

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 13**

**PRETORIA, 15 NOVEMBER 2007**

**No. 318**

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## LOCAL AUTHORITY NOTICES

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### NOTICE 2893 OF 2007

#### EKURHULENI METROPOLITAN NUMICIPALITY (BENONI CUSTOMER CARE CENTRE)

##### NOTICE OF BENONI AMENDMENT SCHEME NO. 1/1269

The Ekurhuleni Metroplitan 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 the Benoni Town Planning Scheme 1/1946, comprising the same land as included in the township of VALKHOOGTE EXTENSION 5.

Map 3 and the scheme clauses of the amendment scheme are available for inspection at all reasonable times at the office of the Area Manager: City Development, Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre), Treasury Building, Elston Ave, 6<sup>th</sup> Floor, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1269 and shall come into operation on the date of this publication.

**P P Flusk, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Office Building, corner Cross and Rose Streets, Germiston, Private Bag X1069, Germiston, 1400**

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### NOTICE 2894 OF 2007

#### EKURHULENI METROPOLITAN NUMICIPALITY (BENONI CUSTOMER CARE CENTRE)

##### DECLARATION AS AN APPROVED TOWNSHIP

In terms of Section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre) hereby declares that VALKHOOGTE EXTENSION 5 to be an approved township, subject to the conditions set out in the schedule hereto.

#### SCHEDULE

Statement of the conditions under which the application made by GEORGE RENNIE AND COMPANY (PROPRIETARY) LIMITED (hereinafter referred to as the township owner) under the provisions of Chapter III Part C of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, for permission to establish a township on PORTION 322 (A PORTION OF PORTION 49) OF THE FARM VLAKFONTEIN 30 I.R., has been granted.

**A. CONDITIONS OF ESTABLISHMENT**

(1) NAME

The name of the township shall be VALKHOOGTE EXTENSION 5.

(2) DESIGN

The township shall consist of erven and streets as indicated on Plan no. SG. 5980/2003.

(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding the following servitudes, which do not affect the township.

- (a) Portion A of the Farm VLAKFONTEIN No. 30 (portion 49 whereof is hereby transferred) is entitled to the following: - "Met recht van vrye weide op zeker gedeelte groot 43,6831 hektaar aan die Zuid Westelyke Gedeelte der plaats zooals aangetoond op Schetskaart van die Landmeter M H Walker gevoed by Akte van Transport No 1596/1892" (Notarial Deed No: K1596/1892)
- (b) A right of way 6,30 metres wide over Portion 50 (a portion of Portion A of the said Farm measuring 17,9872 hectares, running along the sides Gc and FE as will more fully appear from diagram L.G. No A2670/1944, annexed to Deed of Transfer No. 10262/1951, dated the 27<sup>th</sup> day of April, 1951.
- (c) A servitude of fountain for the purposes of watering cattle, as will more fully appear from the figure cdeF on diagram L.G. No A2670/1944, in respect of Portion 50 (A portion of Portion A) of the said farm filed with Deed of Transfer No. 10262/1951, dated 27<sup>th</sup> day of April 1951.
- (d) The property hereby transferred is subject to the right granted to the Electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear on reference to Notarial Deed K1578/76S, registered on 3<sup>rd</sup> June 1976.

(4) STORMWATER DRAINAGE AND STREET CONSTRUCTION.

- (a) 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 SABTACO, 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 may be 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.

- (b) 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.
- (c) 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 (b) above.
- (d) Should the township owner fail to comply with the provisions of (a), (b) and (c) 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) ENDOWMENT

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

(7) ACCEPTANCE AND DISPOSAL OF STORMWATER

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

(8) 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.

(9) BULK WATER METER

A bulk water meter for the entire development, is to be installed by the applicant at a location determined by the Local Authority. All cost relating to the purchase and installation thereof, will be for the applicant's account.

(10) SPECIAL CONDITIONS

- (a) The township owner shall ensure that a legal body, "Home Owners Association", is established in terms of Section 21 of Act 61 of 1973.

- (b) The said "Home Owners Association" shall be in addition to such other responsibilities as may be determined by the developer, also be responsible for the maintenance of the intercom and access control, erf 797.
- (c) The township owner shall ensure that a servitude of right of way, for municipal services, is registered over the whole of Erf 797 in favour of the Local Authority.

## B. CONDITIONS OF TITLE

- (1) All erven (excluding erf 797) shall be subject to the following conditions imposed by the Local Authority in terms of the provision of the Town- Planning and Townships Ordinance, 1986.
  - (a) The property 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 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.
  - (d) The registered owner of an erf shall, by virtue of such ownership, be a member of an Association, incorporated in terms of Section 21 of the Companies Act, 61 of 1973, in accordance with the conditions of establishment for Valkhoogte Extension 5 Township, should the property be developed with a security gate and private internal road.
- (2) All erven shall be made subject to existing conditions and servitudes including the rights to minerals.
- (3) All erven shall be made subject to the servitudes shown on the General Plan.
- (4) Erf 797, shall be registered in the name of the Association mentioned in B(10) above and shall be subject to a servitude in favour of the Local Authority for any municipal services, as well as for emergency services.

**D. 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 it.
- (f) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Authority.

- (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 (RESIDENTIAL 2).

Erven 743 to 796 (inclusive) 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 and with the consent of the Local Authority, for places of public worship, social halls, institutions, places of instruction and special uses.
- (b) The height of buildings shall not exceed 2 storeys.
- (c) Not more than 20 dwelling units per hectare shall be erected on the property: Provided that all erven within the township, shall not be less than 500 square metres in extent.
- (d) The total coverage of buildings shall not exceed 50% of each of the erven created within the township.
- (e) 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; and
  - (ii) 2 uncovered parking spaces to 1 dwelling unit, if so required by the Local Authority.
- (f) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 3m from any private road 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.
- (g) A Block Plan, drawn to such a scale as may be approved by the Local Authority, shall be submitted to the Local Authority with 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 Block Plan shall show at least the following:

- (i) The siting, 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 (PRIVATE ROAD)

Erf 797 is subject to the following conditions:

- (a) The property shall be used solely for the purposes of a private road.
  - (b) The township owner shall register Erf 797 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.
  - (d) A security control facility (which may include a guardhouse, a stop sign, a chain, a boom or a gate, irrespective of whether same is manned or automated) may be erected on Erf 797 for purposes of stopping and identifying vehicles and their occupants entering or leaving the township. 24 hour access shall be available at all times for municipal and emergency purposes.
  - (e) The association referred to in (b) above may erect and man the facility referred to in (d) above, all costs in this regard to be borne by the Association.
  - (f) Should such facility conflict with any services of the Local Authority or Eskom or Telkom within the servitude area, the local authority shall have the sole discretion to inform the Association by registered letter that the security control facility shall be removed by the Association at its own cost.
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