

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 16**

PRETORIA, 2 JULY 2010  
JULIE

**No. 131**

**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICES</b>			
919	Town-planning and Townships Ordinance (15/1986): Ekurhuleni Metropolitan Municipality: Declaration as an approved township: Brentwood Extension 17 .....	3	131
920	do.: do.: Benoni Amendment Scheme 1/1690 .....	7	131

---

## LOCAL AUTHORITY NOTICES

---

### LOCAL AUTHORITY NOTICE 919

#### 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 that Brentwood Extension 17 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 ZOTEC DEVELOPMENTS (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 A TOWNSHIP ON PORTION 427 OF THE FARM VLAKFONTEIN NO. 30-IR TO BE KNOWN AS BRENTWOOD EXTENSION 17, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Brentwood Extension 17.

##### 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S. G. No. 10104/2007.

##### 1.3 EXISTING CONDITIONS OF TITLE

All erven shall be made subject to the existing conditions of title and servitudes, if any, including the reservation of rights to minerals.

##### 1.4 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 the 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.

##### 1.5 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.

##### 1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of 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.

The township owners shall consult the Local Authority before any existing municipal service(s) need to be replaced or removed.

#### 1.7 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).

#### 1.8 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.

#### 1.9 ACCESS

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

#### 1.10 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.

#### 1.11 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.

#### 1.12 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.

#### 1.13 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.

#### 1.14 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 maintenance of the intercom and access control relating to the property.
- (c) Every owner 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 the 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) The owner, or any person, who has an interest therein, shall not be entitled to transfer the Erf/unit or any subdivided portion therein without a Clearance Certificate from the Home Owner's 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: Development Planning) prior to the issuing of a Clearance Certificate for the transfer of the Erf/unit.
- (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 stormwater 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 pavements shall become the responsibility of the legal entity.
- (h) 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 stormwater services in the development. (The provisions of engineering services under paved areas are 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.
- (j) 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 Sectional Titles Act, 1986 shall be read as pro-non-scripto.
- (k) The township owner shall at his own cost and within six months from the date of publication of the Section 103 notice, cause proposed Erven 632 and 633 in the township to be consolidated.

## 2. CONDITIONS OF TITLE

2.1 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 metres 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 2 m 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 m 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.

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

2.3 All erven shall be made subject to the servitudes shown on the General Plan.

## 3. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF THE ORDINANCE 15 OF 1986 IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION

### 3.1 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 eathernware 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 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.

3.2 ERVEN 632 AND 633 ARE SUBJECT TO THE FOLLOWING CONDITIONS:

"Special" for Residential 3"

- (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 will not exceed 2 storeys. A third storey can be considered with submission of a Site Development Plan and agreement from the surrounding owners/Body Corporates.
- (c) The coverage will not exceed 50 %.
- (d) The FAR will be determined when the Site Development Plan is submitted for consideration.
- (e) The applicable density shall be 63 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) One covered parking bay per unit;
  - (ii) One uncovered parking bay per unit;
  - (iii) One uncovered parking bay per three units for visitors parking;
- (g) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 5 metres from any external 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.
- (h) 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 any building plans. No building shall be erected on the property before such Site Development Plan has 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 property 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 elevation 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.
- (i) Erven 632 and 633 must be consolidated.
- (j) Unhindered access must be given to emergency vehicles and all services authorities (Water, Electricity, Telkom, etc.) at all times.
- (k) The owner/developer must undertake to notify all buyers of all the conditions as stipulated by the Local Authority in writing.

**Khaya Ngema, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Building, corner Cross and Rose Streets, Germiston, Private Bag X 1069, Germiston, 1400**

.....2010  
Notice No.: CD23/2010

---

**LOCAL AUTHORITY NOTICE 920**  
**EKURHULENI METROPOLITAN MUNICIPALITY**  
**(BENONI CUSTOMER CARE CENTRE)**

**NOTICE OF BENONI AMENDMENT SCHEME NO. 1/1690**

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 1/1946, comprising of the same land as included in the township of Brentwood Extension 17.

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, Elson Avenue, 6th Floor, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1690 and shall come into operation on the date of this publication.

**Khaya Ngema, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Building, corner Cross and Rose Streets, Germiston, Private Bag X 1069, Germiston, 1400**

.....2010  
Notice No.: CD23/2010

---