

**THE PROVINCE OF
GAUTENG**



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GAUTENG**

Provincial Gazette Provinsiale Koerant

EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol: 27

PRETORIA
14 DECEMBER 2022
14 DESEMBER 2022

No: 502

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ISSN 1682-4520



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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS		
2385	City of Johannesburg Municipal Planning By-Law, 2016: Kengies Extension 35.....	502	3

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 2385 OF 2022****KENGIES EXTENSION 35**

A. In terms of Section 28(15) of the City of Johannesburg Municipal Planning By-Law, 2016, the City of Johannesburg Metropolitan Municipality declares Kengies extension 35 to be an approved township subject to the conditions set out in the Schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY LUMAL PROJECTS PROPRIETARY LIMITED REGISTRATION NUMBER 2012/035839/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 565 (A PORTION OF PORTION 19) OF THE FARM ZEVENFONTEIN NO. 407JR, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT**(1) NAME**

The name of the township is Kengies Extension 35.

(2) DESIGN

The township consists of erven as indicated on General Plan SG No.1684/2022.

(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

(4) ELECTRICITY

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Chapter 6 Part 1 of the By-law make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity.

(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)

Should the development of the township not been commenced with before 20 November 2031 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

(6) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

(a) Should the development of the township not have been completed before 05 November 2029 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(ii) If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(iii) The township owner shall comply with the conditions of the Department as set out in the Department's letter 04 November 2019

(7) DEPARTMENT OF MINERALS AND ENERGY

Should the development of the township not been completed before 31 July 2024, the application to establish the township, shall be resubmitted to the Department of Minerals and Energy for reconsideration.

(8) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd.

(9) ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road and all stormwater running off or being diverted from the road shall be received and disposed of.

(10) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(11) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(12) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own costs 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 requested thereto by the local authority.

(13) RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN

Erven 647 and 648 shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to the Weaver Creek Homeowners Association (RF) NPC 2022/500367/08 which Association shall have full responsibility for the functioning and proper maintenance of the said erf/erven and the engineering services within the said erf/erven. All refuse, building rubble and/or other materials shall be removed from the erf/erven prior to the transfer thereof to the mentioned Association.

(14) OPEN SPACE CONTRIBUTION

The township owner shall, if applicable, in terms of section 48. of the By-law pay an open space contribution to the local authority *in lieu* of providing the necessary open space in the township or for the shortfall in the provision of land for open space.

(15) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 2. (3) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of water and

sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2. (3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

- (c) The township owner shall submit to the local authority, a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the local authority. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that such certificate had been issued by ESKOM.

(16) **OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES**

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

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

3. CONDITIONS OF TITLE

(A) Conditions of Title imposed by the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

(1) **ALL ERVEN**

- (a) The erven in the township lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for approval shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC classification for foundations to be C-C1-C2/H-H1/S1 locally R.

(2) **ALL ERVEN (EXCEPT ERF 647)**

(a) Each 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 process 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) **ERF 647**

The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes and right of way in favour of the local authority.

(3) ERVEN 596 to 604

The erven are subject to a 3m wide servitude for sewer purposes in favour of the local authority, as indicated on the General Plan.

(4) ERF 648

The erf is subject to a servitude for stormwater attenuation in favour of the local authority as indicated on the general plan

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

No erf in the township shall be transferred unless the following conditions and/or servitudes have been registered:

(1) ALL ERVEN (EXCEPT ERF/ERVEN 647 and 648)

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer become and remain a member of the Weaver Creek Homeowners Association (RF) NPC 2022/500367/08 incorporated for the purpose of the community scheme ("the Association") and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from such Association certifying that the provisions of the Memorandum of Incorporation have been complied with and the purchaser has bound himself/herself to the satisfaction of the Association to become and remain a member of the Association.

(2) ERF 648.

(a) The Weaver Creek Homeowners Association (RF) NPC 2022/500367/08 shall maintain the stormwater attenuation system on the erf, to the satisfaction of the local authority as indicated on the general plan.

(b) The erf is subject to a 3mx6m electrical servitude in favour of Eskom as indicated on the general plan.

(3) ERVEN 647 and 648

(a) The erven shall not be transferred into the name of any purchaser other than the Weaver Creek Homeowners Association (RF) NPC 2022/500367/08 without the written consent of the local authority first having been obtained.

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of Section 54 of the City of Johannesburg Municipal Planning By-Law, 2016, declares that it has approved an amendment scheme being an amendment of the Peri Urban Areas town planning scheme 1975. comprising the same land as included in the township of Kengies extension 35. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 07-7450.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T089/2022
14 December 2022

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,
for the **Gauteng Provincial Administration**, Johannesburg.

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065