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PROCLAMATION • PROKLAMASIE

PROCLAMATION 123 OF 2016**EKURHULENI METROPOLITAN MUNICIPALITY
(KEMPTON PARK CUSTOMER CARE CENTRE)****DECLARATION AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby declares Pomona Extension 202 to be an approved township subject to the conditions set out in the schedule hereto.

ANNEXURE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED (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 649, (A PORTION OF PORTION 26) OF THE FARM RIETFONTEIN 31-IR, HAS BEEN GRANTED

A. CONDITIONS OF ESTABLISHMENT**(1) NAME**

The name of the township shall be Pomona Extension 202.

(2) DESIGN

The township shall consist of erven and streets as indicated on General Plan SG. No. 2913/2016.

(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T57700/2014, if any.

(4) 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.

(5) ACCESS

Access to the township shall be obtained from Main Street. Access from East Road should be accessible only for emergency vehicles.

(6) 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
- (iii) The Section 21 company, will be responsible for the maintenance of the internal private roads (including storm water) and the internal street lights (private road), including electrical power usage.

(7) 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.

(8) 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.

(9) **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.

(10) **FORMULATION AND DUTIES OF THE PROPERTY/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.

(11) **CONSOLIDATION OF ERVEN**

The township owner shall at his own expense have Erven 3694 and 3695 in the township consolidated. The Ekurhuleni Metropolitan Municipality hereby grants consent to the consolidation in respect of Section 92(1)(b) of Ordinance 15 of 1986.

(12) **NOTARIAL TIE OF ERVEN**

Erven 3694 and 3695, Pomona Extension 202 will be notarially tied with Erf 3636, Pomona Extension 83 prior to the issuing of the Section 82 certificate.

B. CONDITIONS OF TITLE

1. 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.

(1.1) ALL ERVEN

- (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. Conditions of Title in favour of third parties to be registered / created on first registration of the erven concerned:

(a) ERVEN 3694 AND 3695

The owner of each erf in the township shall become a member of the home owners' association (non-profit company) upon the transfer of the erf.

Khaya Ngema: City Manager
Ekurhuleni Metropolitan Municipality, Private Bag X 1069, Germiston, 1400
Notice DP.53.2016 [15/3/7/P2X202]

**EKURHULENI TOWN PLANNING SCHEME OF 2014
AMENDMENT SCHEME K0277**

The Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby declares that it has approved an amendment scheme, being an amendment to the Ekurhuleni Town Planning Scheme of 2014, comprising the same land as included in the township of Pomona Extension 202, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

Map 3, Annexures and scheme clauses of the amendment scheme are filed with the Deputy Director-General: Gauteng Provincial Government: Department of Housing and Local Government, Marshalltown and the Manager: City Planning, Kempton Park Customer Care Centre, 5th floor, Ekurhuleni Metropolitan Municipality, Civic Centre, corner of CR Swart Drive and Pretoria Road, Kempton Park and are for inspection at all reasonable times.

This amendment scheme is known as the Ekurhuleni Town Planning Scheme of 2014 Amendment Scheme K0277 and shall come into operation on the date of the proclamation of this notice.

Khaya Ngema: City Manager
Ekurhuleni Metropolitan Municipality, Private Bag X 1069, Germiston, 1400
Notice DP.53.2016 [15/3/7/P2X202]

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