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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 2254

EKURHULENI METROPOLITAN MUNICIPALITY  
(BENONI CUSTOMER CARE CENTRE)  
DECLARATION AS AN APPROVED TOWNSHIP

IN TERMS OF SECTION 103(1) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO. 15 OF 1986), THE EKURHULENI METROPOLITAN MUNICIPALITY (BENONI CUSTOMER CARE CENTRE) HEREBY DECLARES NORTON PARK EXTENSION 9 TO BE AN APPROVED TOWNSHIP, SUBJECT TO THE CONDITIONS SET OUT IN THE SCHEDULE HERETO.

#### SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY PTY PROPS 56 (PROPRIETARY) LIMITED (HEREAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER III PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH NORTON PARK EXTENSION 9 TOWNSHIP ON PORTION 406 (A PORTION OF PORTION 398) OF THE FARM VLAKFONTEIN 30-IR, HAS BEEN GRANTED

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A. CONDITIONS OF ESTABLISHMENT.

(1) NAME.

The name of the township shall be Norton Park Extension 9.

(2) DESIGN.

The township shall consist of erven and streets as indicated on the General Plan (SG No. 759612006).

(3) EXISTING CONDITIONS OF TITLE.

The property shall be subject to any existing conditions of title.

(4) STORMWATER DRAINAGE AND STREET CONSTRUCTION

(a) No ingress to or egress from Road P68-1 (K155) will be allowed.

(b) A physical barrier which is in compliance with the requirements of Executive Committee Resolution 1112 of 26 June 1987 shall be erected along the line of no access.

(c) No building or structures may be erected within 16 metres from the reserve boundary of Road P68-1 (K15S).

(d) The development is subject to all the requirements of Gautrans as per the comments dated 27 May 2005.

(e) A 3.5m road widening along the eastern boundary of Auret Road must be provided.

- (l) The layout of the access control system must be designed, as part of the provision of roads and stormwater drainage, to ensure that traffic flow on Auret Road is not affected. The layout plan must hence make provision for two lanes into the development, one for residents and one for visitors.
- (g) The access gates must be sufficiently recessed back into the development to permit the stacking of parked vehicles at the gate without causing obstruction of traffic on Auret Road. (Minimum 12m from the edge of Auret Road).
- (h) The developer's responsibility towards the provision of roads and stormwater drainage for this development is as follows:
  - i. No bulk contributions are payable towards roads or stormwater drainage.
  - ii. The developer is responsible for the design and construction of the internal roads and any road works required to provide safe access to the development. Stormwater drainage for the proposed township must be developed to the satisfaction of the Regional Director: Roads, Transport and Civil Works
  - iii. The developer is responsible for the provision and installation of all road signs, road markings and street name signs.
  - iv. The developer is responsible for any stormwater pipe outside the property that may be required due to this development This includes the registration of a servitude for the pipe (if required).
  - v. The stormwater design for this development must also include the internal stormwater runoff across, and between the individual erven. The design must include identification of the necessary storm water routes, pipes, wall openings and channels which must be clearly written into the title deeds of the affected properties, or otherwise clearly enforced on the purchaser of the individual title and their successors in title. If a low point is created in the township, provision must be made to drain a 20 year flood to prevent flooding of the surrounding houses. The 1:50 year flood should be catered for on the surface.
  - vi. The design of the internal road must ensure that all stands can drain onto the road.
  - vii. The applicant must appoint a registered Professional Engineer who shall be a member of the South African Association of Consulting Engineers or of S.A.B.T.A.C.O. to design and supervise the construction of the roads and storm water drainage mentioned above.
  - viii. The above-mentioned detail designs must be submitted for approval to the Regional Director: Roads, Transport and Civil Works.
  - ix. The approved storm water drainage and access designs will be shown on the developer's Site Development Plan if applicable,
  - x. The engineer must provide Council with a completion report and as-built drawings.
  - xi. All costs relating to the design and construction of the roads and the stormwater drainage are for the developer's account. The developer's appointed Consulting engineer will determine these costs.
  - xii. The township owner shall, on request by the Local Authority, submit for his approval a detailed scheme complete with plans, sections and specifications, prepared by a professional Engineer, who shall be a member of the South African Association of Consulting Engineers or S.A.B.T.A.C.O., for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, surfacing, kerbing and channelling of the streets therein together with the provision of such retaining walls as maybe considered necessary by the Local Authority. Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.
  - xiii. The township owner shall, when required to do so by the Local Authority, carry out the approved scheme at his/her own expense on behalf of and to the satisfaction of the Local Authority under the supervision of the appointed Professional Engineer and shall, for this purpose, provide financial guarantees to the Local Authority as determined by it

xiv. The township owner shall be responsible for the maintenance of the streets and stormwater drainage system to the satisfaction of the Local Authority until the streets and stormwater drainage system have been constructed as set out in sub-clause (xiii) above.

xv. Should the township owner fail to comply with the provisions of (xii), (xiii) and (xiv) hereof the Local Authority shall be entitled to do the work at the cost of the township owner.

(5) OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES.

The township owner shall within such period as the Local Authority may determine, fulfil obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefore, as previously agreed upon between the township owner and the Local Authority.

(6) ACCEPTANCE AND DISPOSAL OF STORMWATER

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

(7) SOIL CONDITIONS.

Proposals to overcome detrimental soil conditions to the satisfaction of the Local Authority shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Local Authority.

(8) ENDOWMENT

The township owner shall, in terms of section 98 (2) and (3) of the Town Planning and Townships Ordinance, 15 of 1986, pay a lump sum endowment to the Local Authority for the provision of land for parks (public open space).

(9) SPECIAL CONDITIONS

- (a) Application must be made, in terms of the Agricultural Holdings (Transvaal) Registration Act, 22 of 1991, for the excision of the above-mentioned property and proof of approval must be submitted to the Development Planning Department. The above-mentioned application should be directed to the Gauteng Provincial Government: Department of Development Planning and Local Government, for their further attention.
- (b) The conditions stipulated by the Gauteng Department of Agriculture, Conservation and Environment in their letter dated 2006-01-18, must be adhered to.
- (c) The conditions stipulated by the Gauteng Department of Public Transport, Roads and Works in their letter dated 2005-05-27, must be adhered to.
- (d) The township owner shall ensure that a legal body "Home Owner's Association" is established in terms of Section 21 of Act 61 of 1973.
- (e) The said "Home Owner's Association" shall be in addition to such other responsibilities as may be determined by the developer, also be responsible for the maintenance of the guard house, access control and refuse area.
- (f) The township owner shall ensure that a servitude of right of way, for municipal services, is registered in favour of the Local Authority.

(10) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner 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 by the local authority to do so.

## (11) PRECAUTIONARY MEASURES

The township owner shall at his own expense, make arrangements with the local authority in order to ensure that the recommendations as laid down in the geological report are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

## (12) REMOVAL OF LITTER

The township owner shall at his own expense cause all litter within the township area to be removed to the satisfaction of the Local Authority, when required by the Local Authority to do so.

## (11) TRANSFER OF ERVEN

Erf 131 shall at the cost of the township owner, be transferred to Norton Park Extension 9 Home Owners Association prior to or simultaneously with the first transfer of any unit.

**B. CONDITIONS OF TITLE.**

(1) All 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, 15 of 1986:

(a) The property is subject to a servitude, 2m wide, in favour of the Local Authority, for sewerage and other municipal purposes, along all 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) 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 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 or other works being made good by the Local Authority.

(2) All erven shall be made subject to existing conditions and servitudes including the rights to minerals.

(3) (1) The whole Erf 131 represents a Servitude of right of way as indicated on the General Plan;

(2) The whole of Erf 131 represents a servitude for Municipal purposes, as indicated on the General Plan.

**C. 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**

## (1) GENERAL CONDITIONS

(a) Except with the written consent of the Local Authority, and subject to such conditions as it may impose, neither the owner nor any other person shall:-

- (i) save and except to prepare the erf for building purposes, excavate any material there from;
  - (ii) sink any wells or boreholes thereon or abstract any subterranean water there from; or
  - (iii) make or permit to be made, upon the erf for any purpose whatsoever, any bricks, tiles or earthenware pipes or other articles of a like nature.
- (b) Where, in the opinion of the Local Authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater.
- Provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (c) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the Local Authority.
  - (d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
  - (e) No materials or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such boundary this condition may be relaxed by the Local Authority subject to such conditions as may be determined by.
  - (f) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Authority as and when required by it.
  - (g) If the erf is fenced such fence and the maintenance thereof shall be to the satisfaction of the Local Authority.
  - (h) The registered owner is responsible for the maintenance of the whole development on the erf. If the Local Authority is of the opinion that the erf or any portion of the development, is not being satisfactorily maintained, the Local Authority shall be entitled to undertake such maintenance at the cost of the registered owner.
- (2) "SPECIAL" FOR (RESIDENTIAL 2)
- Erven 99 to 130 are subject to the following conditions:
- (a) The property and the buildings erected thereon or to be erected thereon, shall be used solely for the purposes of dwelling-units.
  - (b) A maximum density of 20 units per hectare will be permitted.
  - (c) The height of buildings shall not exceed 2 storeys.
  - (d) The total coverage of buildings shall be as follows:
    - i. 40% in respect of erven larger than 500m<sup>2</sup>;
    - ii. 60% in respect of erven smaller than 500m<sup>2</sup>
  - (e) The Floor Area Ratio shall be as follows:
    - i. 0.8 for erven larger than 500m<sup>2</sup>.
    - ii. 1.2 for erven smaller than 500m<sup>2</sup>

- (l) Effective, paved parking spaces, together with the necessary manoeuvring area, shall be provided on the property to the satisfaction of the Local Authority in the following ratios:
    - i. 1 covered parking space to 1 dwelling unit.
    - ii. 2 uncovered parking spaces to 1 dwelling unit.
  - (g) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 5m from any public street boundary and 3m on any internal street boundary: Provided that the Local Authority may relax this restriction if it would in its opinion result in an improvement in the development of the property
  - (h) To ensure parking for visitors, a 5m building line applicable to garages within the complex shall apply on all internal roads.
  - (i) A Site Development Plan, drawn to such a scale as may be approved by the Local Authority, shall be submitted to the Local Authority prior to the submission and approval of the building plans. No building shall be erected on the property before such plans have been approved by the Local Authority and the whole development on the property shall be in accordance with the approved plan. Such a Site Development plan shall show at least the following:
    - i. The sitting, height, coverage and where applicable the floor area ratio of all buildings and structures.
    - ii. Vehicular entrance and exit to and from the property to any existing or proposed public street.
    - iii. Entrance to buildings and parking areas.
    - iv. Building restrictions (if any).
    - v. Parking areas and, where required by the Local Authority, vehicular and pedestrian traffic systems.
    - vi. The elevational treatment of all buildings and structures.
    - vii. The grouping of the dwelling units and the programming of the development of the erven if it is not proposed to develop all the erven simultaneously.
    - viii. Open spaces, children's playgrounds, screen walls or other acceptable methods of screening, and landscaping.
- (3) "SPECIAL" FOR PRIVATE ROAD
- Erf 131 will be subject to the following conditions:
- (a) The property shall be used solely for the purposes of a private road and stormwater purposes.
  - (b) The township owner shall register Erf 131 in the name of an Association incorporated in terms of Section 21 of the Companies Act, Act 61 of 1973, and every present or future owner of property in the township shall be a member of such Association by virtue of such ownership.
  - (c) The private roads on the property shall be constructed by the township owner and be maintained by the Association mentioned in (b) above.

P.P. Flusk, City Manger, Ekurhuleni Metropolitan Municipality, (Benoni Customer Care Centre), Administration Building, Municipal Offices, Elston Avenue, Benoni, 1501.

**LOCAL AUTHORITY NOTICE 2255****EKURHULENI METROPOLITAN MUNICIPALITY  
(BENONI CUSTOMER CARE CENTRE)  
BENONI TOWN PLANNING SCHEME 1/1947: AMENDMENT SCHEME 1/1544**

The Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre) hereby, in terms of the provisions of section 125(1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of Benoni Town-planning Scheme 1/1947, comprising the same land as included in the township of Norton Park Extension 9 Township, Benoni.

Map 3 and the scheme clauses of the amendment scheme are available for inspection at all reasonable times at the offices of the Head of Department, Department Development Planning and Local Government, Gauteng Provincial Government, Johannesburg, as well as the Head: Urban Development and Planning, Treasury Building, Elston Avenue, Benoni, Ekurhuleni Metropolitan Municipality (Benoni Service Delivery Centre).

This amendment is known as Benoni Amendment Scheme 1/1544.

P.P Flusk, City Manager. Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Office Building, corner Cross and Rose Streets, Germiston, Private Bag xl 069, Germiston, 1400.

3 September 2007

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