

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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LOCAL AUTHORITY NOTICES**LOCAL AUTHORITY NOTICE 19****EKURHULENI METROPOLITAN MUNICIPALITY****AMENDMENT SCHEME 1338**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Germiston Town-planning Scheme, comprising the same land, as included in the Township of UNION EXTENSION 53.

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Area Manager, Development Planning Services Centre, 15 Queen Street, Germiston and are open for inspection at all reasonable times.

The amendment scheme is known as Germiston Amendment Scheme 1338

Area Manager: Germiston Service Delivery Centre: Ekurhuleni Metropolitan Municipality.

LOCAL AUTHORITY NOTICE 20
EKURHULENI METROPOLITAN MUNICIPALITY
DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Township Ordinance, 15 of 1986, the Ekurhuleni Metropolitan Municipality hereby declares Union Extension 53 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 JONKLAND PROPERTY DEVELOPERS CC, (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 105(A PORTION OF PORTION 56) OF THE FARM ELANDSFONTEIN 108 IR TOWNSHIP, GAUTENG PROVINCE, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 Name

The name of the township shall be "Union Extension 53".

1.2 Design

The township shall consist of erven and streets as indicated on S.G. No. 6844/2009.

Storm-water Management, designed by a professional in the engineering field, must be submitted for approval.

1.3 Street Names

Public Streets through the township are continuation of existing roads namely Jacoba Road and Radio Street which are acceptable to the municipality.

1.4 Endowment and Payment of External Engineering Service Contributions

Contributions for open space and engineering services are payable in terms of the provisions of Section 20 and 63 of the Town Planning and Townships Ordinance, 15 of 1986 (as amended).

1.5 Disposal of Existing Conditions of Title

All erven shall be made subject to existing servitudes excluding the following Servitude which does not affect the erven in the Township.

- (i) "Subject to the terms of Notarial Deed of Servitude No. 419/1889 having Reference to perpetual rights, to water in favour of other portions of the said farm ELANDSFONTEIN".
- (ii) Subject to the following condition

"To a right of way 6,30 metres wide along the line A.D. as shown on the said diagram in favour of the remaining extent of portion 56 (formerly portion "F") of the farm ELANDSFONTEIN HELD BY Thomas Ignatius Norton by Deeds of Transfer Nos. 9922/1917 dated the 29th November 1917 and 10550/1920 dated the 26th June, 1920 and the remaining extent of a portion of the said farm ELANDSFONTEIN held by JOHANNA ELIZABETH JACOBA MEYER by Certificate of Amalgamated Title No. 2471/1914 provided however, that the transferee and his successors in Title shall at all times have the right to use the said right-of-way and to grant to any such party or parties as may acquire the said farm ELANDSFONTEIN shall at all times have the right to use the said right way, provided however, that neither the said Thomas Ignatius Norton or his successors in title nor the transferee, nor his successors in title shall at any time have the right to close the said right of way."

which only affects Erf 432 as indicated on General Plan S.G. No 6844/2009.

1.6 Removal of Litter

The township owner shall at his / her own expense cause all litter within the township area to be removed and levelled to the satisfaction of the Municipality.

1.7 Demolition of Building or Structures

- (i) 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 Municipality. Requirements Regulation R1182 and R1183 of the Environmental Conservation Act 79 of 1989 are to be complied with.
- (ii) The township owner shall at his own expense draw up and submit acceptable building plans to the Municipality, 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 Municipality. The township owner shall at his own expense alter the buildings to comply with the approved

building plans to the satisfaction of the Municipality.

1.8 Engineering Services

- (i) The township owner is responsible for making the necessary arrangement for the provision of all engineering services and the payment of External Services Contributions in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986). A services agreement should be entered in to with the Municipality.
- (ii) 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 Municipality.
- (iii) All existing municipal services on the erven within the township shall be protected by means of suitable servitudes to the satisfaction of the Municipality, registered in favour of the Municipality, as and when required by the Municipality, by the owner at his own expense.
- (iv) The township owner shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.
- (v) The township owner shall within such period as the municipality may determine, fulfil their obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the municipality.
- (vi) The Section 21 Company / Body Corporate / Home Owners Associate's Association will be responsible for the maintenance of the internal roads (including storm-water) and the internal street lights (including electrical power-usage)

1.9 Restriction on the Disposal of Erven

- (i) The township owner shall, in terms of prior agreement with the Municipality, fulfill his obligations with regard to the provision of water, sanitation (and if applicable) electricity and the installation of reticulations for such purposes, prior to the disposal of any erf within the township.
- (ii) No erven may be alienated or transferred in the name of a purchaser prior to the Municipality having confirmed that sufficient guarantees have been furnished in respect of the provision of services by the township applicant to the Municipality.
- (iii) No erven may be transferred in the name of a purchaser prior to a 6,30 metres wide public road servitude being registered over Erf

432.

1.10 Consolidation of Component Portions

The owner shall at his own expense cause Erven 431 and 432 to be consolidated.

1.11 Formation and duties of Home Owners Association

The applicant shall properly and legally constitute a Home Owners Association to the satisfaction of the local authority prior to or simultaneous with the sale of the first property in the township

2. CONDITIONS OF TITLE IMPOSED BY THE EKHURULENI METROPOLITAN MUNICIPALITY IN TERMS OF OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 15 OF 1086

2.1 Servitudes

2.1.1 Municipal Servitudes:

- (i) All Erven are subject to a servitude, 1,5 m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any two boundaries of the Erf other than a street boundary, if and when required by the Municipality: Provided that the Municipality may dispense with any such servitude.
- (ii) No building or other structure shall be erected within the aforesaid servitude area and no largerooted trees shall be planted within the area of such servitude or within 1,5 m there from.
- (iii) The Municipality 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 Municipality.

2.2 Formation of Home Owners Association and restriction of transfer of certain erven

- 2.2.1 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), prior to or simultaneous with the sale of the first erf in the township.

2.2.2 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.

2.2.3 Erven 431 and 432, being the residential erven in the township shall not be transferred, unless the erven are made subject, upon each transfer of the erf, in terms of the provisions of Section 65 of the Deeds Registries Act, 1947 (Act No. 37 of 1947) to the following conditions in favour of the Home Owners Association

(i) Every owner of the erf, or of any subdivided portion thereof, or any sectional title unit on a erf or any person who has an interest therein shall become and shall remain a Member of the Home Owners Association and be subject to its constitution and rules until he/she ceases to be an owner of aforesaid or ceases to have an interest in the aforesaid. Neither the erf nor any subdivided portion or sectional title unit thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to become a Member of the Home Owners Association.

(ii) The owner of the erf or any subdivided portion thereof, or sectional title unit or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or sectional title unit or an interest therein without obtaining a valid Clearance Certificate from the Home Owners Association to the effect that the provisions of the Articles of the Association of the said Association have been complied with.

(iii) Except for the written approval of the said Association and the Local Authority and subject to such conditions as they may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any sub-terranean water therefrom.

(iv) The owner shall become a member of the said Association upon the transfer of the erf into his name.

2.2.4 A copy of the constitution of the name of the Home Owners Association must be submitted to the Local Authority before the approval of any site development plan or building plan.

2.2.5 A guard-house with a maximum floor area of 25m² and storage facilities may be developed on Erf 432.

3. CONDITIONS TO BE INCORPORATED INTO THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986 (AS AMENDED), IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION

Erven 431-432 shall be subject to the following conditions:

3.1 Schedule

Zoning:	"Residential 3"
Primary Rights:	As per Scheme
Secondary Rights:	As per Scheme
No rights:	As per Scheme
Height Zone:	"0"
Height:	3 storeys
FAR:	0.6
Coverage:	40%
Density:	Not Specified
Parking Provisions:	As per scheme
Building line:	As per scheme
Servitude:	N/A

- 3.1.1 A site development plan shall control the development of the erven, which shall be submitted to the satisfaction of the Municipality for approval and such site development plan shall be amended to the satisfaction of the Municipality prior to the approval of any new building plans or development changes on the Erf. Special attention to be given to satisfactory management of storm-water over the sites.
- 3.1.2 On site parking shall be provided in accordance with the use on the property as specified in terms of Clause 18 and Table F of the Town Planning Scheme.
- 3.1.3 In addition to the relevant conditions set out above, all erven shall be subject to conditions (e), (f) and (i) of Clause 17 of the Town Planning Scheme".
- 3.1.4 It must be stressed that the Design recommendation/solution outline in the Engineering Geological report must be adhered to all the times during the construction phase(s).