
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 53 OF 2019

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) ON PORTION 91 (A PORTION OF PORTION 13) OF THE FARM PALMIETFONTEIN NO. 141- IR, GAUTENG PROVINCE BY THE EKURHULENI METROPOLITAN MUNICIPALITY (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT/TOWNSHIP OWNER) AND BEING THE REGISTERED OWNER OF THE LAND HAS BEEN APPROVED.

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

1.1 Engineering Services

The township Owner shall make the necessary arrangements with the council for the provision of engineering services in terms of Chapter V of the Ordinance, and shall furnish the Council with adequate guarantees regarding the fulfilment of its obligations under the said arrangements.

1.2 General

- a) The applicant shall satisfy the Council that:
 - a) The relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as approved township.
 - b) Rand Water has approved the arrangements regarding the disposal of sewerage and trade and domestic effluents in respect of this township.
 - c) Street names in respect of the township must be approved prior to the declaration of the township as an approved township.
- b) The applicant shall comply with the provisions of section 72, 75 and 76 of the Town Planning and Township Ordinance.

2. GENERAL CONDITIONS OF ESTABLISHMENT

2.1 Name

The name of the township shall be Thinasonke Extension 3.

2.2 Design

The township shall consist of erven and streets as indicated on the approved general plan of thinasonke extension 3(SG 7319/2008)

2.3 Access

No direct access shall be allowed from Provincial Road P46-1 (Vereeniging road) and JG Strijdom Road along boundaries abutting erven 884, 885, 886, 887, 905 up to and including 918, 921, 922, 923, 924, 979, 982, 983, 984, 987, 988, 989, 992, 993, 994, 997, 998, 999, 1001, 1086, 1088, 1089, 1090, 1093, 1094, 1095, 1098, 1099, 1100, 1103, 1104, 1105, 1108, 1109, 1110, 1113, 1114, 1115, 1118,

1119, 1120, 1121, 1122, 1123, 1126, 1127, 1128, 1131, 1132, 1133, 1136, 1137, 1138, 1141, 1142, 1143 and 1247.

Only access as permitted by the Gauteng Department of Transport and Public Works shall be allowed.

2.4 Acceptance and Disposal of Stormwater

The township owner shall arrange for the system of the township to fit in with the drainage of the road taking into account the capacity of the system and all Stormwater running of or being diverted from the road to be received and disposed of.

2.5 Engineering Services

The applicant shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.

2.6 General

No buildings or structures may be erected within the building restriction area of 16 metres from the reserve boundary (ies) of the road (s) P46-1 (K89).

2.7 Erection of fence or other physical barrier

The township owner shall at his own expense, erect a 2 metres high brick wall to the satisfaction of the Department of Public Transport, Roads and Public Works, on the lines of no access.

997, 998, 999, 1001, 1086, 1088, 1089, 1090, 1093, 1094, 1095, 1098, 1099, 1100, 1103, 1104, 1105, 1108, 1109, 1110, 1113, 1114, 1115, 1118, 1119, 1120, 1121, 1122, 1123, 1126, 1127, 1128, 1131, 1132, 1136, 1137, 1138, 1141, 1142, 1143 and 1246

Only access as permitted by the Gauteng Department of Transport and Public Works shall be allowed.

2.8 Land for municipal purposes

The following erven as shown on the general plan shall be transferred to the local authority by and at the expense of the township owner.

Public Open Spaces: Erven 1246 to 1251

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservations of minerals, but excluding:

3.1 The following servitude which affects erven 884 and 885 in the township only:

“B.1. The rights granted to VICTORIA FALLS & TRANSVAAL POWER COMPANY LIMITED, to convey electricity across the property hereby transferred as

indicated in by the line a b d on diagram LG No. A. 7371/69 annexed to the said Deed of Transfer No. 28869/1970, together with ancillary rights, as will appear on reference to Notarial Deed No. 1108/1937S with diagram, copies whereof are annexed to Deed of Transfer No. 3592/1927, as amended by and more fully set out in Notarial Deed No. 706/63S, registered on 18th July, 1963.”

3.2 The following servitude which affects erven 884, 885, 1246, 1248 and 1249 in the township:

“B.2. The right granted to the ELECTRICITY SUPPLY COMMISSION to convey electricity across the property hereby transferred, the centre line of which servitude is indicated by the figure e f b and g h on Diagram L.G. No. A. 7371/69 annexed to the said Deed of Transfer No. 28869/1970, together with ancillary rights and subject to conditions more fully set out in Notarial Deed No. 365/1955S with Diagram, copies whereof are annexed to Deed of Transfer No. 3592/1927, as amended by and more fully set out in Notarial Deed No. 706/63S, registered on 18th July, 1963.”

3.3 The following servitude affects erven 884 and 885 only in the township:

“B.6. Subject to perpetual right to convey and transmit gas by means of a pipeline or pipelines laid or to be laid or constructed within the servitude area, measuring 3129 square metres and indicated by letters A B C D E F G H on Diagram L.G. No. A 8634/73, in favour of GASCOR as will more fully appear on reference to Notarial Deed No. K. 3072/1974S dated 7th May 1974 and registered on 3rd December, 1974.”

3.4 The following servitudes affect erven 1245 and 1247 only in the township:

“B.7. Subject to pipeline servitude as indicated on Diagram S.G. No. A 5724/74, expropriated and ceded to the REPUBLIC OF SOUTH AFRICA (in its Railways and Harbours Administration) more fully set out in Notarial Deed of Cession No. K. 2140/1975S registered on 1st August, 1975.”

“B.8. Subject to pipeline servitude as indicated on Diagram S.G. No. A 5724/74, expropriated and ceded to the REPUBLIC OF SOUTH AFRICA (in its Railways and Harbours Administration) more fully set out in Notarial Deed of Cession No. K. 51/1977S registered on 10th January, 1977.”

“B.9. Subject to pipeline servitude 6 metres wide ceded to the REPUBLIC OF SOUTH AFRICA (in its Railways and Harbours Administration) more fully set out in Notarial Deed of Cession No. K.3125/1980S registered on 25th November, 1980.”

3.5 The following conditions/servitudes which do not affect the township area and will not be passed on the erven in the township:

“B.3. Further subject to

- a) “die regte van die staatspresident soos in Artikel vier-en-dertig van die Kroongrond Nederzettings Wet, 1912, bepall;

- b) die voorwaarde dat die Suid-Afrikaanse Spoorweg en Hawensadministrasie, soos omskryf in Artikel 2 van Wet Nr. 22 van 1916, te eniger tyd enige gedeelte van die getransporteerde grond wat op 1ste Augustus 1955 geokkupeer of in gebruik was deur die genoemde Administrasie vir spoorwegdoeleindes, sonder betaling van vergoeding mag onteien.”

B.4. “Subject to the expropriation of a servitude of pipeline in terms of Section 11(1)(B) Act 37 of 1955 by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION, as will more fully appear from Notice and Diagram filed with Deed of Transfer No. 10923/1960, dated 27th April, 1960.”

B.5. “Subject to the right as granted to the ELECTRICITY SUPPLY COMMISSION to convey electricity across the property hereby transferred by means of wires mounted on poles or structures and/or by means of cable or other appliances overhead and/or underground along the line of route as will more fully appear from the Deed of Servitude No. 742/1970S dated 9th March, 1970 and registered on 15th September, 1970.”

- 3.6** The following servitude which affects erf 1251 in the township only: subject to electric powerline servitude in favour of Eskom, held under deed of servitude no: k2457/1989s and now amended and set more fully out in deed of servitude no: k4420/1994s with vide diagram S.G No: A608/1991.

4. CONDITIONS OF TITTLE

The erven mentioned hereunder shall be subject to the conditions as indicated, imposed by the Ekurhuleni Metropolitan Municipality in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

4.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 2.8:

- a) The erf is subject to a 2m wide servitude in favour of the local authority, for sewerage, Stormwater and other municipal purposes, along any one of its boundaries other than a street boundary and in 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 metropolitan authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such materials may be excavated by it during the course of 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 metropolitan authority.

4.2 Registration of servitudes:

The erven below are subject to servitudes in favour of the following parties as indicated on the General Plan:

Erven 716, 756, 906 and 1121

The above erven are subject to two (2) metres wide servitude in favour of the local authority for purposes of storm water as indicated on the General Plan of the township.

5. **CONDITIONS TO BE INCORPORATED INTO THE ALBERTON TOWN PLANNING SCHEME, 1979, IN TERMS OF THE PROVISIONS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE, 1986 IN ADDITION TO THE GENERAL PROVISIONS OF THE TOWN PLANNING SCHEME OPERATION**

5.1 **General conditions applicable to all erven:**

The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Local Authority must show measures to be taken, in accordance with recommendations contained in the geotechnical report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, 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.

5.2 **Erven 522 to 575, 577 to 586, 588 to 834, 836 to 882, 886 to 1000, 1002 to 1085, 1087 to 1244.**

The use of the erf shall be “**RESIDENTIAL 1**” with the following Annexure:

Annexure:

- a) The occupants of a residential building may practice inter alia, their social and religious activities and their occupations, professions or trade, including retail trade, on the property on which such residential building is erected, provided that:
 - i. The dominant use of the property shall remain residential;
 - ii. The occupation, trade or profession or other activity shall not be noxious; and
 - iii. The occupation, trade or profession being practised shall not interfere with the amenity of the neighbourhood.
- b) The total coverage of buildings shall not exceed 60% of the area of the Erf.
- c) The height of the buildings shall not exceed 2 storeys.
- d) Buildings, including outbuildings hereafter erected on the erf, shall be located not less than 3m from any street boundary. Buildings abutting on the Provincial Road P46-1 shall be located not less than 16m from such boundary.

B-Series:

- e) The erven shall have a density of one dwelling per erf.

- f) Direct access to all erven (except erven 1245, 1246, 1248 and 1249) abutting on JG Strijdom Road and P46-1, shall not be permitted.
- g) Buildings abutting on Provincial Road P46-1 shall be located no less than 16m from such boundary.

5.3 **Erven 587, 835, and 1086: "BUSINESS 1"**

Annexure:

- a) The total coverage of buildings shall not exceed 40% of the area of the erf.
- b) The height of buildings shall not exceed 2 storeys.
- c) Effective, paved and demarcated parking spaces, together with the necessary manoeuvring area, shall be provided on the erf to the satisfaction of the local authority in the following ratios;
 - i. Shops, places of amusement and personal service trades:
6 parking spaces to 100m² gross leasable floor area.
 - ii. Offices:
2 parking spaces to 100m² gross leasable office floor area.
 - iii. Social Halls:
1 parking space to 4 seats.
 - iv. Hotels:
1 parking space to 1 bedroom or suite plus 10 parking space to 100m² public room floor area.
 - v. Places of Public Worship:
15 parking spaces to 100m² church building floor area.
 - vi. Places of Instruction:
Parking shall be provided to the satisfaction of the authority.
 - vii. Dwelling units and residential buildings:
1 parking space per unit/habitable room
- d) Buildings including outbuildings hereafter erected on the erf shall be located not less than 3m from any street boundary. Buildings abutting on the Provincial Road P46-1 shall be located not less than 16m from such boundary.
- e) A site development plan shall be submitted and approved before any building plans may be submitted for approval.

B-Series:

- f) Direct access to all erven (except erven 1245, 1246, 1248 and 1249) abutting on JG Strijdom Road and P46-1, shall not be permitted.
- g) Height Zone: 0

5.4 **Erven 576, 883, 884, 885 and 1001: "SPECIAL"**

Annexure:

- a) The erven shall be used for purposes of community facilities, institutions, places of public worship, municipal purposes, educational purposes, retail and residential uses.
- b) The total coverage of buildings shall not exceed 45% of the area of the erf.
- c) The height of buildings shall not exceed 2 storeys.
- d) Buildings, including outbuildings hereafter erected on the erf, shall be located not less than 3m from any boundary thereof.
- e) Effective, paved and demarcated parking spaces, together with the necessary manoeuvring area, shall be provided on the erf to the satisfaction of the local authority in the following ratios;
 - i. Community facilities:
Parking shall be provided to the satisfaction of the local authority.
 - ii. Educational:
Parking shall be provided to the satisfaction of the local authority.
 - iii. Institutional and retail:
 - a. 6 parking spaces per 100m² gross leasable consulting room and/or retail floor area.
 - b. Hospital and clinics: 1 parking space per bed.
 - iv. Residential Uses:
1 parking space to 1 bedroom or suite plus 10 parking spaces to 100m² public room floor area.
- f) A site development plan shall be submitted and approved before any building plans may be submitted for approval.

B-Series:

- g) Direct access to all erven (except erven 1245, 1246, 1248 and 1249) abutting on JG Strijdom Road and P46-1, shall not be permitted.
- h) Height Zone: 0

5.5 Erven 1246 to 1251: "PUBLIC OPEN SPACE"**B-Series:**

- a) Height Zone: 0

5.6 Erf 1245: "UNDETERMINED"**B-Series:**

- a) Height Zone 0.
- b) No access shall be permitted along Provincial Road P46-1.
- c) Buildings abutting on Provincial Road P46-1 shall be located no less than 16m from such boundary.
- d) Buildings, including outbuildings hereafter erected on the erf, shall be located not less than 8m from any other boundary thereof.