

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 237 OF 2021****LOCAL AUTHORITY NOTICE 11 OF 2020
MOGALE CITY LOCAL MUNICIPALITY****DECLARATION OF AVIANTO ESTATE EXTENSION 3 AS AN APPROVED TOWNSHIP**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with the applicable parts of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) the Mogale City Local Municipality hereby declares the township Avianto Estate Extension 3 to be an approved Township, subject to the conditions set out in the Schedule hereto:

SCHEDULE

THE CONDITIONS UNDER WHICH THE APPLICATION DONE BY NORTHLANDS GROUP HOLDINGS (PTY) LTD (HEREIN AFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ TOGETHER WITH PART 3 OF THE MOGALE CITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2018 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 172 (A PORTION OF PORTION 3) OF THE FARM RIETVALLEI NO 180-IQ, GAUTENG PROVINCE, HAS BEEN APPROVED.

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWN AS AN APPROVED TOWNSHIP**1.1 PROVISION AND INSTALLATION OF ESSENTIAL SERVICES**

The township owner must enter into an agreement with the municipality and other relevant service providers regarding the provision of essential engineering services to the proposed township, the payment of bulk services and open space contributions and the delivery of guarantees for the installation of municipal engineering services and the long term maintenance of services in the township.

1.2 GENERAL

The applicant must satisfy the municipality that:

- (a) Access can be provided to the proposed township to the satisfaction of the municipality;
- (b) A Non-Profit Company (a Property Owners' Association) to be established by the Applicant in terms of the Companies Act, 2008, for the purposes of owning and maintaining Erven 30, 31 and 32 and providing and regulating such services to Erven 30, 31 and 32 as may be provided for in its Articles of Association;
- (c) The applicable amendment scheme is in order and could be published simultaneously with the declaration of the town as an approved township;
- (d) The 1:100 year floodline is indicated on the lay-out plan and has been certified by a professional engineer;
- (e) Consent is obtained as per Condition 2 in Deed of Transfer T27756/2016, which conditions read as follows:

"2. Die eiendom hiermee getranspoteer is onderworpe aan die volgende voorwaardes opgelê deur die Beherende gesag kragtens Wet 21 van 1940, naamlik:

- (a) Behalwe met die skriftelike toestemming van die Beherende Gesag:
 - (i) Mag die grond nie onderverdeel word nie;
 - (ii) Mag die grond slegs vir woon- en landboudoeleindes gebruik word. Op die grond, of op enige behoorlik goedgekeurde onderverdeling daarvan, mag daar nie 'n groter getal geboue wees as een woonhuis tesame met die buitegeboue wat gewoonlik gebruik in verband daarmee nodig is en verdere geboue en bouwerke wat vir landboudoeleindes nodig mag wees nie;
 - (iii) Geen winkel of besigheid of nywerheid van watter aard ookal op die grond geopen of gedryf word nie.

- (f) Cancellation of existing conditions of title:
 - (i) Condition 4 in Deed of Transfer T27756/16, relating to the right of way in favour of the general public as described in Deed of Servitude K899/98S.
- (g) The provisions of Sections 72, 75 and 101 of the Town Planning and Townships Ordinance, 1986 (Ordinance J5 of 1986) have been complied with.

2. CONDITIONS OF ESTABLISHMENT

2.1 NAME

The name of the township shall be **Avianto Estate Extension 3**.

2.2 DESIGN

The township shall consist of erven as indicated on **General Plan Number S.G. 2733/2018**.

2.3 ENGINEERING SERVICES

2.3.1 STORMWATER DRAINAGE AND STREET DESIGN

- (a) The township owner shall at the request of the municipality supply the municipality with a detailed scheme including plans, cross sections and specifications as compiled by a civil engineer approved by the municipality for the provision of a underground water drainage system. Such system must be designed in order to dispose off the runoff of a 1:10 year rainstorm and must ensure that the runoff of a 1:100 year rainstorm be guided to the nearest defined watercourse without flooding any adjacent properties. The design of the drainge system must contain and describe aspects like tar macadamization, kerbing and canalization of roads as well as the provision of retaining walls, if required by the municipality.

The drainage system must, where necessary, make provision for the catchment of stormwater in catchment pits from where it must be disposed of in water tight pipes in such a way that no water collections or seepage shall occur on or near the ground surface. The mentioned water pipes must be manufactured from durable material and must be approved by the municipality. The scheme must also indicate the route and gradient of access to each individual erf from the adjoining street.

- (b) The township owner must construct roads according to the approved scheme at own costs and to the satisfaction of the municipality, under the supervision of a civil engineer approved by the municipality.
- (c) The township owner must make a proportional contribution, as determined by the municipality, for the upgrading of the access road to the township.
- (d) The engineering design standard for all services shall be based on the "Guidelines for the Provision of Engineering Services and Amenities (Red Book)". The specific engineering designs shall further be subject to approval by the municipality.

2.3.2 SEWERAGE

- (a) The township owner must, at the request of the municipality, supply the following detail regarding the sewerage system of the proposed township:
 - (i) Comprehensive lay out plans;
 - (ii) Cross sections; and
 - (iii) Specifications of materials and equipment to be used during the construction of such sewerage system.
- (b) The sewerage system must be designed by an approved professional engineer according to the specifications and standards laid down by the municipality, to the satisfaction of the municipality;
- (c) All materials to be used with the construction of the sewerage system is subject to the approval and/or amendment of the municipality.

2.3.3 WATER

- (a) The township owner must, at the request of the municipality submit a detailed scheme with plans, cross sections and specifications for the provision of an underground water distribution system, for approval.
- (b) The proposed neMork must make provision for a pressurised water connection for each individual erf and must be designed by a professional engineer approved by the municipality. All materials to be used in the proposed water network must be approved by the municipality.

2.3.4 ELECTRICITY

- (a) The municipality is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity to the township.
- (b) No internal electricity services will be taken over by the municipality at proclamation and a properly established legal entity shall take over the responsibility for the long term maintenance of the internal electricity network.

2.3.5 WASTE MANAGEMENT

The township owner shall, at the request of the municipality submit a detailed waste management plan for the township, for approval.

2.4 GAUTENG PROVINCIAL GOVERNMENT

- (a) Should the development of the township not been commenced with, within a period of 5 years from date of authorization or exemption, the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development of the Gauteng Provincial Government for exemption/authorization of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- (b)
 - (i) Should the development of the township not been completed within a period of 10 years from date of their letter, the application to establish the township, shall be resubmitted to the Department of Roads and Transport of the Gauteng Provincial Government for reconsideration.
 - (ii) If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the Township Owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

- (iii) The Township Owner shall comply with the conditions of the Department as set out in the Department's letter.

2S DEPARTMENT OF MINERAL RESOURCES

Should the development of the township not have been completed within a period of five years from the date of their letter, the application to establish the township, shall be resubmitted to the department mineral resources for reconsideration.

2.6 ACCESS

Access to or egress from the township shall be provided to the satisfaction of the municipality.

2.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The Township Owner shall arrange for the drainage of the township to fit in with that of the adjacent road (OF roads) and all stormwater running off or being diverted from the road (or roads) shall be received and disposed of.

2.8 REFUSE REMOVAL

The Township Owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

2.9 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the Township Owner.

2.10 DEMOLITION OF BUILDINGS AND STRUCTURES

The Township Owner shall at its own costs 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 requested thereto by the local authority.

2.11 FILLING IN OF EXISTING EXCAVATIONS AND DONGAS

The township owner shall, at his own expense, cause any excavations and dongas affecting any erf in the township, if any, to be filled in and compacted.

2.12 FORMATION, DUTIES AND RESPONSIBILITIES OF THE PROPERTY OWNERS' ASSOCIATION

- (a) The required Property Owners' Association shall be properly and legally constituted to remain or become the township owner prior to the transfer of any erf or sectional title unit in the township.
- (b) The Property Owners' Association to be registered will be subject to the following:
 - (i) The main object of the NPC shall not be amended without the written consent of Mogale City Local Municipality first having been obtained;
 - (ii) The NPC shall at all times comply with the legal requirements and / or provisions for the incorporation, existence and continuation of the company as a legal entity (a Non-profit Company) as defined and contemplated in the abovementioned Act).
 - (iii) The NPC shall not apply for de-registration at the Companies and Intellectual Property Commission without the written consent of the Mogale City Local Municipality first having been obtained;
 - (iv) The Memorandum of Incorporation shall not be amended as far as such amendment relates to the clauses above and including this clause, without the written consent of the Mogale City Local Municipality first being had and obtained.
- (c) Restriction on the transfer of Erven:
Erven 30, 31 and 32 shall, prior to or simultaneously with registration of the first transfer of an erf / unit in the township and at the costs of the township owner, be transferred only to the Property Owners' Association which Association shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the said erven.

- (d) All owners of erven (or subdivided/consolidated portions thereof) and sectional title units in the township shall become and remain members of the Property Owners' Association and shall be subject to its memorandum and articles until such owners legally cease to be owners as aforesaid.
- (e) The Property Owners' Association shall have the power to regulate the provision of services to the individual erven and in particular, without limiting the generality of the foregoing, to determine an annual allocation of domestic water to each erf and to introduce measures to limit the use of domestic water to such allocation.
- (l) The Property Owners' Association shall have the legal power to levy from each and every member the costs incurred in the fulfillment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- (g) Building plans shall only be submitted to the local municipality for final approval once the said plans have been approved by the Property Owners' Association as specifically provided for in the Articles of Association.

2.13 RELOCATION OF PERSONS

The township owner shall deal with persons that reside on the land where the township is to be established in the following manner:

- (a) No person, formally or informally residing on the application property during or after of the approval of the application may be relocated, evicted or otherwise be displaced by the applicant and/or the land owner without the official involvement of the municipality.
- (b) The developer/applicant/land owner is encouraged to make provision to house all persons residing on the property as part of the township application process. Should it prove not to be possible to house residents in the township to be developed, residents/occupiers must be relocated to a suitable alternative site(s) as close as possible to the application property according to the requirements and to the satisfaction of the municipality at his/her cost on suitable land identified with the co-operation of the municipality.
- (c) Alternative housing to be provided to persons residing on the application site must at least be of RDP standards and is subject to the approval of the municipality.
- (d) The applicant must finalise all arrangements regarding the relocation of residents on site prior to the conclusion of the mandatory Service Level Agreement (SLA) to be entered into between the municipality and the township owner.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject to existing conditions and servitudes, if any - excluding the following servitudes

3.1 EXCLUDING THE FOLLOWING SERVITUDES / CONDITIONS WHICH DO NOT AFFECT THE ERVEN IN THE TOWNSHIP DUE TO LOCALITY:

3.1.1 Condition 3 as contained in Deed of Transfer T27756/2016, which reads as follows:

- 3. Die eiendom is onderhewig aan 'n ewigdurende serwituut, met bygaande regte, vir riool doeleindes, 3 meter breed, soos getoon op Kaart S G No. A4359/1985 ten gaste van die Roodepoort Administrasie vna die Groter Johannesburg Metroplitaanse oorgangsraad, soos meer volledig sal toon uit Notariele Akte van Serwituut Nr. K3885/1993.

4. CONDITIONS OF TITLE

CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWNPLANNING AND TOWNSHIPS **ORDINANCE, 1986 (ORDINANCE 15 OF 1986)**

The erven mentioned hereunder shall be subject to the conditions as indicated:

4.1 ALL ERVEN

- (i) The erf is subject to a 2 metre wide servitude for engineering services along any two boundaries in favour of the Local Authority.

- (ii) 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 2 metres thereof.
- (iii) The Local Authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area any material as may be excavated by it during the course of the construction, maintenance or removal of such works as it in its discretion may deem necessary and shall further be entitled to reasonable access to the process of the construction, maintenance or removal of such works being made good by the Local Authority.

4.2 ERVEN 30, 31 AND 32

The erven shall not be alienated or transferred into the name of any purchaser other than the Property Owners' Association without the written consent of the local authority first having been obtained.

4.3 ERVEN 31 AND 32

The whole of Erven 31 and 32 respectively, are subject to a right-of-way Servitude in favour of all the applicable erven in the township, as indicated on the General Plan, to guarantee access to a public road to all residents.

Mr M P Raedani
MUNICIPAL MANAGER

**MOGALE CITY LOCAL MUNICIPALITY
KRUGERSDORP AMENDMENT SCHEME 192**

It is hereby notified in terms of the provisions of section 125(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with the applicable parts of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) that the Mogale City Local Municipality has approved an amendment scheme with regard to the land in the township **Avianto Estate Extension 3** being an amendment of the Krugersdorp Town Planning Scheme, 1980.

The Map 3 documents and the scheme clauses of the amendment scheme are filed with the Municipal Manager of the Mogale City Local Municipality and the Director General: Gauteng Provincial Government, Department of Development Planning and Local Government, Corner House, Marshalltown, and are open for inspection during normal office hours.

This amendment scheme is known as Krugersdorp **Amendment Scheme 192**.

Mr M P Raedani
MUNICIPAL MANAGER

November 2020