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PROCLAMATION • PROKLAMASIE

PROCLAMATION 42 OF 2018**LOCAL AUTHORITY NOTICE CD36/2018
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE AREA)
DECLARATION AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986), read together with SPLUMA, 2013, the City of Ekurhuleni Municipality (Benoni Customer Care Area) hereby declares **DEWALD HATTINGH PARK EXTENSION 6** to be an approved township subject to the conditions set out in the schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY CHANGING TIDES 74 PTY LTD: 2001/011908/07 (HEREAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER III PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 58 OF THE FARM BENONI 77 IR HAS BEEN GRANTED.

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

The name of the township shall be **DEWALD HATTINGH PARK EXTENSION 6**.

(2) DESIGN

The township shall consist of erven and streets as indicated on the General Plan No. 5565/2013.

(3) 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 S.A.B.T.A.C.O., for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, surfacing, kerbing and channelling 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 Local Authority, carry out the approved scheme at his/her own expense on behalf of and to the satisfaction of the Local Authority 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 of the streets and storm water drainage system to the satisfaction of the Local Authority until the streets and stormwater drainage system have been constructed as set out in sub-clause (b) above.

- (d) Should the township owner fail to comply with the provisions of (a), (b) and (c) hereof the Local Authority shall be entitled to do the work at the cost of the township owner.

(4) OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

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

(5) 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.

(6) SOIL CONDITIONS

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

(7) ENDOWMENT

The township owner shall, in terms of Section 98(2) and (3) of the Town Planning and Townships Ordinance, 15 of 1986, pay a lump sum endowment amount of **R59 700.00** to the Local Authority for the provision of land for parks (public open space).

(8) 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.

(9) ACCESS

Ingress and egress to and from the township shall be to the satisfaction of the Executive Director: Roads, Transport and Civil Works Department.

(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) 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 are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

(12) 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.

(13) TRANSFER OF ERVEN

Erven 316, 404 and 409 shall, at the cost of the township owner, be transferred to Dewald Hattingh Park Extension 6 Home Owners Association prior to or simultaneously with the first transfer of any unit.

(14) SPECIAL CONDITIONS

- (a) The township owner shall ensure that a Non Profit Company is established as the Home Owners Association.
- (b) The said Home Owners Association (Non Profit Company) shall be in addition to such other responsibilities as may be determined by the developer, also be responsible for the maintenance of the intercom and access control.
- (c) The township owner shall ensure that a servitude of right of way, for municipal services is registered over any private roads in favour of the Local Authority.

(15) DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any:

- (1) excluding the following servitudes which do not affect the township due to its locality/location/situation:
 - (i) "Onderhewig aan 'n Serwituut om elektrisiteit te vervoer ten gunste van ESKOM tesame met bykomende regte soos vollediger blyk uit Notariële Akte van Serwituut K1266/1972S."
 - (ii) "Onderhewig aan 'n Serwituut vir rioolpypleiding ten gunste van die Stadsraad van Benoni, tesame met bykomende regte, soos vollediger blyk uit Notariële Akte van Serwituut K3737/1985S."
 - (iii) "Onderhewig aan 'n Serwituut om elektrisiteit te vervoer ten gunste van Eskom, tesame met bykomende regte, soos vollediger blyk uit Notariële Akte van Serwituut K819/88S."
- (2) excluding the following servitude which only affects erven 406, 407, 408 and 409 in the township only:
 - (i) Subject to a pipeline servitude in favour of the Rand Water Board as indicated by the figure A B C D E F on Diagram SG No. 8712/1997.
- (3) including the following servitudes which affect all erven in the township/including the following entitlements which must be passed onto all erven in the township:

NONE

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, 15 of 1986:
 - (a) The property is subject to a servitude, 2m wide, in favour of the Local Authority, for sewerage and other municipal purposes, along all 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 structure 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.
 - (c) 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 or other works being made good by the Local Authority.
- (2) Erf 409 (Private Road):
 - (a) The entire erf is subject to a right-of-way servitude in favour of erven 316 to 408 inclusive taking access from it.
 - (b) The entire erf is subject to a servitude for sewerage, water, electricity and other municipal services in favour of the Local Authority.
- (3) Erven 316 to 408:
 - (a) The abovementioned Erven 316 to 408 are entitled to a right of way servitude over the entire Erf 409.
- (4) Erf 405 (Storm Water Attenuation Pond):
 - (a) The entire erf is subject to servitude for sewerage, water, electricity and other municipal services in favour of the Local Authority.
- (5) Erven 360-374 (Electrical Cable Servitude):
 - (a) The erven are subject to a 2 metre wide electrical cable servitude in favour of the Local Authority.

C. SERVITUDES IN FAVOUR OF THIRD PARTIES TO BE REGISTERED**(1) CONDITION IN FAVOUR OF HOME OWNERS ASSOCIATION**

- (a) Subject to the following conditions imposed and enforceable by the Association or any other entity which has succeeded to its rights in accordance with its Memorandum of Incorporation ("the Association");
- (b) The aforementioned property shall not be transferred to any person who has not become a member of the Association. Every Purchaser of the aforementioned property shall become and shall remain a member of the Association and be subject to its Memorandum of Incorporation until such person ceases to be an owner aforesaid;
- (c) The owner of the property shall not be entitled to transfer the property without a clearance certificate from the Association that all amounts owing by such owner to the Association have been paid and that the Purchaser has undertaken in writing to abide by the provisions of the Memorandum of Incorporation of the Association."

Dr Imogen Mashazi: City Manager,
Ekurhuleni Metropolitan Municipality: Private Bag X1069 Germiston 1400
Notice CD36/2018

NOTICE OF APPROVAL
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
EKURHULENI AMENDMENT SCHEME B0424

The City of Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986), read together with Section 35 of the Spatial Planning and Land Use Management Act, 2013 declares that it has approved an amendment of the Ekurhuleni Town Planning Scheme 2014, comprising the same land as included in the township of **DEWALD HATTINGH PARK EXTENSION 6**

The amendment scheme documents will lie for inspection during normal office hours at the offices of the Head of Department: City Planning, City of Ekurhuleni Metropolitan Municipality and at the offices of the Area Manager: 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 B0424 and shall come into operation from date of publication of this notice.

Dr Imogen Mashazi: City Manager,
City of Ekurhuleni Metropolitan Municipality
Private Bag X1069
Germiston 1400

Local Authority Notice CD36/2018

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