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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1631 OF 2021****MUNICIPALITY NOTICE
CITY OF EKURHULENI (TOWN PLANNING BENONI)
DECLARATION AS AN APPROVED TOWNSHIP**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read together with SPLUMA, 2013 the City of Ekurhuleni, Town Planning Benoni hereby declares CLOVERDENE EXTENSION 36 Township 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 JT GROUP DEVELOPMENTS PROPRIETARY LIMITED (REGISTRATION NUMBER 1984/010978/07) (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 459 (A PORTION OF PORTION 20) OF THE FARM VLAKFONTEIN NO. 69-IR, HAS BEEN GRANTED

A. CONDITIONS OF ESTABLISHMENT

- (1) **NAME**
The name of the township shall be CLOVERDENE EXTENSION 36.
- (2) **DESIGN**
The township shall consist of erven and streets as indicated on a General Plan S.G. No. 1486/2021.
- (3) **EXISTING CONDITIONS OF TITLE**
All erven shall be made subject to existing conditions and servitudes.
- (4) **STORMWATER DRAINAGE AND STREET CONSTRUCTION:**
 - (a) The township owner shall, on request by the Municipality, submit for his 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 Municipality. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.
 - (b) The township owner shall, when required to do so by the City Engineer, carry out the approved scheme at his/her own expense on behalf of and to the satisfaction of the City Engineer under the supervision of the appointed professional engineer and shall, for this purpose, provide financial guarantees to the Municipality as determined by it.
 - (c) The township owner shall be responsible for the maintenance of the streets and stormwater drainage system to the satisfaction of the City Engineer until the street and stormwater drainage system have been constructed as set out in Sub-clause (b) above.
 - (d) Should the township owner fail to comply with the Municipality provision of B. (4) (a) (b) and (c) hereof they shall be entitled to do the work at the cost of the township owner.
- (5) **OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES.**
The township owner shall within such period as the Municipality may determine, fulfil obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefore, as previously agreed upon between the township owner and the Municipality.

- (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. The township owners shall consult the Municipality before any existing municipal service(s) need to be replaced or removed.
- (7) **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 to the Municipality for the provision of land for parks (public open space).
- (8) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**
All erven shall be made subject to existing conditions and servitudes, if any.
- (9) **ACCEPTANCE AND DISPOSAL OF STORMWATER.**
The township owner shall arrange for the drainage of the township to fit in with those adjacent public roads, for all stormwater running off or being diverted from the roads to be received and disposed of.
- (10) **SOIL CONDITIONS**
Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality 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.
- (11) **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 of the township must be complied with and, when required, engineer certificates for the foundations of the structures must be submitted.
- (12) **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.
- (13) **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.
- (14) **FORMULATION AND DUTIES OF THE PROPERTY/HOME OWNER'S ASSOCIATION**
- (a) The township owner shall properly and legally constitute a Home Owner's Association [a company established in terms of Section 1(1) of Schedule 1 of the Companies Act, Act 71 of 2008, prior to or simultaneously with the sale of the first erf in the township.
 - (b) The aforesaid Home Owner's Association shall, in addition to such other responsibilities as may be determined by the township owner, also be responsible for the maintenance of the intercom and access control relating to the property.
 - (c) The Home Owner's Association shall ensure 24 hour unhindered access for maintenance purposes and emergency services (ie. water, electricity, Telkom, public safety, etc.)
 - (d) Each and every owner of an erf in the township, or any subdivided portion thereof, or any person whom has an interest herein, shall become a member of the Home Owner's Association upon transfer to him of that erf. 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 legal entity.

- (e) 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 therein, without a Clearance Certificate from the Home Owner's Association that the Articles of the legal entity, have been complied with.
- (f) A copy of the legal entity and its constitution shall be submitted to the Legal Authority (City Planning Department), prior to the issuing of a Clearance Certificate for the transfer of any erven.
- (g) The Township Owner must accept the conditions regarding the establishment of a legal entity, in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Municipality, in writing.
- (h) The Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes, the engineering services and landscaping contained thereon. The Municipality shall not be liable for the defectiveness of the surfacing of the roadway and/or any essential services
- (i) 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. The roadway portion shall then be the responsibility of the legal entity and the legal entity shall manage and maintain all common property, including the refuse collection areas.
- (j) The Home Owner's Association must be incorporated with the legal power to levy from each and every member of the Home Owner's Association 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.
- (k) Except with the written consent of the Municipality and subject to such conditions as it may impose, neither the owner nor any other person shall:
 - (i) save and except to prepare the erf for building purposes, excavate any material therefrom;
 - (ii) sink any wells or boreholes thereon or abstract any subterranean water therefrom; or
 - (iii) make or permit to be made, upon the erf for any purpose whatsoever, any bricks, tiles or earthenware pipes or other articles of a like nature.
- (l) Where, in the opinion of the Municipality, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept and / or permit the passage over the erf of such stormwater. Provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (m) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf, to a public street system, shall be to the satisfaction of the Municipality.
- (n) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (o) No materials or goods of any nature, whatsoever, shall be dumped or placed within the building restriction area along any street and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access road: Provided that if it is necessary for a screen wall to be erected on such boundary, this condition may be relaxed by the Municipality, subject to such conditions as may be determined by it.
- (p) A screen wall or walls shall be erected and maintained to the satisfaction of the Municipality, as and when required by it.
- (q) If the erf is to be fenced, such fence and the maintenance thereof shall be to the satisfaction of the Municipality.

The registered owner is responsible for the maintenance of the whole development of the erf. If the Municipality is of the opinion that the erf or any portion of the development is not being satisfactorily maintained, the Municipality shall be entitled to undertake such maintenance to the cost of the registered owner.

- (15) **TRANSFER OF ERVEN**
Erven 1780 and 1781 shall, at the cost of the township owner, be transferred to the Home Owner's Association prior to or simultaneously with the first transfer of any Erf.

B. CONDITIONS OF TITLE

- (1) ALL ERVEN SHALL BE SUBJECT TO THE CONDITIONS IMPOSED BY THE MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986.
- (a) ERF 1760
 - (i) The Erf is subject to a servitude in favour of the Municipality for the placement of an electrical mini-substation as indicated on the General Plan.
 - (b) ERF 1780
 - (i) The entire erf is subject to a Right-of-way servitude in favour of all owners and occupiers in the township as indicated on the General Plan.
 - (ii) The erf is subject to a servitude for municipal services in favour of the Municipality, as indicated on the General Plan.
 - (c) ERF 1733
 - (i) The erf is subject to a road widening servitude in favour of the Home Owner's Association for access control purposes.
 - (d) ERF 1779
 - (i) The erf is subject to a road widening servitude in favour of the Home Owner's Association for access control purposes.
 - (e) ERVEN 1733 - 1779
 - (i) The erf is entitled to a Right-of-way servitude over Erf 1780 in favour of all owners and occupiers in the township as indicated on the General Plan.

C. CONDITIONS IN FAVOUR OF THIRD PARTIES

- (1) ERVEN 1733 - 1749, 1760, 1762 AND 1771 - 1779
- (i) The erf is subject to a servitude, 2m wide, in favour of the Home Owners Association for water services and other municipal purposes as indicated on the General Plan.
 - (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 Home Owners Association 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 Home Owners Association.
- (2) ALL ERVEN (EXCEPT ERF 1780 and 1781)
- (i) Each and every owner of the erf or owner of any sub-divided portion of the erf or owner or any unit thereon, shall on transfer automatically become and remain a member of the Home Owners Association (the "Association"), and shall be subject to its Articles and / or Memorandum of Association until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the Association certifying that the provisions of the Articles and / or

Memorandum of Association have been complied with and the purchaser has bound himself / herself to the satisfaction of the Association to become and remain a member of the Association.

Dr Imogen Mashazi: City Manager, City of Ekurhuleni, Private Bag X1069 Germiston 1400, Notice CD 84/2021

MUNICIPALITY NOTICE
NOTICE OF APPROVAL
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
EKURHULENI AMENDMENT SCHEME B0799

The City of Ekurhuleni, Town Planning Benoni hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 1986, read together with SPLUMA, 2013 declares that it has approved an amendment scheme, being an amendment of the Ekurhuleni Town Planning Scheme 2014, comprising the same land as included in the township of CLOVERDENE EXTENSION 36 Township.

The amendment scheme documents will lie for inspection during normal office hours at the offices 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 B0799 and shall come into operation from date of publication of this notice.

Dr Imogen Mashazi, City Manager, City of Ekurhuleni Metropolitan Municipality, Civic Centre, Cross Street, Germiston. Notice No. CD 84/2021

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