

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1679

LOCAL AUTHORITY NOTICE 841

LOCAL AUTHORITY NOTICE 402 VAN 2004

CITY OF JOHANNESBURG, METROPOLITAN MUNICIPALITY

(FORMER MIDRAND METROPOLITAN LOCAL COUNCIL)

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986) the Greater East Rand Metro, hereby declares Bartlett Extension 72 Township to be an approved township subject to the conditions set out in the schedule hereto.

ANNEXURE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY MARIUS VAN DER MERWE (HEREAFTER REFERRED TO AS THE APPLICANTS/TOWNSHIP OWNERS) 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 THE REMAINDER OF PORTION 659 (A PORTION OF PORTION 224) OF THE FARM KLIPFONTEIN 83 IR HAS BEEN GRANTED BY THE EKURHULENI METROPOLITAN MUNICIPALITY

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP:-

1.1 PROVISION AND INSTALLATION OF SERVICES

The applicant shall make the necessary arrangements with the local authority for the provision and installation/construction of the internal and external water, electricity, sewerage, roads and storm-water drainage engineering services in and for the township.

[THE APPLICANT SHOULD PLEASE NOTE THAT CONDITION 1.1 HAS BEEN IMPOSED AS A PRACTICAL MEASURE AND SAME WILL BE DELETED FORTHWITH ON REQUEST OF ANY APPLICANT WISHING TO MAKE THE NECESSARY ARRANGEMENTS AFTER APPROVAL OF THE TOWNSHIP. IN CERTAIN CASES ENDOWMENTS MIGHT BE IMPOSED AS CONDITIONS OF ESTABLISHMENT]

1.2 GENERAL

The applicant shall satisfy the local authority that:-

- (a) Rand Water has approved the arrangements regarding the disposal of sewerage, trade and domestic effluent in respect of this township.
- (b) The applicant shall comply with the provisions of sections 72, 75 and 101 of the Town-planning and Townships Ordinance, 1986.

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- (c) Payment for the preparation of the relevant amendment scheme has been made, that the relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township.

1.3 ENVIRONMENTAL AUTHORISATION / EXEMPTION

The applicant shall satisfy the Local Authority that environmental authorization in terms of the Local Authority, 1989 (Act 73 of 1989) has been obtained from the Gauteng Provincial Government / Department of Agriculture Conservation Environment and Land Affairs.

1.4 AMENDMENTS TO THE LAYOUT PLAN

- A line of no access along Ridge Road
- A right-of-way servitude must be registered over ERf 716, for access purposes to the township.
- 10 metres by 10 metres splays

1.5 FORMULATION AND DUTIES OF THE HOME OWNER'S ASSOCIATION

- 1.5.1 The township owner shall properly and legally constitute a Home Owner's Association [a company incorporated under Section 21 of the Companies Act, 1973, or a universitas personarum], prior to or simultaneously with the sale of the first erf in the township.
- 1.5.2 The memorandum of association of the Section 21 Company, or a universitas personarum, shall provide that:
- (i) each and every owner of an erf in the township shall become a member of the Home Owner's Association upon transfer to him of that erf;
 - (ii) the Home Owner's Association shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes and the engineering services contained thereon. The local authority shall not be liable for the defectiveness of the surfacing of the roadway and/or any essential services;
 - (iii) the Home Owner's Association must be incorporated with the legal power to levy from each and every member of the Home Owner's Association the costs incurred in fulfilling its function and to have legal recourse to recover such fees in the event of a default in payment by any member; and

- (iv) the construction and maintenance of the roadway portion (Erf 723) shall be the responsibility of the township owner until transfer of that portion to the Home Owner's Association.

2. CONDITIONS OF ESTABLISHMENT

2.1 NAME

The name of the township shall be Bartlett Extension 72.

2.2 DESIGN

The township shall consist of erven and streets as indicated on the layout plan Bartlett x 72.

2.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

2.4 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at their 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, within a period of six (6) months from the date of publication of this notice.

2.5 ENDOWMENT

The township owner shall, in terms of Section 89(2) of the Town Planning and Townships Ordinance, 1986, pay a lump sum endowment of R40 800.00 (VAT included), which amount shall be used by the Local Authority for the provision of parks and/or open spaces.

2.6 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.

2.7 OBLIGATIONS IN REGARD TO ENGINEERING SERVICES

The township owner shall within such period as the local authority may determine, fulfill their obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the local authority.

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2.8 ACCESS

Ingress and egress to and from the township shall be from a temporary point until the Public Road has been constructed by Council. Access shall be to the satisfaction of the Executive Director: Roads, Transport and Civil Works.

A right-of-way servitude must be registered over Erf 716, for access purposes to the township. The right-of-way servitude will lapse upon a certificate from the local authority to the Registrar of Deeds that the servitude is no longer required.

3. CONDITIONS OF TITLE

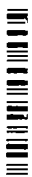
The erven shall be subject to the following conditions imposed by the Local Authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986:-

3.1 ALL ERVEN (EXCEPT ERF 723)

- (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, 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 on it, in its discretion, may deem necessary, and shall further be entitled to reasonable access to the said land for 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.
- (d) The erf may not be transferred without the prior written consent of the Section 21 company, or the universitas personarum (Home Owner's Association).
- (e) The erf is entitled to a right-of-way servitude over Erf 723 (private roads) in the township.

3.2 ERF 723 (PRIVATE ROAD)

- (a) The erf is subject to a right-of-way servitude in favour of Erven 706 to and including Erf 722 in the township.



(b) The entire erf is subject to a servitude for sewerage, water reticulation, electrical purposes (excluding street lights) and other municipal purposes in favour of the local authority.

4. CONDITIONS TO BE INCORPORATED IN THE TOWN-PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION

4.1 GENERAL CONDITIONS (APPLICABLE TO ALL ERVEN)

Clause C.13(5) and (6) of the Boksburg Town Planning Scheme, 1991.

4.2 ERVEN 706 TO 722 ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- Zoning: "Residential 1" with a density of 1 dwelling per 300m²
- Coverage: 60%
- FAR: N/A
- Height: 3 storeys
- Access: Ingress to and egress from the township shall be to the satisfaction of the Executive Director: Roads, Transport and Civil Works.
- Building Lines: Erf 723 (Internal Private Road) – to the satisfaction of the local authority: Provided that the minimum distance between the tarmac and the garage of all the units be 5 metres. The latter will be controlled by means of a SDP and building plans, and provided further that in the event of access to the garage being obtained from the side of the property which is not parallel to the internal road (Erf 723), thatn the 5 metre distance between the tarmac and garage shall not apply.
3 metres on all other street boundaries.

4.3 ERF 723 IS SUBJECT TO THE FOLLOWING CONDITIONS:

- Zoning: "Private Road"

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