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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 368 OF 2021****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
DECLARATION AS AN APPROVED TOWNSHIP**

IN TERMS OF SECTION 103(1) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO. 15 OF 1986), THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE) HEREBY DECLARES **POMONA EXTENSION 77** 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 ZONG'S PROPERTY INVESTMENT CC (HEREINAFTER REFERRED TO AS THE APPLICANT/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 690 (A PORTION OF PORTION 15) OF THE FARM RIETFONTEIN 31-IR HAS BEEN GRANTED

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

The name of the township shall be **Pomona Extension 77**.

**(2) DESIGN**

The township shall consist of erven and streets indicated on General Plan S.G. No. 3133/2018.

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

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

**(a) Excluding the following entitlement which will not be passed on to the erven in the township:**

1. The original remaining extent of Portion "A" of the farm RIETFONTEIN NO. 31, Registration Division I.R. , district Kempton Park, measuring as such 1407 (one thousand four hundred and seven) morgen, 509 (five hundred and nine) square roods (comprised of Portions "C" and "D" now forming Portion of Portion "G" of Portion "A" of the said farm held under Certificate of Amended Title No. 4882/1924, Portion "E" measuring 20 (twenty) morgen, held under Deed of Transfer No. 3159/1919, and the remaining extent measuring as such 276 (two hundred and seventy six) morgen, 182 (one hundred and eighty) square roods, held under Deed of Transfer No. 3708/1917 of which the aforesaid holding is a Portion, IS ENTITLED to one-half of the water coming out of the fountain (running from three sources) situated near the Western boundary line of that portion of the property held under the said Certificate of Amended Title No. 4882/1924, indicated on the diagram annexed to the said Certificate of Amended Title by the figure a, F, b, G, e, o, p, u, t, O and close to the Kaffir Dam namely the Dam from which a furrow is led to the windmill and the right to lead the water aforesaid by means of pipes or a water furrow on to the said original remaining extent of Portion A measuring as such 1407 (one thousand four hundred and seven) morgen 509 (five hundred and nine) square roods (now comprised as aforesaid), with the further right to access to the fountain and pipes or furrow for the purposes of up-keep and repair.

**(b) Including the following condition which affects Erf 3782 and Erf 3783 in the township area:**

9. The erf is subject to a servitude, 2 metres wide, in favour of Ekurhuleni Metropolitan Municipality, for municipal purposes, along any two boundaries other than a street boundary.

**(c) Excluding the following condition which affects Erf 3782 in the township area:**

By virtue of Notarial Deed of Right-of-Way servitude K1898/2021S dated the 17<sup>th</sup> of December 2020 the withinmentioned property is subject to a perpetual right-of-way servitude indicated by the figure A B C A on servitude diagram S.G. No. 2198/2005 annexed to the said Notarial Deed, in favour of Portion 3 of Holding 293 Pomona Estates Agricultural Holdings, 32 (Thirty Two) square metres in extent. As will more fully appear from the said Notarial Deed.

**(d) Excluding the following condition which affects Erf 3783 and Methley Street in the township area**

By virtue of Notarial Deed of Servitude for a Pipe Line K1896/2021S dated the 17<sup>th</sup> of December 2020 the withinmentioned property is subject to a pipe line servitude, together with ancillary rights, 3,00 (Three) metres wide, the centre line of which servitude is indicated by the line AB on servitude diagram S.G. No. 2746/2015 annexed to the said Notarial Deed, in favour of the City of Ekurhuleni Metropolitan Municipality. As will more fully appear from the said Notarial Deed.

**(4) PRECAUTIONARY MEASURES**

The township owner shall as his own expense, make arrangements with the local authority in order to ensure that:

- (i) water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen: and
- (ii) the recommendations as laid down in the geological report/soil of the township are complied with and, when required, engineer certificates for the foundations of the structures must be submitted.

**(5) ACCESS**

Access to the township shall be obtained from Methley Street.

**(6) ENGINEERING SERVICES**

The applicant shall enter into a Services Agreement with the Local Authority.

**(7) 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.

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

The Township owner shall arrange for the drainage of the township to fit in with that of the existing road and storm water infrastructure in the vicinity and for all storm water running of or diverted from the roads to be received and disposed of.

**(9) 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.

**(10) FORMULATION AND DUTIES OF THE PROPERTY/HOME OWNER'S ASSOCIATION/BODY CORPORATE**

- (i) The township owner shall properly and legally constitute a Home Owners Association (a company established in terms of section 1(1) of Schedule 1 of the Companies Act, Act 71 of 2008, or a Boy

Corporate established in terms of the Sectional Titles Act, Act 95 of 1986, prior to or simultaneously with the sale of the first erf in the township.

- (ii) The memorandum of association of the Non-Profit Company, or a universitas personarum, or body corporate, shall provide that:
  - (a) each and every owner of an erf / unit in the township shall become and shall remain a member of the Home Owner's Association or Body Corporate upon transfer to him of that erf/unit;
  - (b) the Home Owner's Association or Body Corporate shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes and the engineering services contained thereon. The local authority shall not be liable for the defectiveness of the surfacing of the roadway and/or essential services;
  - (c) the Home Owner's Association or Body Corporate must be incorporated with the legal power to levy from each and every member of the Home Owner's Association or Body Corporate the costs incurred in fulfilling its function and to have legal recourse to recover such fees in the event of a default in payment by any member;
  - (d) the construction and maintenance of the roadway portion shall be the responsibility of the township owner until transfer of that portion to the Home Owner's Association or Body Corporate; and
  - (e) In the event that the development of any erf within the township shall constitute a development within the ambit of the Sectional Titles Act, 95 of 1986, then and in such an event the conditions contained herein and in conflict with the provisions of the Sectional Titles Act, 95 of 1986, shall be read as pro-non-scripto.

**B. CONDITIONS OF TITLE:**

**(1) CONDITIONS OF TITLE IMPOSED IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986);**

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, 1986.

**(1.1) ERVEN 3782 AND 3783**

- (i) The erf 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.
- (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 2m thereof.
- (iii) 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 mains and other works being made good by the local authority.

**(1.2) ERF 3782:**

The erf is subject to an electrical sub-station servitude, (6m x 3m) square metres in extent, in favour of the local authority, as indicated by the figure s1.s2.s3.s4.s1 on the General Plan.

**(2) CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED**

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

**Erf 3782**

A right-of way servitude, 6 (six) meters wide, as indicated by the figure r1.r2.r3.r4.r5.r6.c.d.F.201.r1 on General Plan S.G. No. 3133/2018 must be registered over Erf 3782 Pomona Extension 77 in favour of Portion 3 of Holding 293 Pomona Estates Agricultural Holdings

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
EKURHULENI TOWN PLANNING SCHEME 2014: AMENDMENT SCHEME K0689**

The City of Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of section 125(1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of Ekurhuleni Town-Planning Scheme 2014, comprising the same land as included in the township of **Pomona Extension 77**.

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, Kempton Park 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 K0689 and shall come into operation on the date of the publication of this notice.

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

Notice No. CP017.2021