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GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 108 OF 2017****MOGALE CITY LOCAL MUNICIPALITY****DECLARATION OF HOMES HAVEN EXTENSION 40 AS AN APPROVED TOWNSHIP**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Mogale City Local Municipality hereby declares the township Homes Haven Extension 40 to be an approved Township, subject to the conditions set out in the Schedule hereto:

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION DONE BY ERF 34 STEYNSVLEI AGRICULTURAL HOLDINGS CC (HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 370 (A PORTION OF PORTION 359) OF THE FARM ROODEKRANS NO 183-IQ, HAS BEEN APPROVED**

**1. CONDITIONS OF ESTABLISHMENT**

**1.1 Name**

The name of the township shall be Homes Haven Extension 40.

**1.2 Design**

The township shall consist of erven as indicated on General Plan S.G. No 622/2014.

**1.3 Stormwater Drainage and Street Design**

- (a) The township owner shall at the request of the Local Government supply the Local Government with a detailed scheme including plans, cross sections and specifications as compiled by a civil engineer approved by the Local Government for the provision of an underground water drainage system. Such system must be designed in order to dispose of the runoff of a 1:10 year rainstorm and must ensure that the runoff of a 1:50 year be guided to the nearest defined watercourse without flooding any adjacent properties. The design of the drainage system must if applicable contain and describe aspects like tar macadamization, kerbing and canalization of roads as well as the provision of retaining walls if required by the Local Government.

The drainage system must, where necessary, make provision for the catchment of storm water in catchment pits from where it must be disposed of in water tight pipes in such a way that no water collections or seepage shall occur on or near the ground surface. The mentioned water pipes must be manufactured from durable material and must be approved by the Local Government. The scheme must also indicate the route and gradient of access to each individual erf from the adjoining street.

- (b) The township owner must construct roads according to the approved scheme at own costs and to the satisfaction of the Local Government, under the supervision of a civil engineer approved by the Local Government.
- (c) The township owner is responsible for the maintenance of streets (if applicable) to the satisfaction of the Local Government until the streets are completed according to sub clause (b) above.
- (d) If the township owner fails to comply with the stipulations of sub clauses (a), (b), and (c) above, the Local Government will be entitled to do the required construction at the cost of the township owner.

#### **1.4 Sewerage**

The township owner must, at the request of the Local Government, supply the following detail regarding the sewerage system of the proposed township:

- (a) Comprehensive layout plans;
- (b) Cross section; and
- (c) Specifications of materials and equipment to be used during the construction of such sewerage system.

The sewerage system must be designed by an approved professional engineer according to the specifications and standards laid down by the Local Government, to the satisfaction of the Director: Technical Services;

All materials to be used with the construction of the sewerage system are subject to the approval and / or amendment of the Director: Technical Services.

#### **1.5 Water**

The township owner must, at the request of the Local Government submit a detailed scheme with plans, cross sections and specifications for the provision of an underground drainage system, for approval.

The proposed network must make provision for a pressurised water connection for each individual erf and must be designed by a professional engineer approved by the Local Government. All materials to be used in the proposed water network must be approved by the Local Government.

#### **1.6 Disposal of Existing Title Conditions**

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

**1.6.1 Excluding the following which do not affect the township due to location:**

- A(2) Die eienaars van Hoewe Nrs 1 - 25 en 43 - 49 sal nie geregtig wees om enige water uit die Krokodilrivier voormelde te gebruik nie”.
- E. By Notarial Deed No. K\_\_\_\_\_ S dated the 13<sup>th</sup> June 2017 the within-mentioned property is subject to a servitude for Sewer and Municipal Purposes measuring 4 metres wide as indicated by the figure A' A B C D E F on Diagram S.G. No. 6112/2002 in favour of Mogale City Municipality as will more fully appear on reference to the said Notarial Deed of Cancellation.

**1.6.2 The following entitlements / Rights will not be passed on to the erven in the Township**

- A.(1) “Dat wanneer enige van die hoewes 1 tot 54 (insluitend) en die restant van gedeelte van gedeelte van die plaas ROODEKRANS 183, Registrasie Afdeling I.Q. Distrik Krugersdorp, groot as sodanige 322,5224 hektaar soos gehou onder Akte van Transport Nr 9384/1928 deur afsonderlike eienaars gehou word sal die volgende servitute en voorwaardes tussen die respektiewelike eienaars daarvan van toepassing wees:-
- (a) Die water wat in die bestaande dam in die Krokodilrivier op die restant voormelde opgegaar word en wat vir gebruik beskikbaar gemaak word deur middel van die bestaande waterfoor “B” wat gedeeltelik op algemene plan SG NO A 2813/1952 aangetoon word sal uitsluitlike gebruik word deur Hoewes Nos 26 tot 34 en 52 tot 54 (insluitend) en die voormelde restant van gedeelte van gedeelte van die gemelde plaas.
- (b) Die water voormelde sal deur die respektiewe eienaars van die voormelde eiendomme in die volgende verhouding gebruik word:
- i. Deur die gemelde restant vanaf 6 uur nm op Saterdag tot 6 uur nm op Vrydag van elke week;
  - ii. deur die gemelde hoewes 26 - 34 en 52 - 54 gesamentlik vanaf 6 uur nm Vrdag tot 6 uur nm Saterdag van elke week;
  - iii. Die metode van gebruik van die water deur hoewes 26 - 34 en 52 - 54 soos in paragraaf (ii) uiteengesit sal onderling tussen die eienaars daarvan gereël word;

- iv. Die eienaars van hoewes Nos 33 en 34 sal geregtig wees om hulle aandeel van die water uit gemelde watervoor gemerk "B" te lei deur middel van die bestaande watervoor "C" wat op Algemene kaart SG no A 2813/1952 aangetoon word.
- v. Die eiendomme voormelde wat geregtig is tot gebruik van die water deur middel van watervore "B" en "C" soos in paragrafe (i) tot (iv) uiteengesit is sal respektiewelik waar nodig onderhewig wees aan en geregtig wees tot 'n serwituut van opdamming met betrekking tot die bestaande dam wat op die restant van gedeelte van gedeelte van die gemelde plaas geleë is, en ook tot regte van deurleiding van water deur middel van die watervore "B" en "C" voormeld.
- vi. Die eienaars van eiendomme wat geregtig is tot die water wat in paragrafe(i) tot (iv) beskryf word sal respektiewelik bydra tot die koste van instandhouding, reparasie, vergroting, verbetering en skoonmaak van watervoor "B" en die voormelde dam wat in die Krokodilrivier geleë is in die volgende verhouding –
  - (a) Hoewes Nos 26 - 34 and 52 - 54 gesamentlik 1/7de aandeel;
  - (b) Die voormelde restant van gedeelte van gedeelte van gedeelte van die gesegde plaas 6/7de aandeel;

met dien verstande egter dat die gemelde watervoor tot by die punt waar dit die Suidelike grens van Hoewe No 26 oorkruis, gesamentlik deur die eienaars van die eiendomme wat gebruik van water daaruit geniet, skoongemaak, gerepareer, vergroot en verbeter sal word op die eerste Maandag van April van elke jaar en sodanige ander tye wanneer dit nodig geag mag word. Vanaf die Suidelike grens van hoewe no. 26 voormeld sal die eienaar van elke hoewe verplig wees die watervoor gemerk "B" op sy eiendom in goeie orde en reparasie te hou op sy eie koste. Watervoor "C" sal deur die eienaars van hoewes Nos 33 en 34 gesamentlik in goeie orde en reparasie gehou word op hulle eie koste;

- vii Ingeval enige eienaar weier of nalaat om sy verpligtings onder paragraaf (vi) uit te voer sal die ander eienaars geregtig wees dit namens hom te doen en die koste daarvan van hom te eis.
- (2) Die eienaars van Hoewe Nrs 1 - 25 en 43 - 49 sal nie geregtig wees om enige water uit die Krokodilrivier voormelde te gebruik nie".

**1.7 Removal of Refuse**

The township owner must at his own cost remove refuse within the township to the satisfaction of the Local Government, if required by the Local Government.

**1.8 Removal or Replacement of Municipal Services**

If the establishment of the township results in any municipal services to be removed or replaced the costs of such removal / replacement must be borne by the township owner.

**1.9 Relocation of Power Lines**

If the establishment of the township results in any ESKOM equipment or services to be relocated the costs of such relocation must be borne by the township owner.

**1.10 Relocation of Telkom Equipment**

If the establishment of the township results in any TELKOM equipment or services to be relocated the costs of such relocation must be borne by the township owner.

**1.11 Demolition of Buildings and Structures**

The township applicant 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 local authority, when required by the Local Government to do so, if and when necessary.

**1.12 Filling in of Existing Excavations and Dongas**

The township applicant shall at his own expense cause any existing excavations and dongas (if any) affecting any erf, to be filled in and compacted.

**1.13 Protection / Removal of Archaeological Features**

The township applicant shall at its own expense cause any archaeological feature or grave to be properly protected to the satisfaction of the local authority and if, by reason of the establishment of the subdivision registration it should become necessary to remove any archaeological feature or grave, the cost thereof shall be borne by the landowner:- Provided that if archaeological sites are exposed during construction work, it should immediately be reported to a museum, preferably one at which an archaeologist is available, so that an investigation and evaluation of the finds can be made.

**1.14 Consolidation of Erven**

The erven in the township shall be consolidated immediately after the proclamation thereof.

## **1.15 The Developer's Obligations**

### **1.15.1 Provision of Engineering Drawings**

The developer must submit to the Local Government complete engineering drawings in respect of internal sewer and sewer connection points and complete engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

### **1.15.2 Provision of a Certificate by a Professional Engineer**

Before any erf is transferred, the Local Government must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and if applicable the internal road and storm water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Local Government may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the Local Government an undertaking that the developer will complete this service on or before a certain

date and must provide the Local Government with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Technical Services Department of the Local Government.

### **1.15.3 Maintenance Period and Guarantee**

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (ie water, sewerage, electricity, and if applicable the road and storm water sewers) have been completed. The developer must furnish the Local Government with a maintenance guarantee, issued by the recognized financial institution, in respect of poor workmanship and / or materials with regard to the civil engineering services and the electricity services, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the Local Government.

## **1.16 Access**

- (a) Ingress from Provincial Road M47 (Hendrik Potgieter Drive) to the township and egress to Provincial Road M47 (Hendrik Potgieter Drive) shall not be permitted, except with the consent of the Department of Roads and Transport of the Gauteng Provincial Government.



- (b) The township owner shall (if applicable) at own expense, submit a geometric design layout (scale 1:500) of the ingress and egress points referred to in (a) above, and specifications for the construction of the accesses, to the Department of Roads and Transport of the Gauteng Provincial Government for approval. The township owner shall after approval of the layout and specification, construct the said ingress and egress points at own expense to the satisfaction of the Department of Roads and Transport of the Gauteng Provincial Government, at a positioning approved (preferably along Furrow Road).

### **1.17 Receiving and Disposal of Stormwater**

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with the Provincial Road M47 (Hendrik Potgieter Drive) and he shall receive and dispose of the stormwater running off or being diverted from the road.

## **2. CONDITIONS OF TITLE**

### **CONDITIONS IMPOSED BY THE LOCAL GOVERNMENT IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)**

#### **2.1 All Erven**

- (a) The erf is subject to a servitude, 2m wide, for sewerage and other purposes in favour of the Local Government along any two boundaries other than a street boundary and in the instance of a panhandle erf, an additional 2m wide servitude for municipal purposes over the access portion of the stand, if and when required by the Local Government: Provided that the Local Government may dispose of the right to any such servitude.
- (b) No building or any structure may be erected within the aforesaid servitude area and no large-rooted trees may be planted within the area of such servitude or within 2 (two) metres thereof.
- (c) The Local Government is entitled to temporarily place any material excavated during the installation, maintenance or removal of a sewerage pipeline or any other works that is deemed necessary on the land adjacent to the servitude and furthermore the Local Government is entitled to reasonable entry to the property on which the servitude is situated for the stated purpose, on the condition that the Local Government will be liable for any damage caused during the installation, maintenance or removal of sewerage pipelines and other works.

#### **2.2 Erf 826**

The erf is subject to a right of way servitude as shown on the General Plan by figures s1, s2, s3, s4, s1 measuring 450 square metres, which servitude is to provide access to land within Homes Haven Ext 40 Township and Portion 371 (a portion of Portion 359) of the Farm Roodekrans No 183 – IQ which area can be utilized for road and service provision purposes (including landscaping proposals).

Maanda Pringle Raedani, Municipal Manager  
July 2017

**MOGALE CITY LOCAL MUNICIPALITY  
KRUGERSDORP AMENDMENT SCHEME 1585**

It is hereby notified in terms of the provisions of section 125(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Mogale City Local Municipality has approved an amendment scheme with regards to the land in the township Homes Haven Extension 40 being an amendment of the Krugersdorp Town Planning Scheme, 1980.

The Map 3 documents and the scheme clauses of the amendment scheme are filed with the Municipal Manager of the Mogale City Local Municipality and are open for inspection during normal office hours.

This amendment scheme is known as Krugersdorp Amendment Scheme 1585.

Maanda Pringle Raedani, Municipal Manager  
July 2017



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