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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1953

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 Benoni Extension 79 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 KORFIAS PROPERTIES C.C. (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 A TOWNSHIP ON PORTION 487 (A PORTION OF PORTION 459) OF THE FARM KLEINFONTEIN 67-IR HAS BEEN GRANTED.

A. CONDITIONS OF ESTABLISHMENT.

(1) NAME.

The name of the township shall be Benoni Extension 79.

(2) DESIGN.

The township shall consist of erven and streets as indicated on General Plan S.G No. 7003/2008.

(3) EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions of title and servitudes, if any, including the reservation of rights to minerals, excluding the following conditions which due to it's location, do not affect the erven in the township:

- (a) By virtue of Notarial Deed of Servitude K2276/1991S dated 2 May 1990 the within mentioned property is subject to the right in perpetuity to the use of a servitude for municipal purposes, a strip of ground two metres wide, running parallel along with the whole of the western boundary of the property, which boundary is indicated by the letters on the diagram S. G No. A 1626/1922 in favour of the Town Council of Benoni as will more fully appear from the abovementioned Notarial Deed.
- (b) THIS Holding is FURTHER SUBJECT to a perpetual right of way for the purpose of street improvements in favour of the TOWN COUNCIL OF BENONI as will more fully appear from the Notarial Deed No. 197/1940 S.
- (c) By Notarial Deed No. K7475/2002 dated 19 November 2002 the withinmentioned property is subject to a servitude of the rights in perpetuity to convey and transmit water by means of a pipeline along a strip of ground 793 m² in extent, as depicted by the figure ABCD on servitude diagram S. G 4168/1999 in favour of Rand Water Board as will more fully appear from reference to the said Notarial Deed, a copy thereof is hereto annexed.

(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 S.A.B.T.A.C.O., 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 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.
- (e) The township owner shall ensure that all conditions and recommendations as stipulated in the letter by the Gauteng Provincial Department of Public Transport, Roads and Works dated 2006-11-21 reference number 1/1/3/1/3-17925 are adhered to.

(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) The township owner shall ensure that a Body Corporate/ Section 21 Company, is established.

(b) The said Body Corporate/Section 21 Company 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.

(c) In the event that the development of any erf within the township shall constitute a development within the ambit of the Sectional Titles Act, 1986 (Act 95 of 1986) then and in such event the conditions contained herein and in conflict with the provisions of the Sectional Titles Act, 1986 shall be read as pro-non-scripto.

(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 oven 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

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, 2,00m 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 2,00m 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.

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 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 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 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 3).

Erf 8742 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; Provided that:

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.
- (b) The height of buildings shall not exceed 3 storeys.
- (c) The total coverage of buildings and carports shall not exceed 50% of the property.
- (d) The floor area ratio shall not exceed 1.
- (e) A density of 45 units per hectare shall apply, provided that the number of units shall not exceed 15.
- (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:
 - (a) A dwelling unit with three or less habitable rooms:
 - (i) 1 covered parking space per unit; and
 - (ii) 1 uncovered parking space for every 3 dwelling units in respect of visitor's parking.
 - (b) A dwelling unit with four or more habitable rooms:
 - (i) 1 covered parking space per unit,
 - (ii) 1 uncovered parking space per unit; and
 - (iii) 1 uncovered parking space for every 3 dwelling units in respect of visitor's parking.
- (g) Buildings, including outbuildings, hereafter erected on the property, shall be located not 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 in its opinion result in an improvement in the development of the property.

- (h) A 16m building line will be applicable with regard to future Provincial Road K119, however, an encroachment to 10m has been approved by the Gauteng Department of Public Transport, Roads and Works.
 - (i) A line of no access shall be applicable along the proposed Provincial Road K119.
 - (j) 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 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 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) Parking layout and schedule.
 - (vii) The elevational treatment of all buildings and structures.
 - (viii) 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.
 - (ix) Open spaces, children's playgrounds, screen walls or other acceptable methods of screening, and landscaping.
- (3) SPECIAL FOR (PRIVATE OPEN SPACE).
- Erf 8743 is subject to the following conditions:
- (a) The property and the buildings erected thereon or to be erected thereon, shall be used by the residents of the township solely for the purposes of a park, recreational uses, swimming pool, braai area, gazebo, ablution block and children's playing apparatus.
 - (b) The permissible height, coverage and floor area ratio of all structures to be erected on the property shall be determined by a Council approved Block Plan.
 - (c) A 16m building line will be applicable with regard to future Provincial Road K119, however, an encroachment to 10m has been approved by the Gauteng Department of Public Transport, Roads and Works.
 - (d) No direct access will be permitted to Provincial Road K119.

LOCAL AUTHORITY NOTICE 1954**EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE CENTRE)****NOTICE OF BENONI AMENDMENT SCHEME NO 1/1931**

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 1/1947, comprising the same land as included in the Township of Benoni Extension 79

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 Department, Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre), Treasury Building, 6TH Floor, Elston Avenue, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1931 and shall come into operation on the date of this publication.

NOTICE NO CD30/2009**DATE: 2009/11/25****K. NGEMA****City Manager, Ekurhuleni Metropolitan Municipality****2nd Floor, Head Office Building, corner Cross & Rose Streets, Germiston****Private Bag X1069, Germiston, 1400**