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GAUTENG**



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# Provincial Gazette Provinsiale Koerant

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Selling price • Verkoopprijs: **R2.50**  
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Vol. 22

**PRETORIA**  
6 OCTOBER 2016  
6 OKTOBER 2016

**No. 323**

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ISSN 1682-4525



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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 128 OF 2016****LOCAL AUTHORITY NOTICE CD 57/2016****LOCAL AUTHORITY NOTICE  
EKURHULENI METROPOLITAN MUNICIPALITY  
(BENONI CUSTOMER CARE AREA)  
Declaration as an approved township**

The Ekurhuleni Metropolitan Municipality, (Benoni Customer Care Area), in terms of the provisions of Section 103 (1) of the Gauteng Town-planning and Townships Ordinance, 1986, read together with SPLUMA, hereby declares Morehill Extension 17 Township to be an approved township subject to the conditions set out in the schedule hereunder.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY BENONI SPORT AND BUSINESS PARK PROPRIETARY LIMITED REGISTRATION NUMBER 2004/004503/07 HEREINAFTER REFERRED TO AS THE APPLIANT/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 361 (A PORTION OF PORTION 63) OF THE FARM VLAKFONTEIN 69- I.R. HAS BEEN GRANTED.**

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

The name of the township shall be **MOREHILL EXTENSION 17**.

**(2) DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No: 2112/2014

**(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes

3.1 including the following conditions/servitudes which affect all erven in the township:

a. The former remaining extent of portion 5 ( a portion of portion 3) of the farm Vlakfontein no 69, IR measuring as such 95,0104 hectares ( of which the property hereby transferred forms a portion) is subject to the following conditions:

- (i) As the property forms part of land which is liable to subsidence, settlement, shocks and cracking whereby damage may be caused to buildings or structures erected thereon, the owner shall not at any time require from VAN RYN GOLD MINES ESTATE LIMITED (IN VOLUNTARY LIQUIDATION) or its successors in title to the mineral rights that any protection to the surface of the said property or to any building or structure whatsoever, situate thereon shall be given in terms of the Mines, Works and Machinery Regulations framed under the powers contained in the Mines and Works Act no 27 of 1957, or any amendment thereof, and accepts all risks or damage to such surface, building or structure which may be caused by mining operations past, present or future either underneath the said property or elsewhere.

- (ii) If the transferee, its successors in title or assigns or any other person whomsoever shall suffer any loss, injury, damage, interference or inconvenience or be disturbed in the enjoyment of the said property as a result directly or indirectly of mining operations whether past, present or future, either underneath the said property or elsewhere, or as a result of any subsidence, settlement, shock or cracking or as a result directly or indirectly of the existence or encroachment or spread or dissemination of any slimes or tailings or rock or sand or water or dust or matter whatsoever from any slimes dams or any dump or any mining operations whether past, present or future or otherwise, then neither VAN RYN GOLD MINES ESTATE LIMITED (IN VOLUNTARY LIQUIDATION) its successors in title or assigns, nor any holder of any mining title thereover, shall in any way be liable for any such loss, injury, damage, interference, inconvenience or disturbance, nor shall it or they notwithstanding such loss, injury, damage, interference, inconvenience or disturbance be precluded or prevented from commencing and continuing mining operations or from carrying on all or any of the rights held by it or them, and neither the transferee, its successors in title or assigns, nor any other person whomsoever, shall have any recourse, remedy, action or claim whatsoever for the abatement or discontinuance of any such loss, injury, damage, interference, inconvenience or disturbance, or for any damages or compensation, and the transferee, its successors in title and assigns, hereby indemnifies VAN RYN GOLD MINES ESTATE LIMITED (IN VOLUNTARY LIQUIDATION) its successors in title or assigns, and the holder of any mining rights and mining title against all claims in respect thereof.

3.2 Including the following condition which affect all the erven:

- a) By Notarial Deed of Servitude K5067/2016S the property is entitled to a servitude of right of way for access purposes , 20,00 metres wide and a servitude for underground pipelines over an area 1170 square metres in extent over the remainder of portion 42 ( a portion of portion 5) of the farm VLAKFONTEIN no 69, Registration Division IR, Gauteng province, indicated by the letters ABCDEFA on diagram SG no 3261/2015 , as will more fully appear from the said notarial deed.

3.3 Excluding the following condition, which does not affect the township due to its locality:

By Notarial deed K 3464/2001S the property is subject to a right of way servitude for road purposes indicated by the letters ABCDEFGA on diagram SG no 815/2001 in favour of the remainder of erf 908 Morehill extension 8 township, with ancillary rights, as will more fully appear from the said deed.

3.4 Excluding the following condition, which will not be passed on to erven in the township:

By Notarial deed K 3465/2001S the property has the benefit of a right of way servitude for road purposes indicated by the letters ABC on diagram SG no 10169/2000 over the remainder of erf 908 Morehill extension 8 township, as will more fully appear from the said deed.

#### **(4) STORMWATER DRAINAGE AND STREET CONSTRUCTION:**

- (a) The township owner shall, on request by the Local Authority, submit for his approval a detailed scheme complete with plans, sections and specifications, prepared by a professional Engineer, who shall be a member of the South African Association of Consulting Engineers or SABBACO, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, surfacing, kerbing and channeling of the streets therein together with the provision of such retaining walls as may be considered necessary by the Local Authority. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

- (b) The township owner shall, when required to do so by the City Engineer, carry out the approved scheme at his/her own expense on behalf of and to the satisfaction of the City Engineer under the supervision of the appointed professional engineer and shall, for this purpose, provide financial guarantees to the Local Authority as determined by it.
- (c) The township owner shall be responsible for the maintenance for the streets and stormwater drainage system to the satisfaction of the City Engineer until the street and stormwater drainage system have been constructed as set out in Sub-clause (b) above.
- (d) Should the township owner failed to comply with the Local Authority provision of (a), (b) and (c) hereof they shall be entitled to do the work at the cost of the township owner.

**(5) OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES.**

The township owner shall within such period as the Local Authority may determine, fulfill obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefore, as previously agreed upon between the township owner and the Local Authority.

**(6) 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 costs thereof shall be borne by the township owners. The township owners shall consult the Local Authority before any existing municipal service(s) need to be replaced or removed.

**(7) ACCEPTANCE AND DISPOSAL OF STORMWATER**

The township owner shall arrange for the drainage of the township to fit in with those adjacent public roads, for all stormwater running off or being diverted from the roads to be received and disposed of.

**(8) SOIL CONDITIONS.**

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

**(9) 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.

**(10) 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

**(11) 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.

**(12) SPECIAL CONDITIONS**

- (a) A section 21 Company/Body Corporate/Home Owner's Association (Legal Entity) shall be established by and at the cost of the Developer/Owner.
- (b) The Legal Entity shall be in addition to such other responsibilities as may be determined by the developer, also responsible for the maintenance of the intercom and access control relating to the property.
- (c) Every owner or any person who has an interest therein shall become a Member of the Legal Entity and be subject to its constitution until he/she ceases to be an owner to 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 the Legal Entity to become a member of the Legal Entity.]
- (d) The owner, or any person, who has an interest therein, shall not be entitled to transfer the Erf/unit or any subdivided portion therein without a Clearance Certificate from the Legal Entity that the Constitution of the Legal Entity have been complied with.
- (e) The Township Owner must accept the condition regarding the establishment of the Legal Entity in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Municipality, in writing.
- (f) The roads and stormwater infrastructure and landscaping of sidewalks will not be taken over by the Municipality and the construction and cost thereof shall be the responsibility of the Owner where after the maintenance of these services and the pavements shall become the responsibility of the Legal Entity.
- (g) The Legal Entity shall manage and maintain all common property including the refuse collection areas.
- (h) The Legal Entity shall indemnify the Municipality against any and all claims regarding:
  - (i) The maintenance and the provision of any roads and storm water services in the development. (The provision of engineering services under paved areas is to be avoided.
  - (ii) Any damage that may be caused by an emergency vehicle or any vehicle of the Municipality that is involved with the maintenance of services.
  - (iii) Any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner/legal entity; and
  - (iv) The Developer/Owner shall be responsible for all road signs and markings in proposed development where after the legal entity shall be responsible for the maintenance thereof.
- (j) In the event that the development of any erf within the township shall constitute a development within the ambit of Sectional Titles Act, 1986 (Act 95 of 1986) then and in such event the conditions herein and in conflict with the provisions of the Sectional Titles Act, 1986 shall be read as pro-non-scripto.

**2. CONDITIONS OF TITLE**

- A** (1) All erven shall be subject to the following conditions imposed by the local authority in terms of the provision of the Town Planning and Townships Ordinance, 1986.
  - a. The erven 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 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.

- b. No building or other structures shall be erected within aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- c. 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 and other works being made good by the local authority.

(2) Erven 1186, 1187 and 1188

The erven are subject to a servitude for municipal purposes 10 metres wide in favour of the local authority, as indicated on the general plan.

(3) Erf 1187:

The erf is subject to a servitude of right of way, 10 metres wide, in favour of erf 1188 as indicated on the general plan.

(4) Erf 1187:

The erf is entitled to a servitude of right of way, 10 metres wide, over erf 1186 as indicated on the general plan

(5) Erf 1186:

The erf is subject to a servitude of right of way, 10 metres wide, in favour of erf 1187 and 1188 as indicated on the general plan.

(6) Erf 1188:

The erf is entitled to a servitude of right of way, 10 metres wide, over erf 1186 and 1187 as indicated on the general plan.

B Conditions of title imposed in favour of a third party to be registered/created on the first registration of the erven concerned:

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions have been registered

All the erven are subject to:

- a) Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of the home owners association and be subject to its constitution until he/she ceases to be an owner. Neither the erf, nor any portion thereof, nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of the home owners association to become a member thereof.
- b) The owner or any person who has an interest therein, shall not be entitled to transfer the erf/unit or any subdivided portion thereof without a clearance certificate from the home owners association that the constitution have been complied with and all moneys due have been paid.
- c) The home owners association refers to Formula-K Owners Association.



### **3. CONITIONS 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**

#### **A. GENERAL CONDITIONS**

- (a) Except with the written consent of the Local Authority and subject to such conditions as it may impose, neither the owner nor any other person shall:
- (i) save and expect to prepare the erf for building purposes, excavate any material therefrom;
  - (ii) sink any wells or boreholes thereon or abstract any subterranean water therefrom; or
  - (iii) make or permit to be made, upon the erf for any purpose whatsoever, any bricks, tiles or earthenware pipes or other articles of a like nature.
- (b) Where, in the opinion of the Local Authority, it is impracticable for stormwater 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 stormwater.

Provided that the owners of any higher-lying erven, the stormwater 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.

- (c) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf, to a public street system, shall be to the satisfaction of the Local Authority.
- (d) The main building, which shall be completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with or before outbuildings.
- (e) No materials or goods of any nature, whatsoever, shall be dumped or placed within the building restriction area along any street and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access road: Provided that it is necessary for a screen wall to be erected on such boundary, this condition may be relaxed by the Local Authority, subject to such conditions as may be determined by it.
- (f) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Authority, as and when required by it.
- (g) If the erf is to be fenced, such fence and the maintenance thereof shall be to the satisfaction of the Local Authority.
- (h) The registered owner is responsible for the maintenance of the whole development of the erf. If the Local Authority is of the opinion that the erf or any portion of the development is not being satisfactorily maintained, the Local Authority shall be entitled to undertake such maintenance to the cost of the registered owner.

#### **B. LAND USE CONTROLS**

##### **“SPECIAL”**

Erf 1186 shall be subject to the following conditions:

- (a) The property and the buildings erected thereon or to be erected thereon, shall be used solely for any use that council may allow.
- (b) The total coverage of buildings shall not exceed 10%.

- (c) Buildings, including outbuildings, hereafter erected on the erf shall be located not less than 3m from any street boundary and not less than 2m from any other boundary thereon: Provided that the Local Authority may relax this restriction if it would in its opinion result in an improvement in the development of the erf.
- (d) A Site Development Plan, drawn to such a scale as may be approved by the Local Authority, shall be submitted to the Local Authority, with the building plans. No building shall be erected on the property before such plans have been approved by the Local Authority, and the whole development on the erf shall be in accordance with the approved plan. Such a Site Development Plan shall show at least the following:
- (i) The siting, height, coverage and where applicable the floor area ratio of all buildings and structures.
  - (ii) Vehicular entrance and exit to and from the property to any existing or proposed public street.
  - (iii) Entrance to buildings and parking areas.
  - (iv) Building restrictions (if any).
  - (v) Parking areas and, where required by the Local Authority, vehicular and pedestrian traffic systems.
  - (vi) The elevation treatment of all buildings and structures.
  - (vii) The grouping of the dwelling units and the programming of the development of the erven if it is not proposed to develop all the erven simultaneously.
  - (viii) Open spaces, children's playgrounds, screenwalls or other acceptable methods of screening and landscaping.

**“SPECIAL”**

Erf 1187 shall be subject to the following conditions:

- a) The property and the buildings erected thereon or to be erected shall be used solely for parking area or Go-Kart track.

**“SPECIAL”**

Erf 1188 shall be subject to the following conditions:

- a) The property and the buildings erected thereon or to be erected thereon, shall be solely used for Extreme Sport Centre (Go-Kart Track, Clubhouse, Restaurant, Motorsport Workshop, Mini Factories and Retail which is subservient to the man use.
- b) The total coverage of buildings shall not exceed 50%.
- c) The heights of the buildings shall not exceed 3 Storeys.
- d) Buildings, including outbuildings, hereafter erected on the erf shall be not less than 5m from any street boundary and not less than 2m from any other boundary thereon; Provided that the Local Authority may relax this restriction if it would in its opinion result in an improvement in the development of the erf.
- e) Effective, paved parking spaces, together with the necessary maneuvering area, shall be provided on the property, to the satisfaction of the Local Authority, the following ratios:
- 2 parking spaces to 100m<sup>2</sup> gross leasable floor area.

- (f) A Site Development Plan, drawn to such a scale as may be approved by the Local Authority, shall be submitted to the Local Authority, with the building plans. No building shall be erected on the property before such plans have been approved by the Local Authority, and the whole development on the erf shall be in accordance with the approved plan. Such a Site Development Plan shall show at least the following:
- (i) The siting, height, coverage and where applicable the floor area ratio of all buildings and structures.
  - (ii) Vehicular entrance and exit to and from the property to any existing or proposed public street
  - (iii) Entrance to buildings and parking areas.
  - (iv) Building restrictions (if any).
  - (v) Parking areas and, where required by the Local Authority, vehicular and pedestrian traffic systems.
  - (vi) The elevational treatment of all buildings and structures.
  - (vii) The grouping of the dwelling units and the programming of the development of the erven if it is not proposed to develop all the erven simultaneously.
  - (viii) Open spaces, children's playgrounds, screenwalls or other acceptable methods of screening, and landscaping.

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#### LOCAL AUTHORITY NOTICE CD57/2016

#### EKURHULENI METROPOLITAN MUNICIPALITY EKURHULENI TOWN PLANNING SCHEME, 2014 EKURHULENI AMENDMENT SCHEME B0343

The Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read together with SPLUMA, declares that it has approved an amendment of the Ekurhuleni Town Planning Scheme, 2014, comprising the same land as included in the township of **MOREHILL EXTENSION 17**.

The amendment scheme documents will lie for inspection during normal office hours at the offices of the Head of Department: City Planning, Ekurhuleni Metropolitan Municipality, and at the offices of the Area Manager: City Planning Department, Benoni Civic Centre; as well as at the Gauteng Provincial Government, Office of the Premier, Gauteng Planning Division.

This amendment scheme is known as Ekurhuleni Amendment Scheme B0343 and shall come into operation from date of publication of this notice.

Khaya Ngema, City Manager  
2<sup>nd</sup> Floor, Head Office Building,  
Cnr Cross & Roses Streets,  
Germiston

Notice No. CD57/2016

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,  
for the **Gauteng Provincial Administration**, Johannesburg.

Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065