

***THE PROVINCE OF  
GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

# **Provincial Gazette Provinsiale Koerant**

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DEPARTMENT OF HEALTH

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**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 58 OF 2021****DECLARATION AS AN APPROVED TOWNSHIP**

In terms of Section 43(15) of the Merafong City Local Municipality Spatial Planning and Land Use Management By-Law, 2020, the Merafong City Local Municipality declares Elijah Barayi Village Extension 1 to be an approved township subject to the conditions set out in the statement hereto.

**CONDITIONS OF ESTABLISHMENT TOWNSHIP: ELIJAH BARAYI VILLAGE EXTENSION 2**

**STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY CALP DEVELOPMENTS PROPRIETARY LIMITED, REGISTRATION NUMBER 2014/020084/07 (HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF CHAPTER 3 OF THE MERAFONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2020, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 51 (A PTN. OF PTN. 36) OF THE FARM VARKENSLAAGTE No 119 IQ, PROVINCE OF GAUTENG, HAS BEEN GRANTED**

- 1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP IN TERMS OF THE PROVISIONS OF SECTION 43 OF THE MERAFONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2020.**
  - 1) The applicant shall make the necessary arrangements with the local authority for the provision and installation of water, electricity and sanitation, the construction of roads and storm water drainage in and for the township, as well as enter into a Services Agreement with the local authority. Bulk services contribution arrangements are to be in terms of the signed services agreement;
  - 2) The applicant shall at his own expense have conditions and servitudes cancelled or the township freed there from, which servitude and conditions do not affect the erven in the township;
  - 3) The applicant shall satisfy the Merafong City Local Municipality that
    - 3.1 The name as well as street names of the proposed township has been approved;
    - 3.2 The relevant amendment scheme (in terms of Spluma Act 16 of 2013 and Merafong City Local Municipality Spatial Planning and Land Use Management By-Law, 2020 is in order, and may be published simultaneously with the declaration of the township as an approved township;
    - 3.3 A Traffic Impact Study as well as a Section 7 Study was submitted and approved by Gautrans;
    - 3.4 Conditions laid down by Sanral has been adhere to;
    - 3.5 Comments from the Department of Minerals & Energy has been obtained;
    - 3.6 The applicant shall comply with all the conditions as stipulated in the Record of Decision as issued by the then Gauteng Department of Agriculture, Conservation and Environment for the establishment of the proposed township; and
    - 3.7 The applicant shall comply with the provisions of sections 43, 63 and 64 of the Merafong City Local Municipality Spatial Planning and Land Use Management By-law, 2020 subject the conditions laid down by user Township Establishment and service agreement.
- 2. CONDITIONS OF ESTABLISHMENT**
  - 1) NAME

The name of the township shall be **Elijah Barayi Village Extension 2.**
  - 2) DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G.No. 2155/2020 for the township Elijah Barayi Village Extension 2.

3) ACCESS

The township applicant shall at his own expense (if required), submit a geometric design layout plan of the ingress and egress points, and specifications for the construction of the accesses, to the Local Authority or any other Authority who requires such designs for approval. The township applicant shall after approval of the layout and specifications, construct the said ingress and egress points at its own expense to the satisfaction of the Merafong City Local Municipality, or any other Authority who requires such construction.

4) ACCEPTANCE AND DISPOSAL OF STORM WATER

The township applicant shall arrange for the drainage of the township to fit in with that of existing roads and for all storm water running off or being diverted from the roads to be received and disposed of.

5) RESTRICTION OF THE DISPOSAL OF ERVEN

The township applicant shall not offer for sale or alienate erven 1687, 1824 and 2100 within the period of six (6) months after the erven became registrable or approval/exemption has been granted by the Minister, to any person or body other than the State unless the Department of Education has indicated in writing that the Department does not wish to acquire the erven.

**3. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE**

1) INSTALLATION AND PROVISION OF SERVICES

The township applicant shall install and provide appropriate, affordable and upgradable internal and external services in or for the township.

2) Servitude No.5 on Diagram S.G.No. 2154/2020 must be registered in favour of Eskom.

**4. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

**4.1.1** But excluding following conditions:

- (a) The following conditions which only affects Erven 1680, 1683, 1684, 1685, 1686, 1828, in the Township:

Subject to a Notarial Deed No. K861/1956S the right has been granted to Peri-Urban Areas Health Board to convey water over the property hereby conveyed together with ancillary rights, and subject to conditions which servitude is 3,15 metres wide and indicated by the figures abcd and eghf on diagram S.G. No. 9441/2006 as will more fully appear on the said Notarial deed and diagram.

- (b) The following condition which only affects Erven 1684, 2192 and Streets in the Township:

Subject to a Notarial Deed No. K1298/1961S the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions indicated by the line cG on diagram S.G. No. 2465/1960 as will more fully appear on reference to said Notarial Deed and diagram.

- (c) The following conditions which only affects Erven 1684, 1953, 1957 and 2192 and streets in the Township:

Subject to the right granted to ESKOM to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K1575/1984S, which route is defined by the Ab of diagram S.G. No. 3826/2009 attached to Notarial Deed of route Description K4727/2009S.

- (d) The following conditions which only affects Erven 1957 and the Road Reserve in the Township:

Subject to the right granted to ESKOM to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K2335/2008S, which route is defined by the line tu which width is 23,5m on either side of the line as indicated on diagram S.G. No. 9441/2006.

- (e) The following conditions which only affects Erven 1953, 1957, 2192 and the streets in the Township:

Subject to the right granted to ESKOM to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K3142/2021S, which route is defined by the line QR which width is 15,50m on either side of the line as indicated on diagram S.G. No. 2154/2020.

## 5. CONDITIONS OF TITLE

### 5.1 CONDITIONS IMPOSED BY THE MERAFOG CITY LOCAL MUNICIPALITY

All erven shall be subject to the following condition:

As the erf forms part of land which is underlain by dolomite which have the potential to cause subsidence, settlement, shock or cracking, all development on the erf shall comply with SANS 1936 (2012) and Section F3 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

## 6. CONDITIONS IMPOSED BY THE MERAFOG CITY LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE MERAFOG CITY LOCAL MUNICIPALITY SPATIAL PLANING AND LAND USE MANAGEMENT BY-LAW, 2020.

The erven mentioned hereunder shall be subject to the conditions as indicated:

### a) ALL ERVEN

- (i) The use of the erf is as defined and subject to such conditions as are contained in the Land Use Conditions in Merafong Land Use Management Document, 2020.
- (ii) Furthermore, all erven in the Township shall be subject to all the conditions as stipulated in the Merafong Land Use Management Document, 2020.
- (iii) Erven in the Township will also be bound to adhere to all Conditions laid down under the "General Precautionary Measures to be Implemented on all dolomite Sites" as well as other conditions as per Geopractica Report on the proposed Township dated 2 September 2015.

- b) ERVEN 1688-1710, 1712-1747, 1749-1823, 1825-1827, 1830-1849, 1851-1927, 1932-1938, 1940, 1941, 1943-1952, 1961-2041, 2043-2097, 2099, 2101-2162, 2164-2191, 2193-2219, 2222-2239, 2241-2314, 2316-2341, 2343-2549.

The use zone of the erf shall be "Residential 1

- c) ERVEN 1828, 1930, 1954 and 1956.

The use zone of the erf shall be "Residential 3".

- d) ERVEN 1681 and 1928.

The use zone of the erf shall be "Business 1".

- e) ERF 1829.

The use zone of the erf shall be "Business 2".

- f) ERVEN 1683, 1685, 1686, 1711, 1748, 1929, 1942, 1960, 2042, 2098, 2220, 2240, 2315 and 2342.

The use zone of the erf shall be "Community Facility".

- g) ERVEN 1687, 1824 and 2100.

The use zone of the erf shall be "Educational".

- h) ERVEN 1680, 1682, 1684, 1850, 1931, 1939, 1953, 1955, 1957-1959, 2163, 2192 and 2221.

The use zone of the erven shall be "Municipal".

## **7. REGISTRATION OF ERVEN**

The following Erven 1680, 1682, 1684, 1850, 1931, 1939, 1953, 1955, 1957-1959, 2163, 2192 & 2221 which is zoned Municipal will be transferred to "The Merafong City Local Municipality" on proclamation of the Township.



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Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
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