:

- (i) the relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township;
- (ii) a geological report for the township has to be drawn up by the applicant to the satisfaction of the Local Council and all the conditions and requirements as set out in the report must be complied with to the satisfaction of the Local Council;
- (iii) the proposed township is not affected by a 1:100 year floodline (a certificate by a competent engineer must be submitted);
- (iv) The applicant shall comply with the provisions of sections 72 (General Plan), 75 (General Plan : Local Authority) and 101 (Township register) of the Town Planning and Townships Ordinance 1986 (Ordinance 15 of 1986).

**(3) GAUTENG PROVINCIAL DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**

- (i) The service report containing the stormwater design proposal must be submitted to this department for approval at the time of the application before proclamation.

**2. CONDITIONS OF ESTABLISHMENT**

**(1) NAME**

The name of the township shall be Pomona Extension 118.

**(2) DESIGN**

The township shall consist of erven and streets as indicated on S.G. No. 4003/2012.

**(3) ENDOWMENT**

Payable to the local authority:

The township owner shall, in terms of the provisions of Section 81, as well as Sections 98(2) and (3) of the Town Planning and Townships Ordinance, 1986, pay a lump sum endowment of R30 000,00 to the local authority. This money can be used for the purposes of upgrading any parks.

- (4) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**  
All erven shall be made subject to existing conditions and servitude's, if any, but excluding condition A(1) which will not be passed on to the owners of erven in the township.
- (5) **PRECAUTIONARY MEASURES**  
The township owner shall at his own expense make arrangements with the local authority in order to ensure that the recommendations as laid down in the geological report of the township must be complied with and, when required, engineer certificates for the foundations of the structures must be submitted.
- (6) **ACCESS**  
(i) Access to the township shall be obtained from Vlei Avenue.  
(ii) No ingress from Road K155 to the township and no egress to Road K155 from the township shall be allowed.
- (7) **ENGINEERING SERVICES**  
(i) The applicant shall be responsible for the installation and provision of internal engineering services.  
(ii) Once water, sewer and electrical networks have been installed, same will be transferred to the Local Council, free of cost, who shall maintain these networks (except internal street lights).  
(iii) 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).
- (8) **DEMOLITION OF BUILDINGS AND STRUCTURES**  
The township owner shall at his 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, when required by the local authority to do so.
- (9) **ACCEPTANCE AND DISPOSAL OF STORMWATER**  
The township owner shall arrange for the drainage of the township to fit in with that of the existing road and storm water infrastructure in the vicinity and for all storm water running off or diverted from the roads to be received and disposed of.
- (10) **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 local authority when required by the local authority to do so.
- (11) **TRANSFER OF ERVEN**  
Erf 3581 shall, at the cost of the township owner, be transferred to the home owners association to be established for the township as envisaged in 1(4) above prior to or simultaneously with the first transfer of any erf.

### 3. **CONDITIONS OF TITLE**

All erven shall be subject to the following conditions imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

- (1) **ERVEN 3571 to 3580**  
(i) The erf is 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 and 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.  
(ii) No building or other structures 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.  
(iii) 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.

(2) **ERF 3581**

- (i) Subject to a servitude for municipal purposes in favour of the local authority, as indicated on the general plan to guarantee access to the local authority's personnel and vehicles in order to carry out repair and maintenance work to the water, sewer and electrical networks (excluding street lights) after they have been taken over by the local authority.
- (ii) Subject to a servitude of right-of-way in favour of all owners and occupiers of erven in the township, as indicated on the general plan, to guarantee access to a public road to all the residents.
- (iii) Erf 3581 is affected by a servitude area as indicated on the general plan in favor of the municipality for roads and storm water purposes.

(3) **FORMULATION AND DUTIES OF THE HOME OWNER'S ASSOCIATION**

- (i) The township owner shall properly and legally constitute a Home Owner's Association [a company incorporated under Section 21 of the Companies Act, 1973, or a universitas personarum].
- (ii) The memorandum of association of the Section 21 Company, or a universitas personarum, shall provide that:
  - (a) 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;
  - (b) the Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes and the engineering services contained thereon. The local authority shall not be liable for the defectiveness of the surfacing of the roadway and/or any essential services;
  - (c) the Home Owner's Association must be incorporated with the legal power to levy from each and every member of the Home Owner's Association the costs incurred in fulfilling its function and to have legal recourse to recover such fees in the event of a default in payment by any member; and
  - (d) the construction and maintenance of the roadway portion shall be the responsibility of the township owner until transfer of that portion to the Home Owner's Association.

**4. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION**

(1) **RESIDENTIAL 2: USE ZONE 2**

**Erven 3571 to 3580**

The erf shall be zoned "Residential 2" subject to:

- (i) The height of the buildings will be restricted to 2 storeys
- (ii) The coverage on each erf will be restricted to 60%.
- (iii) The density on each erf will be restricted to 40 units/ha (no erf may therefore be smaller than 250m<sup>2</sup>).
- (iv) Only one dwelling per erf will be allowed.
- (v) Building lines: 2m along all boundaries

(2) **SPECIAL: USE ZONE 9**

**Erf 3581**

The erf shall be zoned "Special" for a private road including an access control and refuse removal facilities subject to:

- (i) The height of the buildings will be restricted to 2 storeys.
- (ii) 30m<sup>2</sup> may be used for the construction of an access control building.
- (iii) 30m<sup>2</sup> may be used for the construction of a refuse removal building.

(3) **ERVEN SUBJECT TO SPECIAL CONDITIONS**

**Erven 3575, 3576 & 3581**

- (i) The registered owner of the erf shall erect a physical barrier of such material as may be approved by the local authority in accordance with the most recent standards of the Gauteng Provincial Government (Department of Transport and Public Works) before or during development of the erf along the north-eastern boundary thereof abutting on Provincial Road K155 to the satisfaction of the local authority and shall maintain such

- fence to the satisfaction of the local authority.
- (ii) Except for the physical barrier referred to in sub clause (i) above, no swimming bath or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of the land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 16 metres from the boundary of the erf abutting on Provincial Road K155 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Gauteng Provincial Government (Department of Transport and Public Works).
  - (iii) Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on Provincial Road K155.
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**EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
KEMPTON PARK TOWN PLANNING SCHEME 1987: AMENDMENT SCHEME K2159**

The Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Kempton Park Town Planning Scheme 1987, comprising the same land as included in the township of POMONA EXTENSION 118 Township.

Map 3 and the scheme clauses of the amendment scheme are available for inspection at all reasonable times at the offices of the Area Manager, Development Planning, Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre), 5<sup>th</sup> Floor, Civil Centre, c/o CR Swart Drive and Pretoria Road, Kempton Park.

This amendment is known as Kempton Park Amendment Scheme K2159 and shall come into operation on the date of this publication.

Khaya Ngema: City Manager,  
Ekurhuleni Metropolitan Municipality, Private Bag X1069 Germiston 1400  
Notice DP.28.2013

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**TO APPEAR:**

**Permission is granted.**

**C.L. MANDA  
AREA MANAGER: CITY PLANNING  
KEMPTON PARK CUSTOMER CARE CENTRE**

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