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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
140	Town-planning and Townships Ordinance (15/1986): Khutsong South Extension 5	17	3

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 140 OF 2021

LOCAL AUTHORITY NOTICE – MERAFOONG CITY LOCAL MUNICIPALITY

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF UNDER THE PROVISIONS OF CHAPTER IV OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ WITH PROVISIONS OF CHAPTER 6 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013 (ACT 16 OF 2013) AND CHAPTER 3 OF THE MERAFOONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016, ON PORTION 156 AND PORTION 153 (A PORTION OF PORTION 30) OF THE FARM WELVERDIEND 97 IQ, BY MERAFOONG CITY LOCAL MUNICIPALITY (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT, BEING THE REGISTERED OWNER OF THE LAND) HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be **Khutsong South Extension 5**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on SG Plan No. 5405/2012.

1.3 ACCESS

- 1.3.1 Access to and egress from the township shall be to the satisfaction of the local authority
- 1.3.2 No Ingress from Provincial Road D92 to the individual erven in the township and no egress to Provincial Road D92 from the individual erven in the township shall be allowed.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Provincial Road D92 and for all storm water running off or being diverted from the road to be received and disposed of.

1.5 ADVERTISEMENTS

No advertisement that may be visible from Provincial Road D92 shall be displayed without the written approval of the Gauteng Department of Public Transport, Roads and Works and the local authority.

1.6 ACOUSTIC SCREENING

The township owner /local authority shall at its own expense erect an acoustic screening (noise barrier) on the boundary of the township abutting on Provincial Road D92 if and when necessary and the township applicant/local authority shall maintain such screening (barrier) in good order and repair.

1.7 PRECAUTIONARY MEASURES

The township owner shall at his own expense, make arrangements in order to ensure that:

- 1.7.1 Water will not dam up and that the surface of the township shall be drained properly.

Conditions of Establishment 9 December 2020



- 1.7.2 Trenches and excavations for foundations and pipes, cables or for any other purposes are properly backfilled with damp soil in layers of not thicker than 150 mm and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.8 REMOVAL REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING SERVICES

Should it, by reason of the establishment of the township, be necessary to remove, reposition, modify or replace any existing municipal, Eskom and/or Telkom Services, the cost thereof shall be borne by the township owner.

1.9 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

1.9.1 In respect of Deed of Transfer T01101402/2016 Remaining Extent of Portion 23 (a portion of portion 12) of the Farm Welverdiend No 97 IQ

- (i) The following servitudes which do not affect the township area because of the location thereof:-
- (a) A Servitude for a water furrow inclusive of turns to watering, and obligations for the maintenance of the furrow in terms of Notarial Deed of Servitude No.680/1921S;
- (ii) Excluding the following servitude which affect Erven 10499 to 10502, Welverdiend Road, Kremetartboom Street, Cedar avenue and a street in the township only;
- (a) By Notarial Deed No K3126/94S the right has been granted to Eskom to convey electricity over the property hereby conveyed by means of three transmission lines along the route indicated by the lines aBb, cd, eFf, gh and jk on diagram S.G No A2519/81 the extent and width of the servitude being 23,5 metres on either sides of the lines aBb, cd, eFf, gh and jk and 15,24 metre on either sides of the line jk together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed and diagram.

1.9.2 In respect of Deed of Transfer No. T01101403/2016 Portion 154 (a portion of portion 25) of the Farm Welverdiend No 97 IQ

- (i) The following entitlements which shall not be passed on to the erven in the township:-
- (a) A Right to conveyance of water with a right to ingress and egress in favour of the property over Portion 6 of the farm Varkenslaagte No 119 IQ.
- (b) A Right to a pump and water on and over Portion 6 of the farm Varkenslaagte No 119 IQ in favour of the property as will more fully appear in Notarial Deed No. 1120/1968.

Conditions of Establishment 9 December 2020



- (ii) Excluding the following servitude which affect Erven 10499 to 10502, Welverdiend Road, Kremetartboom Street, Cedar avenue and a street in the township only;
 - (a) The former Remaining Extent of Portion 25 of the farm Welverdiend 97 I.Q, measuring 504,9663 hectares of which the property hereby transferred is a portion is subject to Notarial Deed No K3126/1994S in terms whereof a servitude has been granted to Eskom to convey electricity over the said property 23,50 metres wide on both sides of the lines ab and cd on diagram SG No. A9853/1973 thereto annexed and a servitude 15,24 metres wide on both side of the line ab on diagram SG No. A3846/1971 thereto annexed, together with ancillary rights and subject to conditions as will more fully appear on reference to the Notarial Deed and diagrams.

1.9.3 In respect of Deed of Transfer No. T01101402/2016 Remaining Extent of Portion 30 (a portion of portion 12) of the Farm Welverdiend No 97 IQ

- (i) Excluding the following servitudes which do not affect the township area due of the location thereof:-
 - (a) By virtue of Notarial Deed No. 387/1956S dated 21 March 1956, and registered on the 4th April 1956, the property is subject to a servitude for a water pipeline 3,15m wide in favour of the Government of the Republic of South Africa (South African Railways and Harbours Administration) as will more fully appear from reference to the said Deed No. 387/1956S.
- (ii) Excluding the following servitude which affect Erven 10499 to 10502, Welverdiend Road, Kremetartboom Street, Cedar avenue and a street :
 - (a) By Notarial Deed No K3126/94Sdated 10 June 1994 the right has been granted to Eskom to convey electricity over the property hereby conveyed as indicted by the lines aBb, cEd and eHf, on diagram S.G No A2520/1981 the extent and width being 23,50 metres on both sides of the lines aBb and cEd and 15,24 meters on both sides of the line eHf together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed and diagram.
- (iii) Excluding the following servitude which affects a Road:
 - (a) Subject to a right of way servitude measuring 471 square metres as will more fully appear from S.G A3261/1960 in favour of Portion 93 (a portion of portion K) of the farm Welverdiend No 97 IQ as will more fully appear from Notarial Deed No. 957/1961S.

1.10 LAND FOR PUBLIC/MUNICIPAL PURPOSES

Erven 10499 to 10506 shall at the cost of the township owner, be transferred to the local authority, for public open space and municipal purposes after proclamation of the township.



1.11 RESTRICTION ON THE DISPOSAL OF ERVEN

The township applicant shall not offer for sale or alienate Erf 8649 and 9947, within a period of six (6) months after the erven become registrable to any person or body other than the state unless the Gauteng Department of Education has indicated in writing that the Department does not wish to acquire the erven.

1.12 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

1.12.1 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven or units in the township, may not be alienated or transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these services had been provided and installed; and

1.12.2 The township owner shall, within such period as the local authority may determine, fulfill its obligations in respect of the provision of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefore, as previously agreed upon between the township owner and the local authority. Erven or units in the township may not be alienated or transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of services by the township owner, have been submitted or paid to the said local authority.

(iii) CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as indicated, imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986 read with Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and Chapter 3 of the Merafong City Local Municipality Spatial Planning and Land Use Management By-law 2016:

2.1 ALL ERVEN

- (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 corner stand the servitude will only be applicable along one boundary 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 on submission of a site plan or a building plan which is to be approved by the local authority.
- (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) 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

Conditions of Establishment 9 December 2020



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.

2.2 ERVEN 8411, 8545, 8810, 8819, 8945, 8952, 8963, 9041, 9130, 9151, 9504, 9513, 9527, 9669, 9784, 9904, 9912, 10061, 10066, 10083, 10104, 10340 AND 10359

The erven are subject to a servitude of 3,00 meters wide for storm water and sewerage purposes in favour of the local authority, as indicated on the general plan.

(iv) CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION

3.1 GENERAL CONDITION (APPLICABLE TO ALL ERVEN)

The erven in the township lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for approval shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

3.2 USE ZONE 1: RESIDENTIAL 1

Erven 8389 to 8560, 8563 to 8616, 8618 to 8647, 8650 to 8775, 8777 to 8830, 8832 to 9322, 9324 to 9386, 9388 to 9478, 9480 to 9639, 9641 to 9777, 9780 to 9946, 9948 to 10498 shall be zoned "Residential 1" in terms of the Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme.

3.3 USE ZONE 13 EDUCATIONAL

Erven 8649 and 9947 shall be zoned "Educational" in terms of the Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme.

3.4 USE ZONE 12 INSTITUTIONAL

Erven 8561, 8562, 8776, 8831, 9387, 9640, 9778 and 9779 shall be zoned "Institutional" in terms of the Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme.

3.5 USE ZONE 5: BUSINESS 1

Erven 8617, 8648, 9323 and 9479 shall be zoned "Business 1" in terms Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme.



3.6 USE ZONE 16: PUBLIC OPEN SPACE

Erven 10499 to 10506 shall be zoned "Public Open Space" in terms of Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme.

Merafong City Local Municipality herewith, in terms of the provision of **Section 76 of the Merafong City Local Municipality Spatial Planning and Land Use Management By-Law, 2020**, declares that it has approved an amendment scheme being an amendment of the Merafong Land Use Management Document, 2020, and shall be subject to the conditions following of the said scheme comprising the same land as included in the township Khutsong South Extension 5. Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Director : Merafong City Local Municipality and are open for inspection at all reasonable times. The amendment scheme is known as Carletonville Amendment Scheme 203/2011.

L. Peu
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Conditions of Establishment 9 December 2020



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