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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 64 OF 2020****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
DECLARATION AS AN APPROVED TOWNSHIP**

IN TERMS OF SECTION 103 (1) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE) HEREBY DECLARES **ESTHER PARK EXTENSION 38** TO BE AN APPROVED TOWNSHIP, SUBJECT TO THE CONDITIONS SET OUT IN THE SCHEDULE HERETO.

**SCHEDULE**

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY TAROKO DEVELOPMENT PTY LTD (HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTIONS 436 AND 437 (PARTS OF PORTION 221) OF THE FARM ZUURFONTEIN 33-I.R., HAS BEEN GRANTED

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

The name of the township shall be **Esther Park Extension 38**.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan S.G.No. 1987/2019.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes including the reservation of rights to minerals, if any –

1.3.1 Excluding the following conditions in Title Deed T40065/2014, which affect Erven 2041 and 2042 the township only:

- A. Subject to a servitude in favour of the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED to convey electricity over said property, with the right and subject to the conditions more fully set out in Deed of Servitude 1003/1939S, which Notarial Deed 225/1963S. the centre lines of which servitude are indicated by the lines a e b and c f d on Diagram SG Number A 2152/1972 annexed to Certificate of Registered Title 3877/1972.

AND SUBJECT FURTHER to such conditions as are mentioned or referred to in the aforesaid Deeds.

1.3.2 Excluding the following condition which appears on page 3 in Title Deed T40065/2014 which affects Erf 2041 and 2042 in the township:

B. By virtue of Notarial Deed of Servitude Number K579/1981S dated 29 November 1979, the within mentioned property is subject to:

- (i) A servitude area for overhead power lines and underground electric cables indicated by the figure A B C D E F on diagram SG Number A 3839/1978 with ancillary rights.

Which will more fully appear from the said Notarial Deed with diagrams annexed and which servitudes are in favour of Eskom.

AND SUBJECT FURTHER to such conditions as are mentioned or referred to the aforesaid Deeds.

1.3.3 Excluding the following condition which appears on page 3 in Title Deed T40065/2014 which affects Erf 2040 in the township:

B. By virtue of Notarial Deed of Servitude Number K579/1981S dated 29 November 1979, the within mentioned property is subject to:

- (ii) A building line and tree restriction servitude indicated by the figure G H J K L on diagram SG Number A 3839/1978 together with ancillary rights.

Which will more fully appear from the said Notarial Deed with diagrams annexed and which servitudes are in favour of Eskom.

AND SUBJECT FURTHER to such conditions as are mentioned or referred to in the aforesaid Deeds.

1.3.4 Including the following conditions which affect all erven in the Township:

By virtue of Notarial Deed of Servitude K2953/14S registered on the 20th of August 2014 the property is SUBJECT to the following restrictive conditions:

1. Grant of Rights

The Grantor, in its capacity as the purchaser of the Properties, hereby agrees to the registration of the following restrictive conditions over the Properties:

1.1 No boreholes may be sunk on the Properties, without the prior written consent of AECE LIMITED, Registration Number 1924/002590/06 ("the servitude").

1.2 (i) The Grantor shall, should it proceed to develop the Properties or any portion thereof by the establishment of a township thereon or, by subdivision of existing erven and the sale of portions of such subdivided erven, be obliged to establish a Property Owners Association of a Home Owners Association ("the Association"),

in respect of such township, which shall have jurisdiction over the entire township and to which all property owners in the township shall be obliged to belong.

- (ii) Such Association shall, unless otherwise agreed between the parties, be established notwithstanding that it might not be a requirement of any township establishment conditions laid down by the relevant authority granting consent to township establishment.
- (iii) Such Association shall have as one of its objects, a requirement that it become a member of the Greater Modderfontein Property Umbrella Association NPC, registration number 2011/008635/08.
- (iv) Any party to whom the purchaser wishes to sell the Properties, or any portion thereof, must agree to be bound by the conditions contained in paragraph (i) and (ii) above.

As will more fully appear from the said Deed.

#### **1.4 ENGINEERING SERVICES**

- (i) The applicant shall be responsible for the installation and provision of internal engineering services.

#### **1.5 ACCEPTANCE AND DISPOSAL OF STORMWATER**

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

#### **1.6 PRECAUTIONARY MEASURES**

- (a) The township owner shall at his own expense, make arrangements with the Local Authority in order to ensure that:
  - (i) water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen;
  - (ii) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.
  - (iii) the recommendations as laid down in the geological report/ soil report of the township are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

#### **1.7 DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner 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 Authority to do so.

**1.8 REMOVAL OF LITTER**

The township owner shall at his own expense cause all litter within the township area to be removed to the satisfaction of the Local Authority, when required by the Local Authority to do so.

**1.9 REPOSITIONING OF SERVICES**

If, by reason of the establishment of the township, it should become necessary to reposition any existing services of ESKOM, Telkom or the Local Authority, the cost thereof shall be borne by the township owner.

**1.10 TRANSFER OF ERVEN**

ERF 2042 shall, at the cost of the township owner, be transferred to the Home Owners Association.

**1.11 CONDITION TO BE COMPLIED WITH BEFORE ERVEN BECOME REGISTRABLE**

The applicant shall, at his own expense cause Erven 2040 and 2041 in the township to be Notarially tied.

**1.12 FORMULATION AND DUTIES OF THE HOME OWNERS ASSOCIATION**

- (i) Every owner of the erf, or of any subdivided portion thereof, or any person who has an interest therein shall become and shall remain a Member of the Home Owners Association and be subject to its constitution until he/she ceases to be an owner of aforesaid. Neither the erf nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Home Owners Association.
- (ii) The owner of the erf or any subdivided portion thereof, or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners Association that the provisions of the Articles of Association of the Home Owners Association have been complied with.
- (iii) The term "Home Owners Association" in the aforesaid conditions of Title shall mean the Esther Park Extension 38 Home Owners Association (An Association incorporated in terms of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) as amended).

**1.13 ACCESS**

No ingress from Gautrain Reserve, Provincial Roads PWV 3, R25/ P91-1/K155, K115 and Parkland Drive (Except at approved access position) to the township and no egress to Gautrain Reserve, Provincial Roads to Provincial Roads PWV 3, R25/P91-1/K155, K115 and Parkland Drive (Except at approved access position) from the township shall be allowed.

**1.14 REGISTRATION OF SERVITUDE**

The applicant shall at his own expense register a 16m wide Right-of-Way servitude, in favour of all the erven in the township over the Gautrain Rail Reserve to the satisfaction of the Local Authority before the approval of any site development plan or building plans in respect of Erf 2041.

**2. CONDITIONS OF TITLE**

2.1 The under mentioned erven shall be subject to the mentioned conditions, imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

**2.1.1 ALL ERVEN**

- (i) 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.
- (ii) 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.
- (iii) 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.

**2.1.2 ERF 2040**

The erf is subject to a a3x6-meter municipal servitude (electricity) in favour of the Local Authority, as indicated on the General Plan.

**2.1.3 ERF 2042**

The erf is subject to a Right-of-Way servitude in favour of Erven 2041 and 2040 and the local authority, as indicated on the general plan, to guarantee access to a public road.

**2.1.4 Erven 2040 and 2041**

The erven are entitled to a Right-of-Way servitude over Erf 2042, as indicated on the general plan.

**2.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED**

No erf in the township may be transferrred unless the following requirements have been complied with and the following conditions and servitudes are registered:

- (i) Every owner of the property or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a member of the Property Owners Association and be subject to its constitution until he/she ceases to be an owner of the aforesaid. Neither the property nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a member of the Property Owner's Association.
- (ii) The owner of the property or of any subdivided portion thereof or any person who has an interest therein; shall not be entitled to transfer the property or any subdivided portion thereof or any intersect therein without the Clearance Certificate from the Property Owners Association that the provisions of the Property Owners Association have been complied with.

**2.2.1 ALL ERVEN**

- (i) The erf is entitled to a right of way servitude, 16m wide over the Gautrain Rail Reserve as indicated on the General Plan.

Dr Imogen Mashazi: City Manager,  
City of Ekurhuleni Metropolitan Municipality,  
Private Bag X1069 Germiston, 1400

- Notice : CP008 .2020 [15/3/7/E13X38]
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**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
CITY OF EKURHULENI TOWN PLANNING SCHEME 2014: AMENDMENT SCHEME  
K0672**

The City of Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby, in terms of the provisions of section 125 (1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Ekurhuleni Town-planning Scheme 2014, comprising the same land as included in the township **Esther Park Extension 38** township.

The amendment scheme documents will be open for inspection during normal office hours at the offices of the Head of Department, Department of Economic Development, Gauteng Provincial Government, Johannesburg, as well as the Area Manager, City Planning, City of Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre), 5<sup>th</sup> Floor, Civic Centre, c/o CR Swart Drive and Pretoria Road, Kempton Park.

This amendment scheme is known as Ekurhuleni Amendment Scheme **K0672**, and shall come into operation on the date of publication of this notice.

Dr. Imogen Mashazi: City Manager,  
City of Ekurhuleni Metropolitan Municipality,  
Private Bag X1069 Germiston, 1400

**Notice : CP008.2020 [15/3/7/E13X38]**









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