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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1122

EKURHULENI METROPOLITAN MUNICIPALITY

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 15 of 1986, the Ekurhuleni Metropolitan Municipality hereby declares Union Extension 52 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 CHEROKEE TRADING POST 11 (PTY) LTD (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 668 (A PORTION OF PORTION 15) OF THE FARM ELANDSFONTEIN NO 108 IR GAUTENG PROVINCE, HAS BEEN GRANTED BY THE EKURHULENI METROPOLITAN MUNICIPALITY:

1. CONDITIONS OF ESTABLISHMENT

1.1 Name

The name of the township shall be "Union Extension 52".

1.2 Design

- (i) The township shall consist of erven and streets as indicated on General Plan, S.G. No. 6841/2009
- (ii) Storm-water Management, designed by a professional in the Engineering field must be submitted for approval.

1.3 Street Names

Public streets through the township are continuation of existing Roads namely Jacoba and Radio Road which are acceptable to the municipality.

1.4 Endowment

Contributions for open space are payable

Contribution for engineering service are payable in terms of the provision of section 63 of the Town Planning Ordinance, 15 of 1986 (as amended).

1.5 Disposal of Existing Conditions of Title

All erven shall be made subject to existing servitudes excluding the following servitude which does not affect the erven in the Township by virtue of its location.

"Subject to the terms of Deed of Servitude No 419/1889 having reference to perpetual rights to water in favour of other portions of the said farm Elandsfontein".

All erven shall be made subject to existing conditions of title but excluding the following conditions which shall not be brought forward onto the erven in the Township

- (a) "This Holding is sold as an Agricultural Holding and it may be used only for the purposes contemplated by the definition of that term contained in the Agricultural Holdings (Transvaal) Registration Act, 1919, that definition reads as follows:

"Agricultural Holding" shall mean a portion of land not less than 8565 square metres in extent used solely or mainly for the purpose of agriculture or horticulture or for the breeding or keeping of domestic animals, poultry or bees."

- (b) This holding may not be subdivided nor may any portion of it be sold, leased or disposed of in any way without the written approval of the Minister of Lands.
- (c) Only one dwelling house, and outbuildings and the buildings necessary for farming operations may be erected on this holding.
- (d) Neither the transferee, THOMAS IGNATIUS NORTON, his successors in title as owners of the land covered by the certificate issued under the provisions of the Agricultural Holdings (Transvaal) Registration Act No 22 of 1919, nor the Government shall in any way be compelled to make, maintain, repair or keep in order any roads shown on the General Plan of the Settlement or any drains in connection therewith, provided, however, that with the sanction of the Administrator of the Province of Transvaal, water pipes and electric cables may be constructed underneath or over any such roads or water furrows may be constructed over them.

1.5 Removal of Litter

The township owner shall at his/ her own expense cause all litter within the township area to be removed and levelled to the satisfaction of the municipality.

1.6 Demolition of Building or Structures

- (i) The township owner shall at his own expense cause all existing buildings and structures situated within the building lines reserves, side spaces,

road reserves, or over the common boundaries to be demolished to the satisfaction of the Municipality. Requirements of regulation R1182 and R1183 of the Environment conservation Act of 1989 are to be complied with.

- (ii) The township owner shall at his/her expense draw up and Submit acceptable building plans to the Municipality, for the approval in terms of the provisions of the National Building Regulations, for all buildings on the erf for which no building Plans have been approved by the municipality. The township Owner shall at his own expense alter the buildings to comply with the approved building plans to the satisfaction of the Municipality.

1.7 Engineering Services

- (i) The township owner is responsible for making necessary Arrangements for the provision of all engineering services and the payments of External Services Contribution in terms of the provisions of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986). A services agreement should be entered in to with the municipality.
- (ii) All municipal services that cross the common boundaries between the Erven shall be removed and relocated by, and at the cost of the Township owner, as and when required by the municipality.
- (iii) All existing municipal services on the erven within the township shall Be protected by means of suitable servitudes to the satisfaction of the Municipality, registered in favour of the Municipality, as and when required by the municipality, by the owner at his own expense.
- (iv) The township owner shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.
- (v) The township owner shall within such period as the municipality may determine, fulfil their obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the municipality.
- (vi) The Section 21 Company will be responsible for the maintenance of the internal roads (including storm-water) and the internal street lights (including electrical power-usage)

1.8 Restriction on the Disposal of Erven

- 1.8.1 The township owner shall, in terms of prior agreement with Municipality fulfil his obligations with regard to the provision of Water, sanitation, (and if applicable) electricity and the installation of reticulation for such purposes, prior to the disposal of any erf within the township.
- 1.8.2 No erven may be alienated or transferred in the name of a purchaser prior to the municipal having confirmed that sufficient guarantees have been furnished in respect of the provision of service by the township applicant to the Municipality.
- 1.8.3 The portions of land required for Road widening of Jacoba

Road should be transferred to the council for public road Purposes on proclamation of the Township

2. **Consolidation of Component Portions**

The owner shall at His/Her own expense cause Erven 433 and 434 to be consolidated.

3. **CONDITIONS OF TITLE**

3.1 **Servitudes**

3.1.1 **Municipal Servitudes:**

- i. All Erven are subject to a servitude, 1,5 m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any two boundaries of the Erf other than a street boundary, if and when required by the Municipality: Provided that the Municipality 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 1,5 m there from.
- iii. The Municipality shall be entitled to temporarily deposit 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 Municipality.

3.1.2 **ERF 434: Right of Way Servitude**

- i. A 1,7 metres wide public road servitude, shall be registered over Erven 434 for road widening purposes as indicated on the township General Plan, S.G. No. 6841/2009.

3.2 **FORMATION OF: SECTION 21 COMPANY / BODY CORPORATE / HOME OWNER'S ASSOCIATION**

3.2.1 **PROPERTY OWNERS' ASSOCIATION AND REGISTRATION OF RESTRICTION TO EXERCISE CERTAIN RIGHTS OF OWNERSHIP IN IMMOVABLE PROPERTY**

- 3.2.1.1 The township owner shall properly and legally constitute a Home Owner's Association (a company incorporated under Section 21 of the Companies Act, 1973, or a universitas personarum), prior to or simultaneous with the sale of the first erf in the township.
- 3.2.1.2 All relevant conditions as set out in the notice published in terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) in respect of the township shall, to the

satisfaction of the Local Authority and subject to the approval of the Registrar of Companies be incorporated into the constitution of (name of the Home Owners Association)

- 3.2.1.3 The memorandum of association of the Section 21 Company, or a universitas personarum, shall provide that:
- (i) Each and every owner of an erf in the township shall become a member of the Home Owner's Association upon transfer to him of that erf;
 - (ii) The Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the roadways and engineering services in the township. The local authority shall not be liable for any defectiveness of the surfacing of the roadways or / and of the engineering services.
 - (iii) The Home Owner's Association shall be incorporated with the legal power to levy from each and every member of the Owner's Association the costs incurred fulfilling it's function and to have legal recourse to recover such fees in the event of a default in payment by any member;
 - (iv) The construction and maintenance of the roadways shall be the responsibility of the township owner until transfer of the relevant erf / erven has been effected to the company intended in 2.17.1 hereof.
 - (v) The Section 21 Company must indemnify the local authority against any and all claims regarding:
 - (a) the maintenance and provision of any roads and storm water services in the development (the provision of engineering services under paved areas to be avoided);
 - (b) any damage to the paving, which is caused by an emergency vehicle or any vehicle of the local authority that is involved in any maintenance of services
 - (c) any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner)
 - (vi) Erven 433 and 434, being the residential erven in the township will not be transferred, unless the erven are made subject, upon each transfer of the erf, in terms of the provisions of Section 65 of the Deeds Registries Act, 1947 (Act No. 37 of 1947) the following conditions in favour of abovementioned township (Norton Heights Homeowners Association (Association Incorporated Under Section 21) Registration Number 2009/019889/08)
 - (a) Every owner of the erf, or of any subdivided portion thereof, or any sectional title unit on a erf or any person who has an interest therein shall become and shall remain a Member of the Norton Heights Homeowners Association (Association Incorporated Under Section 21) Registration Number 2009/019889/08 and be subject to its constitution and rules until he/she ceases to be an owner of aforesaid or ceases to have an interest in the aforesaid. Neither the erf nor any subdivided portion or sectional

title unit 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.

- (b) The owner of the erf or any subdivided portion thereof, or sectional title unit or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or sectional title unit or an interest therein without obtaining a valid Clearance Certificate from the Home Owners Association) to the effect that the provisions of the Articles of the Association of the said Association have been complied with.
- (c) Except for the written approval of the said Association and the Local Authority and subject to such conditions as they may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any sub-terranean water therefrom.
- (d) The owner shall become a member of the said Association upon the transfer of the erf into his name.

3.2.1.4 A copy of the constitution of the name of the Home Owners Association (An Association incorporated in terms of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) as amended) must be submitted to the Local Authority before the approval of any site development plan or building plan.

3.2.1.5 Erf 434 is subject to a right of way servitude in favour of the Council and the owners of the township (registered in the name of an association incorporation in terms of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973), as indicated on the General Plan. A guard-house with a maximum floor area of 25m² and storage facilities may be developed on Erf 434.

LOCAL AUTHORITY NOTICE 1123

EKURHULENI METROPOLITAN MUNICIPALITY

GERMISTON AMENDMENT SCHEME NO 1318

The Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 15 of 1986, declares that it has approved an Amendment Scheme being an amendment of the Germiston Town Planning Scheme, 1991, comprising the same land as included in the township of Union Extension 52.

Map 3 and the Scheme Clauses of the Amendment Scheme are filed with the Area Manager, Development Planning Services Centre, 15 Queen Street, Germiston and are open for inspection at all reasonable times.

This amendment is known as Boksburg Amendment Scheme 1318.
