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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 94 OF 2021****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 28 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 APPLICANT/TOWNSHIP OWNER) 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 1375 (A PORTION OF PORTION 2) OF THE FARM ELANDSFONTEIN. 90 IR HAS BEEN GRANTED:

1. NAME

The name of the township shall be **JUPITER EXTENSION 28**.

2. DESIGN

The township shall consist of erven and streets as indicated on the General Plan SG.No. 1337/2020.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions of title excluding the following servitudes which do not affect the township due to their locality:

3.1 The former remaining extent of portion of the farm ELANDSFONTEIN 90, Registration Division I.R., Transvaal, measuring as such 876,4393 hectares (a portion whereof is held hereunder) is entitled to a right of way 6,30 meters wide on certain portion "S" of the said portion of the Farm ELANDSFONTEIN in extent 22,0029 hectares, held by Rand Refinery Limited, by Deed of Transfer T2017/1921, dated 28th February 1921, along the line of the Company's water main which traverses the said portion "S" as illustrated by the figure lettered fghj on the diagram annexed to the said Deed of Transfer T2017/ 1921, with right to reasonable access to the said water main for purposes of inspection, maintenance and repair thereof.

3.2 The former Remaining Extent of Portion of the farm ELANDSFONTEIN 90, Registration Division I.R., Transvaal, measuring as such 870,3922 hectares (a portion whereof is held hereunder) is entitled to a servitude 2,52 meters in width for underground high-tension cables over Portion MMM of the said portions as indicated by the figure lettered TUVVXY on diagram of the said Portion MMM SG A2361/1926 annexed to the aforesaid Deed of Transfer T7970/1926.

- 3.3 The former Remaining Extent of Portion of the farm ELANDSFONTEIN 90, Registration Division I.R., Transvaal, measuring as such 870, 3922 hectares (a portion whereof is held hereunder) is entitled to a servitude 2,52 metres in width for overhead electrical power lines over Portion MMM aforesaid as indicated by the letter Za on the said Diagram SG A2361/1926 of the said Portion MMM.
- 3.4 The former Remaining Extent of Portion of the said farm ELANDSFONTEIN measuring as such 780,9614 hectares (a portion whereof is held hereunder) is entitled to a right of way servitude 9,45 metres in width over Portion XXX of the said Portion held by Deed of Transfer T11668/1935 dated 21st August 1935 as indicated by the letter H D J K on the Diagram of the said Portion XXX SG A 1740/1935 annexed to the aforesaid Deed of Transfer T11668/1935.
- 3.5 The former Remaining Extent of Portion of the said farm ELANDSFONTEIN measuring as such 767,1977 hectares (a portion whereof is held hereunder) is entitled to a servitude of water pipeline over Portion EEEE of the said Portion held under Deed of Transfer T9978/1937 dated 25th May 1937 as indicated by the line ab on the Diagram of the said Portion EEEE SG A818/1937 annexed to the aforesaid Deed of Transfer T9978/1937.
- 3.6 The former Remaining Extent of Portion of the said farm ELANDSFONTEIN measure as such 767,1977 hectares (a portion whereof is held hereunder) is entitled to a servitude of electrical power line and cables over portion EEEE aforesaid as indicated by the line cd on the said Diagram of the said Portion EEE SG A818/1937.
- 3.7 A portion measuring approximately 1386 square metres of the within mentioned property has been expropriated by the South African Railway Harbours Administration vide Notification and Diagram filed with Expropriation interdict 35/1966.
- 3.8 A portion measuring approximately 3720 square metres of the within mentioned property has been expropriated by the South African Railways and Harbours Administration by Expropriation Notice EX 804/1975.
- 3.9 A portion measuring approximately 6,20 hectares of the within mentioned property has been expropriated by the South African Railways and Harbours Administration by Expropriation Notice EX 902/1979.
- 3.10 Excluding the following servitudes which only affect the following erven:

ERVEN 260, 262 and 263

The former Remaining Extent of Portion 2 of the said farm ELANDSFONTEIN measuring as such 493,4485 hectares (a portion whereof is held hereunder) is subject to a servitude in perpetuity to lay underground lines for the purpose of conveying slimes and water in favour of EAST RAND GOLD AND URANIUM COMPANY LIMITED, over that portion of the property as indicated by the line ABC representing the centre line of a servitude 5 meters wide over the property, on diagram SG A363/1988 together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K4028/1988S dated 14th December 1988".

4. STORMWATER DRAINAGE AND STREET CONSTRUCTION

- 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.

- 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.
- 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 4.1 above.
- 4.4 Should the township owner fail to comply with the provisions of 4.1, 4.2 and 4.3 hereof, the local authority shall be entitled to do the work at the cost of the township owner.

5. OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

- 5.1 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.
 - 5.1.1 The Non-Profit Company will be responsible for the maintenance of the internal roads (including storm water) and the internal streetlights (including electrical power usage).
 - 5.1.2 The township owner shall be liable for the erection of the street name signs on internal roads. The Non-Profit Company shall be liable for the maintenance of the street name signs.

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.

7. ACCESS

- 7.1 No access to and from erven 258, 259 and 260 in the township shall be permitted to Gosforth Park Road and the quarter link between Barlow Road and Gosforth Park Road as shown on the final layout plan of the township as approved by the Municipality.
- 7.2 Access to the township shall be allowed from Gosforth Park Road via Amalthea Crescent as indicated on General Plan SG Nr 1337/2020

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.

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.

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.

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.

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.

13. 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

13.1 ALL ERVEN

13.1.1 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.

13.1.2 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.

13.1.3 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.

- 13.1.4 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.

13.2 ERF 262

A sewer servitude, 3 metres wide, shall be registered over Erf 262 in favour of the City of Ekurhuleni, as indicated on the General Plan.

13.3 ERF 263

- 13.3.1 Erf 263 in its entirety is subject to a servitude for municipal Services in favour of the Municipality.

- 13.3.2 Erf 263 in its entirety is subject to a servitude of right of way in favour of Erven 258, 259, 260, 261 and 262.

13.3.3 Erf 258 to Erf 262

The abovementioned erven are entitled to a right of way servitude over Erf 263.

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

- 13.4.1 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.

- 13.4.2 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.

14. PROPERTY OWNERS ASSOCIATION

- 14.1 Every owner of the erf, or any subdivide portion thereof, or any person who has an interest therein shall become and shall remain a Member of the Property Owners Association and be subject to its constitution until he/she ceases to be an owner of aforesaid.

Neither the erf nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Property Owners Association.

- 14.2 The owner of the erf or any subdivided portion thereof, or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Property

Owners Association that the provisions of the Articles of Association of the Homeowners Association have been complied with.

- 14.3 The term 'Property Owners Association' in the aforesaid conditions of Title shall mean the property owners association of Jupiter Extension 28 to be registered as a Non-Profit Company.
- 14.4 A right-of-way servitude in favour of all the other erven in the township as indicated on the general plan must be registered over the entire erf to guarantee access to a public road to all the residents.

15. TRANSFER OF ERF TO PROPERTY OWNERS ASSOCIATION

- 15.1 Erf 263 shall be registered in the name of the Property Owners Association.
- 15.2 A servitude for municipal services and right-of-way in favour of all the other erven in the township as indicated on the general plan must be registered over the entire erf to guarantee access to a public road to all the residents

16 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

16.1 Erven 258 – 262 are subject to the following conditions:

Zoning : "Industrial 1" for 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 a Written Consent "B").

Parking : 1 per 100m² GLA – Warehousing/Commercial
: 1 per 100m² GLA – Industrial/Manufacturing
: 2 per 100m² 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 Council for sewer and other municipal services.

A Site Development Plan shall be submitted and approved prior to the commencement of construction on the site. The professional stormwater engineer and professional traffic engineer shall certify that the site development plan is compatible with the recommendations of the traffic impact study/ies and stormwater

management plan/s.

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.

16.2 Erf 263 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 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.

16.3 ERVEN SUBJECT TO SPECIAL CONDITIONS

16.3.1 All Erven.

- 16.3.1.1 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."

- 16.3.1.2 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.

16.3.2 Erven 258, 259 and 260

No access to and from the erven shall be permitted to and from Gosforth Park Road and the quarter link between Barlow Road and Gosforth Park Road as shown on the final layout plan of the township as approved by the Municipality.

LOCAL AUTHORITY NOTICE

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

EKURHULENI AMENDMENT SCHEME

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 28 .

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, 1st floor United House, Cnr. Meyer & Library Streets, Germiston.

This Amendment is known as Ekurhuleni Amendment Scheme G0463.

Dr. I. Mashazi, City Manager
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