

*THE PROVINCE OF
GAUTENG*

*DIE PROVINSIE
GAUTENG*

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 14

PRETORIA, 17 SEPTEMBER 2008

No. 256

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2106

**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 Brentwood Extension 27 Township, to be an approved township, subject to the conditions as set out in the schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY PERPETUITAS (PTY) LTD (HEREAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER 111 PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986, FOR PERMISSION OF ESTABLISH A TOWNSHIP ON PORTION 413 (A PORTION OF PORTION 45) OF THE FARM VLAKFONTEIN 30 IR HAS BEEN GRANTED.

A. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be **BRENTWOOD EXTENSION 27**.

(2) DESIGN

The township shall consist of erven and streets as indicated on SG. No 11801/2007.

(3) EXISTING CONDITIONS OF TITLE

All erven shall be subject to any existing condition of title and servitudes if any, including the reservation of rights to minerals, but excluding:

- (i) The whole of Erf 587 which is subject to a servitude area vide Diagram SG No 11800/2007.

(4) STORM WATER 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 SBTACO, for the collection and disposal of storm water 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 storm water drainage system to the satisfaction of the Local Authority until the streets and storm water 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 SERVICE.

The township owner shall within such period as the Local Authority may determine, fulfil obligations in respect of the provisions 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) 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 costs thereof shall be borne by the township owners.

(7) 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).

(8) ACCEPTANCE AND DISPOSAL OF STORM WATER.

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

(9) ACCESS.

Ingress and egress to and from the township shall be to the satisfaction of the Executive Director: Roads, Transport and Civil Works Department.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) TRANSFER OF ERVEN.

Erf 588 shall at the cost of the township owner, be transferred to Brentwood Extension 27 Township Home Owners Association/Body Corporate prior to or simultaneously with the first transfer of any unit.

(15) SPECIAL CONDITIONS.

- (a) A Section 21 Company/Body Corporate/Home Owner's Association (legal entity) shall be established by and at the cost of the Developer/Owner.
- (b) The said Section 21 Company/Body Corporate/Home Owner's Association (legal entity) shall be in addition to such other responsibilities as may be determined by the developer, also responsible for the maintenance of the intercom and access control relating to the property.
- (c) Every owner of Erven 556 to 586 or any subdivided portion thereof, or any person who has an interest therein shall become a member of the legal entity and be subject to its constitution until he/she ceases to be an owner to aforesaid. Neither the Erf, nor any subdivided portion thereof, nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a member of the legal entity.
- (d) Every owner of Erven 556 to 586 or any subdivided portion thereof, or any person, who has an interest therein, shall not be entitled to transfer the Erf or any subdivided portion therein without a Clearance Certificate from the Home Owners Association that the Articles of the legal entity/Association have been complied with.
- (e) A copy of the legal entity and its constitution shall be submitted to the Municipality (Directorate: City Development) prior to the issuing of a Clearance Certificate for the transfer of the first erf in the development.
- (f) The Township Owner must accept the conditions regarding the establishment of a legal entity in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Municipality, in writing.

- (g) The roads and storm water infrastructure and landscaping of sidewalks will not be taken over by the Municipality and the construction and cost thereof shall be the responsibility of the Owner where after the maintenance of these services and the pavements shall become the responsibility of the legal entity.
- (h) The Private Road servitude shall be the responsibility of the legal entity and the legal entity shall manage and maintain all common property including the refuse collection areas.
- (i) The legal entity shall indemnify the Municipality against any and all claims regarding:
 - (i) The maintenance and the provision of any roads and storm water services in the development. (The provision of engineering services under paved areas is to be avoided)
 - (ii) Any damage that may be caused by an emergency vehicle or any vehicle of the Municipality that is involved with the maintenance of services;
 - (iii) Any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner/legal entity)
 - (iv) The Developer / Owner shall be responsible for all road signs and markings in proposed development where after the legal entity shall be responsible for the maintenance thereof on the private road / Right-of-Way servitude area.
- (j) **Erf 588**
 - (i) The erf shall be constructed and maintained by the registered owner to the satisfaction of the Local Authority
 - (ii) The township owner shall register the erf in the name of a Section 21 Company/Body Corporate/Home Owner's Association (legal entity) and every present or future owner of the property in the township shall be a member of such Association by virtue of such ownership.
 - (iii) 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 the erf 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.
 - (iv) The Association referred to in (ii) above may erect and man the facility referred to in (iii) above, all costs in this regards to be borne by the Association.
 - (v) Should such facility conflict with 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 has been

discontinued, whereupon the facility shall be removed by the Association at it's own cost.

B. CONDITIONS OF TITLE

Erven 556 to 587

- (1) Erven 556 and 587 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) The Local Authority shall be entitled to 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.

Erf 588

- (1) The whole of Erf 588 is subject to a Right-of-Way servitude.
- (2) The whole of Erf 588 is subject to a servitude for municipal purposes

Erf 566

- (1) Erf 566 is subject to 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 and material therefrom;

- (ii) sink any wells or boreholes thereon or abstract an subterranean water therefrom; 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 impractical for storm water 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 storm water.

Provided that the owners of any higher-lying erven, the storm water 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 exists 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 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 of 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"

Erf 587 is subject to the following conditions:

- (a) The property and the buildings erected thereon or to be erected thereon, shall be used solely for the purpose of dwelling units and with the consent of Council Places of Public Worship, Place of Instruction, Social Halls, Institutions and Special Buildings.
- (b) The height of the buildings shall not exceed 2 storeys.

- (c) The total coverage of buildings shall not exceed 40% of the property.
- (d) The Floor Area Ratio shall not exceed 0,8.
- (e) The density shall not exceed one dwelling per erf.
- (f) 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.
- (g) Buildings, including outbuildings hereafter erected on the property, shall be located no less than 5m from any public street boundary and 3m on private roads (5m for garages): Provided that the Local Authority may relax this restriction if it would be its opinion result in an improvement in the development of the property.

(3) "SPECIAL" FOR RESIDENTIAL 2

Erven 556 to 586 is 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) The height of buildings shall not exceed 2 storeys. A height restriction of ground floor only shall apply to proposed erven 556 to 561 as shown on SG. 11801/2007.
- (c) The total coverage of buildings shall not exceed 60% of the property.
- (d) The floor area ratio shall not exceed 1,2. A floor area ratio of 0,6 shall apply to proposed erven 556 to 561 as shown on SG. 11801/2007.
- (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 5m from any external road boundary and 3m from any internal road boundary and 5m from any internal road boundary for garages: 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.

(4) "SPECIAL" FOR PRIVATE ROAD

Erf 588 is subject to the following conditions:

- (a) The erf shall be used for road and storm water purposes only, no buildings other as for access control will be permitted.
- (b). A security control facility (which may include a guard house, a stop sign, a chain, a boom or gate, irrespective of whether same is manned or automated) may be erected on the property 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 services.
- (c) The township owner shall register Erf 588 in the name of a Section 21 Company/Body Corporate/Home Owner's Association (legal entity), and every present or future owner of property in the township shall be a member of such Association by virtue of such ownership.

NOTICE NO: 48/2008

LOCAL AUTHORITY NOTICE 2107

**EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE CENTRE)**

NOTICE OF BENONI AMENDMENT SCHEME NO 1/1685

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 the Benoni Town Planning Scheme 1947, comprising the same land as included in the Township of Brentwood Extension 27.

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

This amendment is known as Benoni Amendment Scheme 1/1685 and shall come into operation on the date of this publication.

P P FLUSK

**City Manager, Ekurhuleni Metropolitan Municipality
2nd Floor, Head Office Building, corner Cross & Rose Streets, Germiston
Private Bag X1069, Germiston, 1400**

NOTICE NO: 48/2008

DATE: 09/2008
