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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1796 OF 2022**MOGALE CITY LOCAL MUNICIPALITY****DECLARATION OF HOMES HAVEN EXTENSION 22 AS AN APPROVED TOWNSHIP**

In terms of section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Mogale City Local Municipality hereby declares the township **Homes Haven Extension 22** to be an approved Township, subject to the conditions set out in the Schedule hereto:

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION DONE BY VTC AFRICA INVESTMENTS PROPRIETARY LIMITED (REGISTRATION NUMBER 2007/003981/07) (HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 281 (A PORTION OF PORTION 76) OF THE FARM ROODEKRANS 183 IQ, HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **Homes Haven Extension 22**.

1.2 DESIGN

The township shall consist of erven and streets as indicated on **General Plan S.G. No. 79/2019**.

1.3 ROADS AND SURFACE DRAINAGE

- (a) The township owner shall at the request of the local municipality supply the local municipality with a detailed scheme including plans, cross sections and specifications as compiled by a civil engineer approved by the local municipality for the provision of an underground water drainage system. Such system must be designed in order to dispose off the runoff of a 1:10 year rain storm and must ensure that the runoff of a 1:100 year rain storm be guided to the nearest defined watercourse without flooding any adjacent properties. The design of the drainage system must contain and describe aspects like tar macadamization, kerbing and canalization of roads as well as the provision of retaining walls if required by the local municipality.

The drainage system must, where necessary, make provision for the catchment of stormwater in catchment pits from where it must be disposed of in water tight pipes in such a way that no water collections or seepage shall occur on or near the ground surface. The mentioned water pipes must be manufactured from durable material and must be approved by the local municipality. The scheme must also indicate the route and gradient of access to each individual erf from the adjoining street.

- (b) The township owner must construct required roads according to the approved scheme at own costs and to the satisfaction of the local municipality, under the supervision of a civil engineer approved by the local municipality.
- (c) No internal road or storm water services will be taken over by the local municipality at proclamation and a properly established legal entity shall take over the responsibility for the

long term maintenance of the internal roads and storm water network.

- (d) The township owner must provide access to the proposed township to the satisfaction of the local municipality.

1.4 SEWERAGE

- (a) The township owner must, at the request of the local municipality, supply all designs, plans, specifications and other required information regarding the proposed sewerage system of the proposed township for scrutiny and approval.
- (b) The sewerage system must be designed by an approved professional engineer according to the specifications and standards laid down by the local municipality, to the satisfaction of the local municipality;
- (c) All materials to be used with the construction of the sewerage system is subject to the approval and/or amendment of the local municipality.
- (d) No internal sewer services will be taken over by the local municipality at proclamation and a properly established legal entity shall take over the responsibility for the long term maintenance of the internal sewer network.

1.5 WATER

- (a) The township owner must, at the request of the local municipality submit a detailed scheme with plans, cross sections and specifications for the provision of a water reticulation system, for approval.
- (b) The proposed network must make provision for a pressurised water connection for each individual erf and must be designed by a professional engineer approved by the local municipality. All materials to be used in the proposed water network must be approved by the local municipality.
- (c) No internal water services will be taken over by the local municipality at proclamation and a properly established legal entity shall take over the responsibility for the long term maintenance of the internal water network.

1.6 ELECTRICITY

- (a) The township owner must submit a detailed scheme with plans, specifications and electricity demand for the provision of an internal electricity reticulation network, including link services, connections and mini-substations, to the municipality for approval.
- (b) The internal electricity distribution network must be designed according to the minimum requirements and specifications of the local municipality and the National Energy Regulator and must cater for the specific after-diversity maximum demand required by the local municipality.
- (c) The installation of all electricity infrastructure is subject to the inspection and approval of the local municipality.
- (d) No internal electricity services will be taken over by the local municipality at proclamation and a properly established legal entity shall take over the responsibility for the long term maintenance of the internal electricity network.
- (e) The applicant shall further make a contribution towards the upgrading of the external bulk electricity networks as determined by the local municipality.

1.7 RESTRICTION ON THE TRANSFER OF ERVEN

- (a) The applicant/township owner shall legally and properly constitute a Body Corporate prior to the transfer of any erf / sectional title unit in the township.
- (b) Erf 713 and all internal services and streets shall simultaneously with the registration of the first sectional title units in the township vest in the Body Corporate who shall take full responsibility for the maintenance of Erf 713 and internal engineering services and the streets in the township. The municipality shall not take over any of the internal services in the township.
- (c) All owners of stands (or subdivided/consolidated portions thereof) / sectional title units in the township shall become and remain members of the Body Corporate and shall be subject to its rules until such owners legally cease to be owners as aforesaid.
- (d) Erven 712 and 713 must be developed jointly as a development scheme as provided for in the Sectional Titles Schemes Management Act, 2011 (Act 8 of 2011).

1.8 REMOVAL OF REFUSE

- (a) Where no municipal refuse removal services are available the township owner shall enter into a contract with a suitable alternative services provider to the satisfaction of the local municipality.
- (b) The township owner must at own cost remove all rubble, refuse and unused building materials within the township to the satisfaction of the local municipality, if and when required by the local municipality.

1.9 REMOVAL OR REPLACEMENT OF SERVICES

If the establishment of the township results in existing municipal, Eskom, Telkom or any other service to be removed, relocated or replaced the costs of such removal, relocation or replacement must be borne by the township owner.

1.10 RELOCATION OF INFORMAL SETTLEMENTS

The applicant shall, at his/her own expense relocate all informal settlements, which may be located on the property concerned, to the satisfaction of the local municipality.

1.11 REGISTRATION OF SERVITUDES

The applicant shall, at his own cost, register servitudes to provide access or protect infrastructure in the proposed township if required.

1.12 NOTARIAL TIE OF STANDS

Erven 712 and 713 must be notarially tied by the township owner, at his own cost immediately after the proclamation of the township.

2. DISPOSAL OF EXISTING TITLE CONDITIONS

All erven must be made subject to existing conditions and servitudes, excluding the following which must not be transferred to the erven in the township due to its locality:

- "A.1. Dat wanneer einge van die hoewes 1 - 54 (insluitend) en die Restant van gedeelte van gedeelte van die Plaas ROODEKRNAS 183 I.Q., distrik Krugersdorp, groot as sodanig

322,5224 hektaar, soos gehou onder Akte van Transport 9384/1928, deur afsonderlike eienaars gehou word, sal die volgende serwituut en voorwaardes tussen die respektiewelike eienaars daarvan van toepassing wees:

2. Die water wat in die bestaande dam in die Krokodil rivier op die restant voormeld opgegaar word en wat vir gebruik beskikbaar gemaak word deur middel van die bestaande watervoor "B" (wat gedeeltelik op Algemene Plan SG No. A 2813/52 aangetoon word) sal uitsluitlik gebruik word deur Hoewes Nrs. 26 – 35 en 52 – 54 (insluitend) en die voormelde Restant van Gedeelte van Gedeelte van die gemelde plaas.
3. Die water voormeld sal deur die respektiewe eienaars van die voormelde eiendomme in die volgende verhouding gebruik word:
 - (i) Deur die gemelde Restant vanaf 6 uur nm op Saterdag tot 6 uur nm Vrydag van elke week.
 - (ii) Deur die gemelde Hoewes 26 – 34 en 52 – 54 gesamentlik vanaf 6 uur nm Vrydag to 6 uur nm Saterdag elke week.
 - (iii) Die metode van gebruik van die water deur Hoewes 26 – 34 en 52 – 54 soos in paragraaf (ii) uiteengesit, sal onderling tussen die eienaars daarvan gereël word.
 - (iv) Die eienaars van hoewes Nrs. 33 en 34 sal ook geregtig wees om hulle aandeel van die water uit voormelde watervoor gemerk "B" te lei deur middel van die bestaande watervoor "C" wat op Algemene Kaart S G No. A2813/52 aangetoon word;
 - (v) Die eiendomme voormeld wat geregtig is tot gebruik van die water deur middel van watervore "B" en "C" soos in paragrawe (i) – (iv) uiteengesit is sal respektiewelik waar nodige onderhewig wees aan en geregtig wees tot 'n serwituut van opdamming met betrekking tot die bestaande dam wat op die Restant van gedeelte van Gedeelte van die gemelde plaas geleë is, en ook tot regte van deurleiding van water deur middel van die watervore "B" en "C" voormeld;
 - (vi) Die eienaars van eiendomme wat geregtig is tot die water wat in paragrawe (i) – (iv) beskryf word sal respektiewelik bydra tot die koste van instandhouding, reparasie, vergroting, verbetering en skoonmaak van watervoor "B" en die voormelde dam wat in die Krokodil rivier geleë is in die volgende verhouding:
 - (a) Hoewes Nrs. 26 – 34 en 52 – 54 gesamentlike 1/7de aandeel.
 - (b) Die voormelde Restant van gedeelte van Gedeelte van die gemelde plaas 6/7de aandeel met dien verstande egter dat die gemelde watervoor tot by die punt waar dit die Suidelike grens van Hoewes 26 oorkruis gesamentlike deur die eienaars van die eiendomme wat die gebruik van water daaruit geniet, skoonmaak, gerepareer, vergroot en verbeter sal word op die eerste Maandag van April van elke jaar en sodanige ander tye wanneer dit nodig geag mag word. Vanaf die Suidelike grens van Hoewe 26 voormeld sal die eienaar van elke hoewe verplig wees om die watervoor gemerk "B" op sy eie eiendom in goeie orde van die reparasie te hou op sy eie koste. Watervoor "C" sal deur die eienaars van Hoewes 33 en 34 gesamentlik in goeie orde en reparasie gehou word op hulle eie koste.
 - (vii) Ingeval enige eienaar weier of nalaat om sy verpligtings onder paragraaf (vi) uit te voer sal die ander eienaars geregtig wees om dit namens hom te doen en die koste daarvan van hom te eis.
4. Die eienaars van Hoewes 1 – 25 en 43 – 49 sal nie geregtig wees om enige water uit die

Krokodil rivier voormeld te gebruik nie.”

And including the following which affect both erven in the Township:

“According to Notarial Deed of Servitude K50/94S dated 2nd December 1993, the withinmentioned property is subject to a perpetual servitude for sewerage purposes, 3 metres wide, the centre line of which is as indicated by line ABCD as per Diagram LG No. A8257/91 in favour of the City Council of Roodepoort. As more fully appear from abovementioned Notarial Deed of Servitude and diagram annexed thereto”.

3. CONDITIONS OF TITLE

3.1 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)

3.1.1 ALL ERVEN

- (a) The erf is subject to a servitude 2 metres wide for engineering services and other purposes in favour of the Local Authority along any two boundaries other than a street boundary and in the instance of a panhandle erf an additional 2 metres wide servitude for such purposes over the access portion of the stand if and when required by the Local Authority: provided that the Local Authority may dispose of the right to any such servitude.
- (b) No buildings or any structures may be erected within the servitude area and no large rooted trees may be planted within the area of such servitude or within a distance of 2 metres thereof.
- (c) The Local Authority is entitled to temporarily place any material excavated during the installation, maintenance or removal of a sewerage pipeline or any other works that is deemed necessary on the land adjacent to the servitude and furthermore the Local Authority is entitled to reasonable entry to the property on which the servitude is situated for the stated purpose, on the condition that the Local Authority will be liable for any damage caused during the installation, maintenance or removal of engineering services infrastructure and other works.
- (d) The erf is situated on land with soil characteristics that may cause damage to buildings and structures to be erected thereon. Building plans submitted to the local municipality must indicate preventative measures in accordance with the recommendations contained in the engineering geology report which was done for the township, in order to limit damage to buildings or structures due to possible unfavourable foundation conditions. Preventative measures need not be contained in the building plans if proof can be given by the developer that such measures are not required.
- (e) In order to prevent or limit damage to buildings and structures the foundations and other structure elements thereof must be designed by a competent professional engineer. It is recommended that a specific foundation investigation be done for each individual erf prior to any construction taking place thereon.

Mr M Msezana
MUNICIPAL MANAGER

29 September 2022

**LOCAL AUTHORITY NOTICE
29 OF 2022**

MOGALE CITY LOCAL MUNICIPALITY

MOGALE CITY AMENDMENT SCHEME 0007

It is hereby notified in terms of the provisions of the Mogale City Spatial Planning and Land Use Management By-law, 2018 that the Mogale City Local Municipality has approved an amendment scheme regarding the land in the township **Homes Haven Extension 22** being an amendment of the Mogale City Land Use Scheme, 2022.

The maps and the scheme clauses of the amendment scheme are filed with the Municipal Manager of the Mogale City Local Municipality and are open for inspection during normal office hours.

This amendment scheme is known as **Mogale City Amendment Scheme 0007**.

**Mr M Msezana
MUNICIPAL MANAGER**

29 September 2022

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