

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 121 OF 2018**BENROSE EXTENSION 18**

- A. In terms of section 28(15) of the By-laws of the City of Johannesburg Metropolitan Municipality declares **Benrose Extension 18** to be an approved township subject to the conditions set out in the Schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY WINKELHAAK VERSPREIDERS GAUTENG EIENDOMME PROPRIETARY LIMITED 2005/014390/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 93 (A PORTION OF PORTION 79) OF THE FARM DOORNFONTEIN NO 92, REGISTRATION DIVISION IR, GAUTENG PROVINCE, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT.**(1) NAME**

The name of the township is Benrose Extension 18

(2) DESIGN

The township consists of erven and a roads as indicated on General Plan S.G. No. 63/2018.

(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)

Should the development of the township not been commenced with before 3 February 2022 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

(a) Should the development of the township not been completed before 4 October 2026 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(6) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 6 May 2022 the application to establish the township, shall be resubmitted to the Department: Mineral Resources for reconsideration.

(7) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(8) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.

(9) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(10) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs 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 requested thereto by the local authority.**

(12) RESTRICTION ON THE DEVELOPMENT OF ERVEN

Erf 299 and Erf 300 may only be developed jointly as a development scheme as provided for in terms of the Sectional Titles Act, Act 95 of 1986.

(13) OPEN SPACE CONTRIBUTION

The township owner shall, if applicable, in terms of section 48. of the By-law pay an open space contribution to the local authority *in lieu* of providing the necessary open space in the township or for the shortfall in the provision of land for open space.

(14) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 1.(3) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 1.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(15) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

(16) NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to notarially tie Erven 299 and 300, to the local authority for approval.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

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

A. Including the following which do affect the township and shall be made applicable to the individual erven in the township:

- (a) THAT the WOLHUTER GOLD MINES LIMITED (in liquidation) shall not be liable or responsible to the Transferee and/or its successors in title or assigns in respect of any damage or injury caused by subsidence or cracking of the surface or otherwise of the said properties, whether caused by mining operations heretofore carried out beneath the surface of the said properties or otherwise. The transferee accepting all risk attaching thereto.

B. Including the following which do affect the township and shall be made applicable to Erven 299 and 300 in the township:

- (a) By virtue of Notarial deed of Servitude K 4585/2018S the property is subject to a servitude for electrical power line purposes in favour of the City of Johannesburg Municipality, indicated by the figure ABCDEFGA on Diagram S.G. No 847/2018, as will more fully appear from reference to the aforesaid Notarial Deed.

3. CONDITIONS OF TITLE.

A. Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

(1) ALL ERVEN

- (a) The erven lie in an area with soil conditions that can cause serious damage to buildings and structures. In order to limit such damage, foundations and other structural elements of the buildings and structures must be designed by a competent professional engineer and erected under his supervision unless it can be proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

(2) ALL ERVEN

- (a) Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two 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 local authority: Provided that the local authority 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) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 local authority.

- B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54 of the By-Law of the City of Johannesburg, in addition to the provisions of the Johannesburg Town Planning Scheme, 1979, declares that it has approved an amendment scheme being an amendment of the Johannesburg Town Planning Scheme, 1979, comprising the same land as included in the township of **Benrose Extension 18**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 01-16868.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. 093/2018

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