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GAUTENG***



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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 68 OF 2021****EKURHULENI TOWN PLANNING SCHEME 2014
EKURHULENI AMENDMENT SCHEME A0256****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY**

It is hereby notified in terms of the provision of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with the Spatial Planning and Land Use Management Act, 16 of 2013, that the City of Ekurhuleni Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Watervalspruit Extension 17, being an amendment of the Ekurhuleni Town Planning Scheme, 2014.

The Annexure of this amendment scheme is filed with the Municipal Manager and is open to inspection during normal office hours.

The amendment is known as Ekurhuleni Amendment Scheme A0256

Imogen Mashazi, City Manager
2nd Floor, Head Office Building,
Cnr Cross & Rose Street
Germiston

Notice No. A007/2021

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
ALBERTON CUSTOMER CARE AREA****DECLARATION OF WATERVALSPRUIT EXTENSION 17 AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with the Spatial Planning and Land Use Management Act, 16 of 2013, the City of Ekurhuleni Metropolitan Municipality hereby declares the township of Watervalspruit Extension 17 to be an approved township, subject to the conditions as set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), ON PORTION 116 (A PORTION OF PORTION 44) OF THE FARM WATERVAL 150 I.R, GAUTENG PROVINCE BY COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED (Registration No: 2005/013577/07) (HEREAFTER REFERRED TO AS THE APPLICANT/ TOWNSHIP OWNER) AND BEING THE REGISTERED OWNER OF THE LAND HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **Watervalspruit Extension 17**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No. 3350/2017.

1.3 STORMWATER DRAINAGE AND STREET CONSTRUCTION

1.3.1 The township owner shall on request by the Council submit to such Council for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the Council, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channeling of the streets therein together with the provision of such retaining walls as may be considered necessary by the Council.

1.3.2 The scheme shall provide for the catchments of storm water in catch pits whence it shall be drained off in watertight pipes of durable material, approved by the Council, in such manner that water will in no way dam up or infiltrate on or near the surface of the ground.

Furthermore, the scheme shall, indicate the route and gradient by which each erf gains access to the street on which it abuts. The township owner shall, when required by the Council to do so, carry out the approved scheme at its own expense on behalf of and to the satisfaction of the Council under supervision of a civil engineer approved by the Council.

1.3.3 Access to the township shall be provided from the nearest public road system to the satisfaction of Council.

1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

1.4.1 All erven shall be made subject to the existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding the following conditions and servitudes in Deed of Transfer T106002/2014 which do not affect the township area and will not be carried forward.

1.4.2 The following ancillary rights and entitlements do affect the Township area but will not be passed on to the erven in the Township:

Condition 1 A

The former Remaining Extent of Portion A of the Farm Waterval 150 – IR in extent 337,6785 (Three Three Seven Comma Six Seven Eight Five) Hectares indicated by the figure A L M N O p middle of the Klip River e F G H J K on consolidation diagram SG A3297/1958 is subject to the following condition:

SUBJECT to a servitude in favour of the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED, to convey electricity over the property held hereunder along a Power Line represented by the centre line c d on the diagram SG Nr A3297/1958, together with certain ancillary rights and subject to certain conditions as will more fully appear from Notarial Deed No 703/1945S registered on the 2nd November 1945.

Condition 2

The former Portion B of the Farm Waterval 150 – IR in extent 261,3423 (Two Six One Comma Three Four Two Three) Hectares and indicated by the figure L B C d middle of the Klip River p O N M on diagram SG A3297/1958 is subject to the following condition:

SUBJECT to a servitude in favour of the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED to convey electricity over the property held hereunder along a Power Line represented by the centre line d b a on the diagram SG Nr A3297/1958, together with certain conditions as will more fully appear from Notarial Deed No 704/1945S registered on the 2nd November 1945.

Condition 3

The former Remaining Extent of Portion 44 of the Farm Waterval 150 – IR in extent 598,9208 (Five Nine Eight Comma Nine Two Zero Eight) Hectares is entitled to the following rights over Portion 43 (a portion of portion 44) of the within Farm held under Deed of Transfer T14958/1967 as set out in Notarial Deed No K867/1966S:

- (a) Trading rights (except vegetable and food grown on property);
- (b) Right of access to the power lines and transformer;
- (c) Installation of metres; and
- (d) Maintenance of fencing with ancillary rights

As will more fully appear from the said Notarial Deed with diagram A2132/1962

Condition 6

By Notarial Deed No K503/1971-S, the right has been granted to ESCOM to convey electricity over the property held hereunder, together with certain ancillary rights, which route is depicted by the centre line aBb, cEd & eHf on diagram SG Nr 4686/1977 attached to notarial deed of Route Description K975/1978S.

1.5 SERVITUDES AND CONDITIONS AFFECTING THE TOWNSHIP

All erven shall be made subject to the existing conditions and servitudes including the following servitudes that only affect Erf 3225 in the township:

Condition 4

By Notarial Deed No K487/1980-S dated the 16th October 1979 the within-mentioned property is subject to two perpetual servitudes of right of way, each three metres in extent as indicated by the letters A B C D E F G on diagram S.G. No. A4373/1977 and the letters A B C D E on diagram S.G. No. 825/1979 in favour of the Town Council of Alberton, together with ancillary rights, as will more fully appear from reference to said Notarial Deed.

Condition 5

By Notarial Deed No. 276/1973-S dated 12th February 1973 the within-mentioned property is subject to a Right of aqueduct in favour of the RAND WATER BOARD, with additional rights as will more fully appear from reference to the said Notarial deed.

Condition 7

A pipeline servitude with restrictions of 3, 15 metres on either side, as it appears on Diagram L.G. No. A. 805/1978 has been ceded to the REPUBLIC OF SOUTH AFRICA by Deed of Cession No. K 1693/1978-S, registered on the 19th July 1978.

Condition 8

The erf shall be subject to a servitude for sewerage and other municipal purposes in favour of the Ekurhuleni Metropolitan Municipality, Germiston, 6 metres wide, as indicated by line AB on diagram SG nr 6847/1985, as will more fully appear from Deed of Cession No. K943/1989.

1.6 CONDITIONS RELATING TO THE TRANSFER OF ERVEN AND STREETS

No erven in this township shall be transferred or developed without the streets, sports fields, (including Erf 2927) and public open space erven having been transferred to the Municipality.

1.7 ENGINEERING SERVICES

- 1.7.1 The provision of engineering services shall be dealt with in detail in the services agreement between the local authority and the applicant/ township owner where the responsibility of the installation and provision of internal engineering services will be agreed upon, as well as the responsibility for maintenance of water, sewer and electrical networks and the maintenance of internal roads.
- 1.7.2 Once water, sewer and electrical networks have been installed, same will be transferred to the Local Authority, who shall maintain these networks.
- 1.7.3 Access to the township shall be provided from the nearest public road system to the satisfaction of the Council.

1.8 OTHER CONDITIONS.

- 1.8.1 The applicant shall at his own expense comply with the conditions imposed by the Gauteng department of Agriculture and Rural Development to the satisfaction of GDARD.
- 1.8.2 The applicant shall at his own expense comply with all the conditions imposed by the Rand Water as set out in their letter set out in 6 August 2010.
- 1.8.3 The applicant shall at his own expense comply with all the conditions imposed by the Transnet as set out in their letter set out in 6 August 2010.

- 1.8.4 Conditions, to the satisfaction of the Municipality, shall be included in the conditions of establishment of Watervalspruit Extensions 26, 31, 32 and 33, in order to arrange for the relocation and provision of alternative housing for the members of the informal settlements located on the abovementioned Extensions and, if necessary for grazing for cattle of such persons. The municipality shall not be responsible for providing alternate grazing for the cattle of said settlement members.

2. ENDOWMENT

- 2.1 There are no endowments payable towards the provision of parks or open spaces to the local authority prior to proclamation of the township.

3. CONDITIONS OF TITLE

The erven mentioned hereunder shall be made subject to the conditions as indicated, imposed by the Council in terms of the provisions of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986)

3.1 All Erven:

- a. The erf is subject to a servitude, 1m 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 1m 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 1m 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 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 local authority.

GENERAL CONDITIONS:

- a) The erven lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Municipality must show measures to be taken, in accordance with recommendations contained in the Engineering-Geological Report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions unless it is proved to the Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

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