

**THE PROVINCE OF
GAUTENG**



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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 25 OF 2022****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
PROCLAMATION OF APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF THE TOWN
PLANNING AND TOWNSHIPS ORDINANCE, 1986 (Ord 15 of 1986), FOR AN APPROVED
TOWNSHIP****BRAKPAN EXTENSION 12**

It is hereby declared that in terms of the provisions 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 (SPLUMA) (Act 16 of 2013), that the City of Ekurhuleni Metropolitan Municipality, Brakpan Sub-Section hereby declares Brakpan Extension 12 township to be an approved township, subject to the conditions as set out in the Schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION, MADE BY REGISTERED OWNER OF THE PROPERTY, FAIRMILE FENCING AND INSTALLATION CC (CK NO: 2008/123670/23). THE REGISTERED OWNER OF THE PROPERTY (HEREAFTER REFERRED TO AS THE DEVELOPER) UNDER THE PROVISIONS OF SECTION C OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986, (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 62 (A PORTION OF PORTION 30) OF THE FARM WELTEVREDEN 118 REGISTRATION DIVISION I.R PROVINCE OF GAUTENG: HAS BEEN GRANTED BY THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

1. GENERAL CONDITIONS OF ESTABLISHMENT**1.1. NAME**

The name of the township shall be Brakpan Extension 12.

1.2. DESIGN

The township shall consist of erven and a street as indicated on General Plan: Plan 1796/2013.

1.3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any but excluding;

1.3.1. The applicant/owner shall at his own cost cause the following condition of title to be cancelled or the township area be freed therefrom:

“A” Opgelê en afdwingbaar deur die Stadsraad van Brakpan:

(1) Dat die eindom ingelyf word by voorgestelde dorpsgebied bekend as Brakpan Uitbreiding 9.

1.4. REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owners.

1.5. OBLIGATION IN REGARD TO THE ENGINEERING SERVICES

The township owners shall fulfil their obligations in respect of the provision and installation of engineering services.

1.6. ACCESS

Access to the township will be from Felicitas Street.

1.7. INSTALLATION AND PROVISION OF SERVICES

1.7.1. The township applicant/owner shall install and provide engineering services in the township as provided for in the services agreement.

1.7.2. The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

1.8. NPO COMPANY

A non profit Organisation (NPO) must be registered by the Township Owner in order to administer security and services in the township.

1.9. ERVEN TO BE TRANSFERRED TO NON- PROFIT ORGANISATION (NPO)

Erven 3535 and 3568 must be transferred to the NPO, for services and road purposes.

2. CONDITIONS OF TITLE**2.1. ALL ERVEN excluding Erf 3568:**

- (a) The 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 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.

2.2. Erven Subject to Special Conditions:

2.2.1. The whole erf of 3568 is subject to a servitude in favour of the Local Authority for municipal purposes as indicated on the general plan.

2.2.2 The whole erf of 3568 is subject to a "right-of-way" servitude in favour of all the remaining erven in the township as indicated on the general plan.

2.2.3. Erven 3490-3567 shall be entitled to a right of way over the entire erf 3568 as indicated on the general plan.

- 2.3. Conditions of Title imposed in favour of third parties to be registered/ created on the first registration of the erven concerned.

All the erven with the exception of erf 3568 and 3535 will be subject to the following conditions in favour of Non-Profit Organization established for the Brakpan Extension 12 (hereinafter referred to as the "Home Owner's Association") and the township owner shall procure that each erf be made subject to the following conditions in favour of the Association:

Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Home Owner's Association.

3. CONDITIONS TO BE INCORPORATED INTO THE CITY OF EKURHULENI LAND USE SCHEME, 2021 IN ADDITION TO THE GENERAL PROVISIONS OF THE TOWN-PLANNING SCHEME IN OPERATION

3.1. USE ZONE 1: Residential 1

Erf 3490 up to 3534 and 3536 up to 3567 and the buildings to be erected thereon shall be used and are subject to the following conditions:

- 3.1.1. The erf and the buildings to be erected on the erf shall be used for a dwelling house, and with the special consent of the local authority for places of public worship, places of instruction, social halls, institutions and special uses.
- 3.1.2. The total coverage of the buildings shall not exceed 60%.
- 3.1.3. Buildings erected on the erf shall not exceed 2 storeys.
- 3.1.4. Buildings and structures hereafter erected on the erf shall be erected at least 2 (two) meters away from any boundary abutting on the private road. A 5m building line for garages, for the provision of visitors parking, must be provided.
- 3.1.5. The foundation of all buildings to be erected on the erf, shall be designed by a civil engineer to the satisfaction of the local authority after the soil on the property which the buildings are to be erected has been investigated by a civil engineer to the satisfaction of the local authority.

3.2. ERF 3568: ROAD

Proposed erf 3568 shall be zoned "Road"

3.3. ERF 3535: PRIVATE OPEN SPACE

Proposed erf 3535 shall be zoned "Private Open Space".

4. GENERAL CONDITIONS

A site development plan shall be submitted to the Local Authority for approval prior to the submission of any building plan be approved and the rights being exercised.

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
CITY OF EKURHULENI AMENDMENT SCHEME R0141C
BRAKPAN EXTENSION 12**

The City of Ekurhuleni Metropolitan Municipality (Brakpan Sub-Subsection) hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read together with Section 35 of the Spatial Planning and Land Use Management Act, 2013; declares that it has approved an amendment scheme, being an amendment of the City of Ekurhuleni Land Use Scheme, 2021, comprising the same land as included in the township of Brakpan Extension 12 Township.

The approved Amendment Scheme documents will lie for inspection at the Manager: Town Planning, Brakpan Sub-Section during normal office hours.

This amendment is known as City of Ekurhuleni Amendment Scheme R0141C and shall come into operation on the date of publication of the notice.

(Notice Ref No:06/2022)

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

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