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GAUTENG**



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GAUTENG**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 134 OF 2018****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY****DECLARATION AS APPROVED TOWNSHIP**

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read together with the Spatial Planning and Land Use Management Act, 16 of 2013 the City of Ekurhuleni Metropolitan Municipality hereby declares JUPITER EXTENSION 9 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 GGP INVESTMENTS PROPRIETARY LIMITED REGISTRATION NUMBER 2015/216964/07, THE PIVOTAL FUND PROPRIETARY LIMITED REGISTRATION NUMBER 2005/030215/07 AND REDEFINE PROPERTIES LIMITED REGISTRATION NUMBER 1999/018591/06 (HEREINAFTER REFERRED TO AS THE APPLICANTS/TOWNSHIP OWNERS) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 711 (A PORTION OF PORTION 531) OF THE FARM ELANDSFONTEIN, 108 IR HAS BEEN GRANTED:

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be JUPITER EXTENSION 9.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No. 1904/2017.

The township shall consist of erven and streets as will be indicated on the final layout plan of the township as approved by the Municipality.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions of title, servitudes and surface right permits, if any:

Portion 531 (A Portion of Portion 8) of the farm Elandsfontein 108, Registration Division I.R. Province of Gauteng measuring 75,5382 (Seventy-Five Comma Five Eight Two) Hectares

Registered owners:

1. Redefine Properties Limited, Registration number 1999/018591/06 as to 9/20<sup>th</sup> share held by Deed of Transfer T29629/16
2. The Pivotal Fund Pty Limited, Registration number 2005/030215/07 as to 9/20<sup>th</sup> share held by Deed of Transfer T29630/16
3. GGP Investments Proprietary Limited, Registration Number 2015/216964/07 as to a 1/10<sup>th</sup> share held by Deed of Transfer T29631/16

The following servitudes do not affect the Township due to their locality and it is not necessary to pass the servitudes on to the erven in the Township:

- A. The remaining extent of Portion 8 (a portion whereof is hereby transferred) of the farm Elandsfontein 108I.R., measuring 332,3000 hectares is subject to the following:
  1. By Notarial Deed of Servitude K465/1977S the right has been granted to ESKOM to convey electricity over the said property, together with ancillary rights and subject to conditions, as will more fully appear from the said Notarial Deed and Diagram annexed thereto.

2. By Notarial Deed of Servitude K962/1977S as amended by Notarial Deed K812/1983S, the right has been granted to ESKOM to convey electricity over the said property, together with ancillary rights subject to conditions as will more fully appear from the said Notarial Deeds and Diagrams annexed thereto, the centre lines of which servitude are indicated by the lines e f g h and j k m n on Diagram SG A2328/1985.

The following servitudes does not affect the Township due to its locality and it is not necessary to pass the servitude on to erven in the township:

- B. The former remaining extent of portion 8 of the farm Elandsfontein 108 I.R., measuring 305,7364 hectares, of which property held hereunder forms a portion, is subject to Notarial Deed of Servitude K509/1985S whereby the right has been granted to ESKOM to convey electricity over the said property together with ancillary rights and subject to conditions, as will more fully appear from the said notarial deed and diagram annexed thereto.

The following servitude does not affect the Township due to its locality and it is not necessary to pass the servitude on to the erven in the Township:

- A. The former remaining extent of Portion 8 of the farm Elandsfontein 108 I.R., measuring 272,6836 hectares, of which the property held hereunder forms a portion, is subject to the following:
  - (1) By Notarial Deed of Servitude K3029/1985S the right has been granted to ESKOM to convey electricity over the said property, together with ancillary rights and subject to conditions as will more fully appear from the said notarial deed and diagram annexed thereto, the Northwestern boundaries of such servitude which is 22 metres wide, are indicated by the lines a b c d on annexed diagram SG A2328/1985.

The following servitude cannot be plotted as a route determination has not been conducted yet. This servitude may therefore affect the Township:

- C. The former remaining extent of Portion 8 of the farm Elandsfontein 108 I.R., measuring 272,6836 hectares, of which the property held hereunder forms a portion, is subject to the following:
  - (2) By Notarial Deed of Servitude K2156/1986S the right has been granted to ESKOM to convey electricity over the said property, together with ancillary rights and subject to conditions as will more fully appear from the said notarial deed.

The following servitudes do not affect the Township due to its locality and it is not necessary to pass the servitudes on to the erven in the Township:

- D. The former remaining extent of Portion 8 of the farm Elandsfontein 108 I.R., measuring 272,6836 hectares, of which the property held hereunder forms a portion, is subject to the following:
  - (1) By Diagram SG A4603/1975 the property is subject to an Electric Power Transmission Servitude, as will more fully appear from the said diagram indicated by the centre lines of which servitudes are indicated by the lines abcd, efgh and kl on diagram SG 13583/1995.
  - (2) The former remaining extent of portion 8 of the farm Elandsfontein 108 I.R., measuring 464,9788 hectares, of which the property held hereunder forms a portion, is subject to Notarial Deed K197/1966S whereby a perpetual servitude to convey and transmit gasses granted in favour of South African Gas Distribution Corporation Limited, with ancillary rights, as will more fully appear from the said Notarial Deed and annexed diagram SG 13583/1995.

The following servitude does not affect the Township due to its locality and it is not necessary to pass the servitude on to the erven in the Township:

- F. Subject to a servitude in perpetuity to convey and transmit water over the property by means of pipelines already laid and which may hereafter be laid along a strip of ground 5800 (FIVE THOUSAND EIGHT HUNDRED) square metres in extent, as depicted by the figure A B C D E F G H I J K L M N A on Servitude Diagram S.G. No. 7262/1999 as will more fully appear from notarial deed of servitude K4456/2011

#### 1.4 STORMWATER DRAINAGE AND STREET CONSTRUCTION

- 1.4.1 The township owner shall, on request by the local authority, submit for its 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 SABTACO, 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.
- 1.4.2 The township owner shall, when required to do so by the local authority, carry out the approved scheme at its 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.
- 1.4.3 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 storm water drainage system have been constructed as set out in sub-clause 1.4.2 above.
- 1.4.4 Should the township owner fail to comply with the provisions of 1.4.1, 1.4.2 and 1.4.3 hereof, the local authority shall be entitled to do the work at the cost of the township owner.

#### 1.5 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services and the installation of systems in connection with these services, as previously agreed upon between the township owner and the local authority.

#### 1.6 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 owner. The township owner shall consult the local authority before any existing municipal service(s) need to be replaced or removed.

#### 1.7 ACCESS

Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on the N3 Freeway, as indicated on General Plan SG no. 1904/2017.

#### 1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER NEXT TO PROVINCIAL ROAD

The township owner shall at its own expense, erect a fence or other physical barrier to the satisfaction of the Director: Gauteng Department of Public Transport, Road and Works, as and when required by him to do so and the township owner shall maintain such fence or physical barrier in good order and repair.

### 1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or other common boundaries to be demolished to the satisfaction of the local authority, if and when required by the local authority to do so.

### 1.10 REMOVAL OR REPLACEMENT OF MUNICIPAL AND/OR ESKOM OR TELKOM SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal or other services, the cost thereof shall be borne by the township owner.

### 1.11 SAFEGUARDING OF SHAFT/S

The township owner shall at his own expense cause the existing shaft/s situated in the township to be made safe to the satisfaction of the Department: Mineral Resources. The area should be cleaned and the open shaft must be properly sealed before promulgation of the township.

### 1.12 SAFEGUARDING OF UNDERGROUND WORKINGS

The township owner shall at his own expense make adequate provision to the satisfaction of Department: Mineral Resources, to prevent any water from entering underground workings or shaft openings and the existing stormwater drains, if any, shall be properly maintained and protected.

## 2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as indicated, imposed by the Council in terms of the Town Planning and Townships Ordinance 1986

### 2.1 ALL ERVEN

- 2.1.1 The erf is subject to a servitude 2m wide, in favour of the local authority for sewerage and other municipal services, along any two boundaries other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal services 2m wide across the access portion of the erf if and when required by the Municipality: Provided that the local authority may relax or dispense with any such servitude.
- 2.1.2 No building or other structure shall be erected within the aforesaid servitude areas and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- 2.1.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude areas 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 construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

### 2.2 ERF 144

- a) The erf shall be subject to a servitude (5m wide) for municipal services in favour of the Municipality, as indicated on the general plan SG No. 1904/2017.
- b) The erf shall be subject to a servitude (3m wide) for municipal services in favour of the Municipality, as indicated on the general plan SG No. 1904/2017.

### 2.3 ERF 146

The erf shall be subject to a servitude for mini sub (6m x 3m), as indicated on the general plan SG No. 1904/2017.

2.4 ERF 147

The entire erf is subject to a servitude for sewerage, water, electricity and other municipal services, in favour of the local authority.

2.5 ALL ERVEN SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS, IMPOSED BY THE GAUTENG DEPARTMENT OF MINERAL RESOURCES: -

As this erf erven forms part of land which is or may be undermined and liable to subsidence, settlement, shock and cracking due to mining operations, whether past, present or future, the owner thereof accepts all liability for any damage thereto and to any structure thereon which may result from such subsidence, settlement, shock or cracking.

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

3.1 Erven 143 to 146 are subject to the following conditions:

Zoning : "Industrial 1" for the purposes of industries, offices, commercial purposes, fitment centre, motor workshops, light industry, auctioneers, showrooms, motor dealers, service industries, builder's yard and a truck stop (including overnight accommodation for the drivers and a convenience store)

The following uses can be considered by means of written consent:

Places of Public Worship, Places of Instruction, Social Halls, Dry-cleaners, Restaurant (including drive-thru restaurant).

Height : Maximum of 20m

Coverage : 60%

Floor Area Ratio: 0,6 (which may be increased to 0,8 by means of Written Consent B)

Parking : 1 per 100m<sup>2</sup> GLA - Warehousing/Commercial  
: 1 per 100m<sup>2</sup> GLA - Industrial/Manufacturing  
: 2 per 100m<sup>2</sup> GLA - Offices

Building Lines : 5m along street boundaries  
: 0m along other boundaries, provided that any 2 boundaries, other than street boundaries, shall be subject to a 2m wide servitude in favour of the local authority for sewerage and other municipal services.

A Site Development Plan shall be submitted and approved prior to the commencement of construction on the site.

3.2 Erf 147 is subject to the following conditions:

Zoning : "Roads" for streets/roads, weigh bridges, parking, cycling lanes, bus lanes, municipal services, access control and ancillary uses, including an administration office and meeting room.

Height :In accordance with an approved Site Development Plan.

Coverage :In accordance with an approved Site Development Plan.

Floor Area Ratio	:	In accordance with an approved Site Development Plan.
Parking	:	As per Scheme
Building lines	:	5m along all roads

A Site Development Plan shall be submitted and approved prior to the commencement of construction on the site.

No buildings of any nature shall be erected within that portion of the erf which is likely to be inundated by the floodwaters of a public stream an average of every 50 years and every 100 years, as shown on the Town Planning Scheme Map): Provided that the Council may consent to the erection of buildings on such portion of the erf if it is satisfied that the said portion of the erf will no longer be subject to inundation.

Except for the boundary wall/fence, or a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected, nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m in respect of single storeyed structures, and 30 m in respect of multi-storeyed structures, from the boundary of the erf abutting on Road N3, nor shall any alteration or addition to any existing structure or building situated within such distance from the said boundary be made, except with the written consent of the Gauteng Department of Roads and Transport.

Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on Road N3, except where Erf 65 have been provided with access by the Gauteng Department of Roads and Transport.

### 3.3 ERVEN SUBJECT TO SPEICAL CONDITIONS

#### 4.3.1 All Erven.

3.3.1.1 The designs of all structures and buildings to be erected wholly or partially on the erf shall be approved by a professional structural engineer and the erection of such structures and buildings shall be done under the supervision of the said engineer. The plans of all buildings and structures shall bear the following certificate, signed by the professional structural engineer:

“The plans and specifications of this building/structure have been drawn up in the knowledge that the land on which the building/structure is to be erected may be liable to subsidence. The building/structure has been designed in a manner which will as far as possible ensure the safety of its occupants in the event of subsidence taking place.”

3.3.1.2 As this erf forms part of land which may be subject to dust pollution and noise due to mining activities past, present or future in the vicinity thereof, the owner thereof accepts all liability for any inconvenience which may be experienced as a result of such mining activities.

3.3.1.3 A space for refuse storage and collection shall be indicated on the Site Development Plan. The refuse space shall:

- Be in such a position on the premises as to allow the storage of bins or containers without being visible from a street, public place or any other premises except if determined otherwise by the local authority.
- Be in such a position that will allow the collection and removal of such Refuse by local authority employees without hindrance.
- Be so located as to permit convenient access to and egress from such space for the local authority's refuse collection vehicles; and
- Be sufficient to house all refuse, including materials and containers used in the sorting and storage of refuse.



**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY****EKURHULENI AMENDMENT SCHEME G0277**

The Ekurhuleni Metropolitan Municipality hereby in terms of provisions of Section 125(1) of the Town Planning and Townships Ordinance, 15 of 1986 read together with the Spatial Planning and Land Use Management Act, 16 of 2013, declares that it has approved the Amendment Scheme, being an amendment of the Ekurhuleni Town Planning Scheme 2014, comprising the same land as included in the township of JUPITER EXTENSION 9.

The Amendment Scheme documents will lie for inspection during normal office hours at the offices of the Head of Department: City Planning, 175 Meyer Street, 1<sup>st</sup> floor United House, Cnr. Meyer & Library Streets, Germiston.

This Amendment is known as Ekurhuleni Amendment Scheme G0271.

Dr. I. Mashazi, City Manager  
2<sup>nd</sup> Floor, Head Office Building,  
Cnr Cross & Roses Streets,  
Germiston





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