

**THE PROVINCE OF
GAUTENG**



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GAUTENG**

Provincial Gazette Provinsiale Koerant

EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol. 22

PRETORIA
23 NOVEMBER 2016
23 NOVEMBER 2016

No. 379

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ISSN 1682-4525



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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 948 OF 2016**AMENDMENT OF GENERAL PLAN****NOTICE IN TERMS OF SECTION 90(5) OF****THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986**

CONDITIONS UNDER WHICH THE APPLICATION FOR THE AMENDMENT OF THE GENERAL PLAN IN TERMS OF THE PROVISIONS OF SECTION 89 (14) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, AND THE LAND SURVEY ACT, 1927 (ACT NO. 9 OF 1927) OF HELDERWYK TOWNSHIP IN THE EKURHULENI DISTRICT, BY MNANDI NORTHERN PROJECTS PTY (LTD) (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT), HAS BEEN APPROVED.

1. AMENDMENT OF CONDITIONS OF ESTABLISHMENT

The Conditions of Establishment are amended as follows –

1. by the insertion in clause 2(2) of the expression "as amended" after the expression "SG No. 1313/2006";
2. by the amendment of the General Plan SG No 1313/2006 involving the closure of all public streets indicated thereon with the exception of:
 - 2.1 a portion of Drakensberg Avenue between Heidelberg Road and the guardhouse (now Erf 2574) which provides access to Helderwyk Township, Brakpan; and
 - 2.2 the whole of Winterhoek Drive.
for safety, security and access control purposes.
3. By the insertion of a new Clause 2(6)
Erf 2574 will become a "Special" erf for access control purposes and Erven 2575 TO 2608 will become private roads. Erven 2574 to 2608 and will revert back to the township applicant in terms of Section 91(1)(a) of the Town Planning and Townships Ordinance, 1986.
4. By the insertion of a new Clause 2(7)

FORMATION AND DUTIES OF RESIDENTS ASSOCIATION

- (a) The township applicant shall properly and legally constitute a Property Owners or Residents Association (the Association) as a Non-Profit Company in terms of the New Companies Act, 2008 to the satisfaction of the local authority, which Association shall not be de-registered without the consent of the local authority.
- (b) Erven 2575 to 2608 shall be transferred as private roads to the Association free of consideration at the expense of the township applicant.
- (c) The township applicant shall retain ownership of Erf 2574 and shall not be entitled to transfer the erf to any other person other than to the Association.
- (d) Each and every owner of a residential erf or unit in the Township of Helderwyk shall become a member of the Association upon transfer of the erf/unit.
- (e) The Association shall have the full legal power to levy from each and every member the costs incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of a default in payment by any member.
- (f) The local authority shall not be liable for the malfunction of the servicing of the private roads and/or the stormwater drainage system.
- (g) The local authority shall not be indemnified from any responsibility for the cost of repairs to the private roads in the event of it having to gain access or provide underground services in the future.
- (h) The full extent of Erven 2574 to 2608 shall be subject to a servitude of right of way and for general municipal purposes in favour of the local authority.

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

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