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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 954

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 43 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 DHS PROJECTS (PTY) LTD (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 420 (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 43**.

(2) DESIGN.

The township shall consist of erven and streets as indicated on the General Plan S.G. No. 6110/2009.

(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) 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 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.

(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 Section 21 Company, is established.
- (b) The township owner shall register Erven 686 and 717 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.
- (c) Erf 717: 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.
- (d) The internal road shall be constructed and maintained by the registered owner to the satisfaction of the Local Authority.
- (e) The Association referred to in (a) and (b) above may erect and man the facility referred to in (c) 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 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.
- (g) Erven 686 and 717
 - (i) Erf 686, which shall be registered in the name of the Section 21 Company, is subject to a servitude for municipal purposes in favour of the local authority as indicated on the General Plan.
 - (ii) Erf 717, which shall be registered in the name of the Section 21 Company, is subject to a Right-of-Way servitude for access purposes, in favour of Erven 677-716 as indicated on the General Plan
 - (iii) Erf 717, which shall be registered in the name of the Section 21 Company, is subject to a servitude for municipal purposes in favour of the local authority as indicated 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

B. CONDITIONS OF TITLE.

(1) Erven 677 to 685 and 687 to 716: 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 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 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) Erven 686 and 717

(i) Erf 686, which shall be registered in the name of the Section 21 Company, is subject to a servitude for municipal purposes in favour of the local authority as indicated on the General Plan.

(ii) Erf 717, which shall be registered in the name of the Section 21 Company, is subject to a Right-of-Way servitude for access purposes, in favour of Erven 677-716 as indicated on the General Plan

(iii) Erf 717, which shall be registered in the name of the Section 21 Company, is subject to a servitude for municipal purposes in favour of the local authority as indicated on the General Plan.

(3) Erven 677 to 716 are entitled to a servitude of right of way for access purposes over Erf 717 as indicated on the General Plan.

C. CONDITIONS IN FAVOUR OF THIRD PARTIES TO BE CREATED ON TRANSFER / REGISTRATION OF THE ERVEN CONCERNED. NO ERF MAY BE TRANSFERRED / REGISTERED UNLESS THE SAID CONDITIONS ARE CREATED SIMULTANEOUSLY WITH SUCH REGISTRATION

ERVEN 677 to 685 and 687 to 716 shall be subject to the following conditions:-

(a) 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.

- (b) 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.

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 2).

Erven 677 to 685 and 687 to 716 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.
- (c) The total coverage of buildings shall not exceed 60% of the property.
- (d) The floor area ratio shall not exceed 1,2.

- (e) The density will not exceed 20 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) 1 covered parking space per dwelling unit.
 - (ii) 2 uncovered parking spaces per dwelling unit.
 - (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 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) 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 FOR (ROAD AND STORMWATER).
- Erven 686 and 717 is subject to the following conditions:
- (a) Erf 686: The property shall be used solely for storm water purposes, specifically for a retention dam. No buildings may be erected on this erf.
 - (b) Erf 717: The property shall be used solely for the purposes of a road and for storm water purposes, as well as a refuse holding area and access control.
 - (c) The township owner shall register the erven in the name of the 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.
 - (d) Erf 717 only: The height of buildings shall not exceed 1 storey.
 - (e) Erf 717 only: The total coverage of buildings shall not exceed 40% of the property.
 - (f) Erf 717 only: The floor area ratio shall not exceed 0,4.
 - (g) 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) 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.

NOTICE NO CD24/2010

LOCAL AUTHORITY NOTICE 955**EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE CENTRE)****NOTICE OF BENONI AMENDMENT SCHEME NO 1/1622**

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 1948, comprising the same land as included in the Township of Brentwood Extension 43.

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 1/1622 and shall come into operation on the date of this publication.

CITY DEVELOPMENT DEPARTMENT**NOTICE NO CD24/2009****DATE: 2010/07****TEBOGO MOTSAANAKA, AREA MANAGER: BENONI CCC, For EXECUTIVE DIRECTOR: CITY DEVELOPMENT, Ekurhuleni Metropolitan Municipality, 2nd Floor, Head Office Building, corner Cross and Rose Streets, Germiston, Private Bag X1069, Germiston, 1400**
