

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION DONE BY HAUCAB (PROPRIETARY) LIMITED (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 295 (A PORTION OF PORTION 117) OF THE FARM ROODEKRANS 183 IQ, HAS BEEN APPROVED.

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

1.1 PROVISION AND INSTALLATION OF SERVICES

The township owner must enter into an agreement with the local government and/or other applicable service providers regarding the provision of essential engineering services to the proposed township, the payment of bulk services contributions, the delivery of guarantees and the installation and maintenance of such services.

1.2 REGISTRATION OF SERVITUDE

The applicant shall at his own expence cause a servitude to be registered over the small scale diagram, as shown on Diagram SG 6105/2002 in favour of and to the satisfaction of the local government.

1.3 REMOVAL OF EXISTING TITLE RESTRICTION

The township applicant shall at his own expense cause the removal or suspension of Conditions F(1), F(2), F(3) and F4 in Deed of Transfer T41196/2006 or any follow-up title deed to be registered.

1.4 GENERAL

The applicant must satisfy the Local Government that:

- (a) the applicable amendment scheme is in order and could be published simultaneously with the declaration of the town as an approved township;
- (b) the 1:50 year and 1:100 year floodlines are indicated on the lay out plan and has been certified by a professional engineer;
- (c) the provisions of sections 72, 75 and 101 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) have been complied with;



- (d) Environmental Authorisation has been obtained from the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs.

2. CONDITIONS OF TITLE

2.1 NAME

The name of the township shall be **Homes Haven Extension 12**

2.2 DESIGN

The township shall consist of erven and a street as indicated on **General Plan SG No. 1080/2006**.

2.3 STORMWATER DRAINAGE AND STREET DESIGN

- (a) The township owner shall at the request of the local government supply the local government with a detailed scheme including plans, cross sections and specifications as compiled by a civil engineer approved by the local government for the provision of a underground water drainage system. Such system must be designed in order to dispose off the runoff of a 1:10 year rainstorm and must ensure that the runoff of a 1:100 year be guided to the nearest defined water course without flooding any adjacent properties. The design of the drainge 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 government.

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 government. 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 roads according to the approved scheme at own costs and to the satisfaction of the local government, under the supervision of a civil engineer approved by the local government.
- (c) The township owner is responsible for the maintenance of streets to the satisfaction of the local government until the streets are completed according to sub clause (b) above.



- (d) If the township owner fails to comply with the stipulations of sub clauses (a), (b) and (c) above, the local government will be entitled to do the required construction at the cost of the township owner.

2.4 SEWERAGE

The township owner must, at the request of the local government, supply the following detail regarding the sewerage system of the proposed township:

- (i) Comprehensive lay-out plans;
- (ii) Cross sections; and
- (iii) Specifications of materials and equipment to be used during the construction of such sewerage system.

The sewerage system must be designed by an approved professional engineer according to the specifications and standards laid down by the local government, to the satisfaction of the Director: Water and Sanitation;

All materials to be used with the construction of the sewerage system is subject to the approval and/or amendment of the Director: Water and Sanitation.

2.5 WATER

The township owner must, at the request of the local government submit a detailed scheme with plans, cross sections and specifications for the provision of an underground water reticulation system, for approval.

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 government. All materials to be used in the proposed water network must be approved by the local government.

2.6 DISPOSAL OF EXISTING TITLE CONDITIONS

All erven must be made subject to existing conditions and servitudes, if any, with the exception of the following conditions including the reservation of rights to minerals, and / or servitudes:-

- (a) A 2 metre wide servitude as indicated on Diagram SG 1990/1994 as described in Notarial Deed of Servitude/.... (not registered), which can be cancelled in total, as the servitude is to affect a public street in the township only and is to be in favour of the local government.



- (b) A 4 metre wide servitude as indicated on Diagram SG 6105/2002 as described in Notarial Deed of Servitude/.... (not registered), which will affect Erf 421 in the township only.
- (c) Conditions B and C in Deed of Transfer No T41196/2006, which must not be transferred to the erven in the township, with the exception of Erven 417 and 418 to 421.
- (d) Condition D in Deed of Transfer No T41196/2006, which must not be transferred to the erven in the township.
- (e) Condition E in Deed of Transfer No T41196/2006, which has been cancelled by Notarial Deed of Cancellation of a Servitude K685/2003S, and will not be applicable to the township.

2.7 FORMATION, DUTIES AND RESPONSIBILITIES OF THE HOME OWNERS ASSOCIATION

- (a) The applicant shall legally and properly constitute a Home Owners Association prior to the transfer of any erf in the township.
- (b) Erven 417 and 418 to 421, streets and internal engineering services in the township shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Home Owners Association who shall take full responsibility for the maintenance of said Erven 417 and 418 to 421, streets and internal engineering services in the township.
- (c) All owners of stands (or subdivided/consolidated portions thereof), except Erf 416 and erven mentioned in sub-clause (b) aforementioned, in the township shall become and remain members of the Home Owners Association and shall be subject to its memorandum and articles until such owners legally cease to be owners as aforesaid.

2.8 REMOVAL OF REFUSE

The township owner must at own cost remove refuse within the township to the satisfaction of the Local Government, if required by the Local Government.

2.9 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If the establishment of the township results in any municipal services to be removed or replaced the costs of such removal/replacement must be borne by the township owner.



2.10 RELOCATION OF POWERLINES

If the establishment of the township results in any ESKOM equipment or services to be relocated the costs of such relocation must be borne by the township owner.

2.11 RELOCATION OF TELKOM EQUIPMENT

If the establishment of the township results in any TELKOM equipment or services to be relocated the costs of such relocation must be borne by the township owner.

2.12 RELOCATION OF INFORMAL SETTLEMENTS

The applicant shall, at his/her own expence relocate all informal settlements on the property concerned, to the satisfaction of the local authority, if applicable.

2.13 ENDOWMENT

The applicant shall pay an endowment, to be determined by the local authority in conjunction with the Gauteng Department of Transport, Public Works and Roads, towards the upgrading of Furrow Road and Falls Road and the intersection of the former with Hendrik Potgieter Drive.

2.14 SERVITUDES

The township owner shall, at his own expense, cause the following servitudes to be registered regarding erven in the township:

- (a) Erven 332 and 394: A 2 metre wide servitude for storm water drainage purposes.

2.15 DEMOLITION OF BUILDINGS AND STRUCTURES

The township applicant shall at his 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, when required to do so.

2.16 FILLING IN OF EXISTING EXCAVATIONS AND DONGAS

The township applicant shall at his own expense cause any existing excavations and dongas, (if any) affecting any residential erf, to be filled in and compacted.



3. **CONDITIONS OF TITLE**

CONDITIONS IMPOSED BY THE LOCAL GOVERNMENT IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

3.1 ALL ERVEN

- (a) The erf is subject to a servitude 2 metres wide for sewerage and other purposes in favour of the local government along any two boundaries other than a street boundary and in the instance of a panhandle erf an additional 2 metres wide servitude for municipal purposes over the access portion of the stand if and when required by the local government: provided that the local government 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 government 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 government is entitled to reasonable entry to the property on which the servitude is situated for the stated purpose, on the condition that the local government will be liable for any damage caused during the installation, maintenance or removal of sewerage pipelines and other works.
- (d) (i) The erven 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 government 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 the 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;
- (ii) In order to limit such damage the foundations and other structure elements of buildings and structures 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;



- (e) All roofing materials are subject to the approval of the Director: Local Economic Development (Building Control Section);
- (f) All fences to be erected in the proposed township must be environmentally friendly and are subject to the approval of the Director: Local Economic Development (Building Control Section);
- (g) The minimum floor area of "Residential 1" dwelling units shall be 210 m² (including outbuildings).

3.2 ERVEN 332 AND 394

The erf is subject to a 2 metre wide servitude for storm water purposes, as indicated on the lay out plan of the township.

3.3 ERVEN 333, 334, 335, 410 AND 411

The erven which are effected by a 1:100 year floodline and may not be developed and / or sold, until a professional civil engineer can certify, resulting from alternative drainage proposals being put in place, that the erf is no longer affected by the 1:100 year floodline.

3.4. ERF 421

The erf is subject to a servitude 4 metres wide depicted by the line **abcd** on General Plan SG No. 1080/2006 which line represents the centre line of A Servitude in favour of Mogale City Local Municipality for sewerage and related purposes.

4. **CONDITIONS IN ADDITION TO THE PROVISIONS OF THE EXISTING TOWN PLANNING SCHEME IN OPERATION TO BE INCORPORATED INTO THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986:**

- 4.1 That the land in question be excluded from the Peri-Urban Areas Town Planning Scheme, 1975 and be incorporated into the Krugersdorp Town Planning Scheme, 1980.

4.2 RESIDENTIAL 1

Erven 332 to 415 shall be zoned "**Residential 1**" in terms of the Krugersdorp Town Planning Scheme, 1980 and will, in addition to the standard conditions for such a zoning, be subject to the following conditions:



- (a) A maximum coverage of 50%;
- (b) A building line of 5 metres on any public street or right of way access, which can be relaxed on approval of a building plan to 3 metres for 40% of the erf frontage on such street or right of way access:- Provided that any other building line relaxations are subject to the written consent of the local authority;
- (c) A Floor Area Ratio of 0,6;
- (d) A maximum height of 2 storeys.
- (e) Parking spaces shall be provided in the following ratio: A double garage must be provided for each dwelling unit for parking purposes;
- (f) No additional dwelling unit as contemplated in clause 5(c)(iv) of the Krugersdorp Town Planning Scheme, 1980, may be erected on the erf;

4.3 SPECIAL

Erf 417 shall be zoned "**Special**" in terms of the Krugersdorp Town Planning Scheme, 1980, and the buildings erected thereon or to be erected thereon shall be used solely for the purposes of access roads, access control, service provision and purposes related thereto, subject to such conditions that may be imposed by the local government.

4.4 PRIVATE OPEN SPACE

Erven 418 to 421 shall be zoned "**Private Open Space**" subject to the standard conditions for such a zoning as contained in the Krugersdorp Town Planning Scheme, 1980.

4.5 SPECIAL

Erf 416 shall be zoned "**Special**", in terms of the Krugersdorp Town Planning Scheme, 1980 and the erf and buildings erected thereon, shall be used solely for such purposes that the local municipality may approve in writing.

4.6 GENERAL

- (a) Erven 357, 358 and 375 to 383 are subject to a line of no access along a 16 m road reserve and wider in respect of Erf 417.



- (b) Erven 379, 380 and 381 are subject to a line of no access along the northern boundary thereof.
- (c) Erven 349, 353 to 355 and 382 to 386 are subject to a line of no access along the southern boundary thereof.
- (d) A landscaping plan shall be submitted to the local government for approval.

The landscaping plan shall contain landscaping proposals complementary to the Walther Sisulu Botanical Gardens and the final development of the green and open space areas shall, after completion, be certified by the Walther Sisulu Botanical Gardens at the expence of the township owner / developer.

