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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 607

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 18 to be an approved township subject to the conditions as set out in the schedule hereto.

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY ACCOLADE CONSTRUCTION (PTY) LTD (REG.NO.196500171107) (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 THE REMAINDER OF PORTION 33 OF THE FARM VLAKFONTEIN 30-IR HAS BEEN GRANTED.

A. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be Norton Park Extension 18.

(2) DESIGN

The township shall consist of erven and streets as indicated on the plan SG No 3881/2008.

(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.

(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 SABTACO) 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 SERVICES

The township owner shall within such period as the Local Authority may determine, fulfill 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 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.

(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 legal body albeit a Home Owners Association and/or Body Corporate, is established.
- (b) This township as well as proposed Norton Park Extension 17 will have the same legal body/body corporate mentioned in (a) above and the owners of all units in these townships will be members of this body.
- (c) The said legal body 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.
- (d) The township owner shall ensure that a servitude of right of way for municipal services is registered in favor of the Local Authority.
- (e) The township owner shall ensure 24 hours unhindered access for maintenance purposes and emergency services (water, electricity, Telkom, public safety etc.).
- (f) Every owner of the erf, 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.
- (g) The owner of the erf, 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 has been complied with.
- (h) A copy of the legal entity and its constitution shall be submitted to the Local Authority (City Development Department), prior to the issuing of a Clearance Certificate for the transfer of any erven.
- (i) 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 Local Authority, in writing.
- (j) The roads and storm water infrastructure and landscaping of sidewalks will not be taken over by the Local Authority and the construction and cost thereof, shall be the responsibility of the township owner, where after the maintenance of these services and the pavements shall become the responsibility of the legal entity.
- (k) The private road servitude (if applicable) shall be the responsibility of the legal entity and the legal entity shall manage and maintain all common property, including the refuse collection areas.

- (l) In the event that the development of any erf within the township shall constitute a development within the ambit of the Sectional Titles Act, 95 of 1986, then and in such an event, the conditions contained herein and in conflict with the provisions of the Sectional Titles Act, 95 of 1986, shall be read as pro-non-scripto.
- (m) A Right-of-Way servitude shall be registered over Holding 13, Benoni North Agricultural Holdings in favor of Norton Park Extension 18 for access purposes.
- (n) The internal road shall be constructed and maintained by the registered owner to the satisfaction of the Local Authority.
- (o) The township owner shall register the internal private road 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 the property in the township shall be a member of such Association by virtue of such ownership.
- (p) 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 internal private road for purposes of stopping and identifying vehicles and their occupants entering or leaving the township. A 24-hour access shall be available at all times for municipal and emergency purposes.
- (q) The Association referred to in (a) above may erect and man the facility referred to in (o) above, all costs in this regard to be borne by the Association.
- (r) Should such facility conflict with any services of the Local Authority or Eskom or Telkom within the servitude area, the Local Authority 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 its own cost.
- (s) Every owner of the property or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a member of the Home Owners Association and be subject to its constitution until he/she ceases to be an owner of the aforesaid. Neither the property 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 Home Owners Association.
- (t) The owner of the property or of any subdivided portion thereof or any person who has an interest therein, shall not be entitled to transfer the property or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners Association that the provisions of the Home Owners Association have been complied with.
- (u) All erven shall be made subject to the servitudes shown on the General Plan.

(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.

(13) ACCESS

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

The recommendations as prescribed in the Traffic Impact Study, prepared by TechIQ dated August 2007, must be fully complied with by the township owner, in consultation with the Executive Director: Roads; Transport and Civil Works.

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

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)

Erven 231 and 232 shall be 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.
- (c) The total coverage of buildings shall not exceed 50% of the property.
- (d) The floor area ratio shall not exceed 1,0.
- (e) The density will not exceed 50 units per hectare.
- (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) Two or less habitable rooms: one covered parking bay per unit and one uncovered parking bay per 3 units for visitors.
 - ii) Three or more habitable rooms: one covered and one uncovered parking bay per unit and one uncovered parking bay per 3 units.
- (g) Buildings, including outbuildings, hereafter erected on the property shall be located not less than 5m from any public 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) A Block Plan/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 Block Plan/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) 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.

Mr. B. Mosley - Lefatola
Acting City Manager, Ekurhuleni Metropolitan Municipality
2nd Floor, Head Office Building, corner Cross and Rose Streets
Private Bag X1069, Germiston, 1400

Date: April 2009
Notice No.: 21/2009

**LOCAL AUTHORITY NOTICE 608
EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE CENTRE)**

NOTICE OF BENONI AMENDMENT SCHEME 1/1880

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 Norton Park Extension 18.

Map 3 and scheme clauses of the amendment scheme are available for inspection at all reasonable times of the office of the Head of Department, Department Development Planning and Local Government, Gauteng Provincial Government, Johannesburg as well as the office of the Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre), Treasury Building, 6th Floor, Elston Avenue, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1880 and shall come into operation on the date of this publication.

Mr. B. Mosley - Lefatola
Acting City Manager, Ekurhuleni Metropolitan Municipality,
2nd Floor, Head Office Building, corner Cross and Rose Streets
Private Bag X1069, Germiston, 1400

Date: April 2009
Notice No.: 21/2009

**LOCAL AUTHORITY NOTICE 609
DEVELOPMENT FACILITATION ACT, 1995
GAUTENG DEVELOPMENT TRIBUNAL
PERI-URBAN AMENDMENT SCHEME 2009**

CORRECTION NOTICE

Point No. 3 of Notice 691 of 2009 in the Extraordinary Provincial Gazette dated 4 March 2009, pertaining to the amendment scheme notice of Bredell Extension 11, is hereby corrected. The said notice refers incorrectly to the Kempton Park Town Planning Scheme, 1987 and should read as follow:

The Peri-Urban Town Planning Scheme, 1975, is hereby altered and amended in accordance with Amendment Scheme 2009. The relevant amendment scheme documents and maps are available for inspection at the Kempton Park Offices of the Ekurhuleni Metropolitan Municipality and at the office of the Designated Officer, Ekurhuleni Metropolitan Municipality, ground floor, Sanlam Building, c/o Kempton Road and Margaret Avenue, Kempton Park.

Petrus Barry
Designated Officer, Ekurhuleni Metropolitan Municipality
Gauteng Development Tribunal
Ground floor Sanlam Building, c/o Kempton Road and Margaret Avenue, Kempton Park
