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PROCLAMATION • PROKLAMASIE

PROCLAMATION 79 OF 2016

The publication of this notice is deemed to be a withdrawal of Government Gazette Notice Number 1349 of 2014, Volume 20, No. 117 published on 22 Mei 2014 and the following notice is a replacement thereof:

EKURHULENI METROPOLITAN MUNICIPALITY**DECLARATION AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, the Ekurhuleni Metropolitan Municipality hereby declares Bedfordview Extension 554 Township 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 FULTON PROPERTIES PROPRIETARY LIMITED (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1342 OF THE FARM ELANDSFONTEIN NO. 90, REGISTRATION DIVISION IR, GAUTENG PROVINCE, HAS BEEN APPROVED:

- 1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE TOWNSHIP DECLARED AN APPROVED TOWNSHIP IN TERMS OF THE PROVISIONS OF SECTION 103 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) (HEREINAFTER REFERRED TO AS ORDINANCE 15 OF 1986)**

- 1. CANCELLATION OF EXISTING CONDITIONS OF TITLE.**

The Township owner shall at its own cost, cause the following servitude to be cancelled or the township area to be freed therefrom:

The right of way servitude, for road purposes, in favour of Bedfordview Village Council (as indicated on Diagram SG No. A7528/1949 and referred to under condition (i) in Deed of Transfer No. T49155/2012 shall be partially cancelled, as indicated in the approved township layout plan, prior to the Establishment of the Township in the Deeds Office.

2. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)

2.1 Name

The name of the township shall be:
"BEDFORDVIEW EXTENSION 554"

2.2 Design

The township shall consist of erven as indicated on General Plan S.G. No.2002/2014.

2.3 Access

Access to the township shall be to the satisfaction of the Local Authority.

2.4 Acceptance and Disposal of Stormwater Drainage

The Township Owner has to submit a storm water management plan that has been compiled by a professional engineer specialist to the satisfaction of Roads, Transport and Civil Works Department.

2.5 Removal or Replacement of Municipal Services

2.5.1 If, for some reason due to the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

2.5.2 All municipal services that cross the common boundaries between the erven shall be removed and relocated by, and at the cost of the township owner, as and when required by the Local Authority.

2.6 Repositioning of Circuits

If, for some reason due to the establishment of the township, it should become necessary to reposition any existing circuits of the Electricity Supply Commission (ESKOM), the cost thereof shall be borne by the township owner.

2.7 Demolition of Buildings or Structures

2.7.1 The township owner shall at his own expense cause all existing buildings and structures situated within the building line reserves, side spaces, road reserves, or over the common boundaries to be demolished to the satisfaction of the Local Authority.

2.7.2 The township owner shall at his own expense cause all buildings on the erf that are not to be demolished to comply with the Bedfordview

Town Planning Scheme, 1995, as well as the National Building Regulations, to the satisfaction of the Local Authority. The township owner shall at his own expense cause all buildings which do not conform to either the Town Planning Scheme or the National building Regulations to be demolished to the satisfaction of the City Council.

2.7.3 The township owner shall at his own expense draw up and submit acceptable building plans to the Local Authority, for approval in terms of the provisions of the National building Regulations, for all buildings on the erf for which no building plans have been approved by the Local Authority. The township owner shall at his own expense alter the buildings to comply with the approved building plans to the satisfaction of the Local Authority.

2.8 **Endowment**

The township owner shall, in terms of the provisions of Section 63 of the Town Planning and Townships Ordinance, 15 of 1986 (as amended) and Regulation 43 of the Town Planning and Townships Regulations, pay a contribution to the City council for the provision of land for a park (Public Open Space). Such amount shall be determined as prescribed in the above-mentioned

Regulations.

2.9 **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 City Council.

2.10 **Consolidation of Erven 2990 and 2991**

2.10.1 Erven 2990 and 2991 shall be consolidated after the proclamation of the township register.

2.11 **Obligations with regard to Engineering Services**

The township owner is responsible for making the necessary arrangements for the provision of all engineering services.

2.12 The township owner shall at his own expense, properly and legally constitute a home owners association (a non-profit company), for erven 2990 and 2991 in the township prior to, or simultaneously with the sale of the first erven.

3. **Disposal of Existing Conditions of Title**

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

3.1 Excluding the following servitude which affects Erf 2990 in the township only:

BY virtue of Notarial Deed No. 140/1957s registered on the 18th February, 1957, the said Holding 338 is subject to a servitude of right of way, for road purposes, in favour of Bedfordview Village council as will more fully appear from the said Notarial Deed and Diagram thereunto annexed, and as indicated on Diagram S.G. No. A 7528/1949 annexed to the aforesaid Certificate of Consolidated Title No. 3540/1957 by the figure marked S1.

Which servitude shall be partially cancelled, as indicated in the approved township layout plan, prior to the establishment of the Township.

4. **CONDITIONS OF TITLE**

A. Conditions of title imposed in favour of the local authority in terms of the provisions of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986):

4.1. **SERVITUDES**

ALL ERVEN

4.1.1 All erven are subject to a servitude, 2m wide, in favour of the Local Authority, for sewerage and other municipal purposes, along any two boundaries of the erf other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m 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.

4.1.2 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 2 m therefrom.

4.1.3 The Local Authority shall be entitled to temporarily deposit 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.

- 4.1.4 All existing municipal services on the erven within the township shall be protected by means of suitable servitudes to the satisfaction of the Local Authority, registered in favour of the Local Authority, as and when required by the Local Authority by the owner at his own expense.
- 4.1.5 Erf 2990 and Erf 2991 are subject to a servitude 2,00 meters wide for sewer purposes as indicated on the General Plan in favour of the Local Authority.
- 4.1.6 Erf 2990 and Erf 2991 are subject to a servitude 3,00 meters wide for storm water purposes as shown on the General Plan in favour of the Local Authority.

B. CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and / or servitudes have been registered however should the Township owner have complied with clause 2.10.1 above the conditions herein referring to the Home Owners Association requirement will not be applicable.

Formation and Duties of the Home Owners Association to be constituted upon proclamation of the Township for Erven 2990 and 2991

1. Every owner of erven 2990 and 2991, or of any subdivided portion thereof, or any person who has an interest therein shall remain a Member of the Home Owner's 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 Owner's Association.
2. 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 a Clearance Certificate from the Home Owner's Association that the

provisions of the Articles of Association of the Home Owner's Association have been complied with.

3. The Term "Home Owner's Association" in the aforesaid conditions of Title shall mean the Home Owner's Association of Erven 2990 and 2991 in the Bedfordview Extension 554 (A non-profit company).
4. The Home Owner's Association shall be fully responsible for the functioning and proper maintenance of the Right-of-Way Servitude over Erven 2990 and 2991, the storm water system and street lightning within the township, to the satisfaction of the Local Authority.
5. The Home Owners Association shall have the legal power to levy from each and every member of the home owners association, the costs incurred in fulfilling its functions, and shall have legal recourse to recover such fees in the event of a default in payment by any member.
6. Upon proclamation of the township, the Right-of-Way, as soon as the roadway has been constructed by the township owner to the satisfaction of the Local Authority, become the responsibility of the home owners association contemplated in (6) above.
7. The construction and the maintenance of the road surface within the area of Erven 2990 and 2991 shall be the responsibility of the township owner subject to (7) above.

C. CONDITIONS TO BE INCORPORATED INTO THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 15 OF 1986 (AS AMENDED), IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION

1. Use zone: "Residential 3"

Erven 2990 and 2991 are subject to the following conditions:

- 1.1 The erf shall be zoned "Residential 3";
 - (a) Density: 30 dwelling units per hectare
 - (b) Height: 2 storeys;
 - (c) Coverage: 40%
 - (d) Floor Area Ratio 0.8
 - (e) Parking: As per Scheme

- 1.2 A site development plan in terms of the provisions of Clause 17.1 of the Bedfordview Town Planning Scheme 1995, shall be submitted to the City Council prior to the approval of any building plans. Such site development plan shall contain the following additional provision:

A line of no access shall apply along the entire length of the southern boundary of Erf 2991, along the road reserve boundary of Road K92/Van Buuren Road.

A line of no access shall apply partially along the northern boundary of Erf 2990, from the northern-eastern corner of the property, up to the point 15 metres away from the northern-western corner of the property.

SAMKE NGCOBO
Acting Area Manger: City Planning
Edenvale CCA

Date

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