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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICES 178 OF 2021****LOCAL AUTHORITY NOTICE CD53/2021****CORRECTION NOTICE  
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 Section 35 of the Spatial Planning and Land Use Management Act, 2013. The City of Ekurhuleni Metropolitan 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.

**STATEMENT OF THE CONDITIONS UNDER WHICH CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (HEREAFTER REFERRED TO AS THE MUNICIPALITY) HAS RESOLVED, IN TERMS OF SECTION 109 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE (ORDINANCE 15 OF 1986), TO ESTABLISH A TOWNSHIP ON PORTION 58 OF THE FARM BENONI 77 I.R.**

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

The name of the township shall be **Dewald Hattingh Park Extension 6**.

**1.2 DESIGN**

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

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

**1.4 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 Municipality.

**1.5 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 Municipality for the provision of land for parks (public open space).

**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 owners.

**1.7 ACCESS**

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

**1.8 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 Municipality when required by the Municipality to do so.

### 1.9 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the Municipality 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.

### 1.10 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 Municipality, when required by the Municipality to do so.

### 1.11 TRANSFER OF ERVEN

Erven 405 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.

### 1.12 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 Municipality.

### 1.13 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

## 2. CONDITIONS OF TITLE

- (1) All erven shall be subject to the following conditions imposed by the Municipality 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 Municipality, 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 Municipality: Provided that the Municipality 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) Municipality 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 Municipality.
- (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 Municipality.
- (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 Municipality.
- (5) Erven 360-374 (Electrical Cable Servitude):
- (a) The erven are subject to a 2 metre wide electrical cable servitude in favour of the Municipality.

### **3. 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."

### **4. 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.**

(1) **GENERAL CONDITIONS**

The following Conditions shall be contained in Ekurhuleni Town Planning Scheme, 2014.

## (2) "RESIDENTIAL 3"

Erven 316 to 404 are subject to the following conditions:

- (a) The property and the buildings erected thereon or to be erected thereon, shall be used solely for the purposes of dwelling-units;
- (b) The height of buildings shall not exceed 2 storeys.
- (c) The total coverage of buildings and carports shall not exceed 60% of the property.
- (d) The floor area ratio shall not exceed 1.2.
- (e) A density of 20 units per hectare shall apply.
- (f) 1 covered and uncovered parking space per dwelling unit with 3 habitable rooms or less  
1 covered and uncovered parking space per dwelling unit with 2 habitable rooms or less  
1 uncovered parking space per every 3 dwelling unit for visitors parking.
- (g) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 16 m along K-163 Road (main Reef Road), shall be located not less than 3m along all street boundaries and 3 meters along all other boundaries (5m for garages): Provided that the Municipality may relax this restriction, if it would in its opinion result in an improvement in the development of the property.
- (h) A Site Development Plan, drawn to such a scale as may be approved by the Municipality, shall be submitted to the local Authority prior to the submission of the building plans. No building shall be erected on the property before such plans have been approved by the Municipality and the whole development on the property shall be in accordance with the approved plan. Such a Site Development Plan shall show at least the following:
  - (i) The siting, height, coverage and where applicable the floor area ratio of all buildings and structures.
  - (ii) Vehicular entrance and exit to and from the property to any existing or proposed public street.
  - (iii) Entrance to buildings and parking areas.
  - (iv) Building restrictions (if any).
  - (v) Parking areas and, where required by the Municipality, vehicular and pedestrian traffic systems.
  - (vi) Parking layout and schedule.
  - (vii) The elevational treatment of all buildings and structures.
  - (viii) The grouping of the dwelling units and the programming of the development of the erven if it is not proposed to develop all the erven simultaneously.
  - (ix) Open spaces, children's playgrounds, screen walls or other acceptable methods of screening, and landscaping.

## (3) "PRIVATE OPEN SPACE"

Erven 406 to 408 is subject to the following conditions:

- (a) The property and the buildings erected thereon or to be erected thereon, shall be used by the residents of the township solely for the purposes of a park, recreational uses, Swimming pool, braai area, gazebo, ablution block and children's playing apparatus.
- (b) The total coverage of buildings and carports shall not exceed 30% of the property.

- (c) The height of buildings shall not exceed 2 storeys.
- (d) Effective, paved parking spaces, together with the necessary manoeuvring area, shall be provided on the property to the satisfaction of the Municipality.

(4) "PRIVATE OPEN SPACE"

Erven 405 is subject to the following conditions:

- (a) The property and the buildings erected thereon or to be erected thereon, shall be used for storm water management and other municipal services.
- (b) The permissible height, coverage and floor area ratio of all structures to be erected on the property shall be determined by the Council.

(5) "ROAD"

Erven 409 are subject to the following conditions:

Zoning	:	"Special" for Private Road
Height	:	N/A
FAR	:	N/A
Coverage	:	N/A
Building lines	:	N/A

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CORRECTION NOTICE  
NOTICE OF APPROVAL  
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
EKURHULENI AMENDMENT SCHEME B0742

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, 2019. The City of Ekurhuleni Metropolitan 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.

The amendment scheme documents will lie for inspection during normal office hours at the office 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 is known as Ekurhuleni Amendment Scheme B0742 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 CD53/2021