

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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DEPARTMENT OF HEALTH

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 1558 EKURHULENI METROPOLITAN MUNICIPALITY (BENONI CUSTOMER CARE AREA) 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 Area) hereby declares Crystal Park Extension 28 Township, to be an approved township, subject to the conditions as set out in the schedule hereto

#### SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION, MADE BY ELDEV PROPERTIES PROPRIETARY LIMITED REGISTRATION NUMBER 2012/161802/07, (HEREAFTER REFERRED TO AS THE DEVELOPER) UNDER THE PROVISIONS OF SECTION C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986, (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 332, (A PORTION OF PORTION 53) OF THE FARM VLAKFONTEIN 69 I.R., REGISTRATION DIVISION IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### A. CONDITIONS OF ESTABLISHMENT

(1) **NAME**

The name of the township shall be Crystal Park Extension 28.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan S.G. No.1468/2009

(3) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

(a) Including the following conditions which affects erven 5780 and 5781:

The property hereby transferred is subject to a servitude for sewer purpose in favour of the town Council of Benoni, as will more fully appear from Notarial Deed of Servitude no K27321/1978s registered on 30<sup>th</sup> March, 1978.

(b) Excluding the following condition which only affects erf 5780:

The property hereby transferred is subject to the right of a servitude in perpetuity in favour of the town Council of Benoni, as will more fully appear from Notarial Deed of Servitude No K279/1984S registered on the 25<sup>th</sup> January 1984

(4) **STORMWATER DRAINAGE AND STREET CONSTRUCTION**

(a) The township owner shall, on request by the Local Authority, submit for its 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 SABBACO, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, surfacing, kerbing and channeling 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 costs 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) 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. The township owners shall consult the Local Authority before any existing municipal service(s) need to be replaced or removed.

**(7) ENDOWMENT**

The township owner shall, in terms of Section 98(2) and (3) of the Town Planning and township Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum endowment to the Local Authority for The provision of the land for parks (public open spaces)

**(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 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) AMENDMENT OF THE LAYOUT PLAN**

The layout plan shall be amended to indicate the recommendations of the Traffic Impact Study.

**(11) 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.

**(12) 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 other common boundaries to be

demolished to the satisfaction of the Local Authority when required by the Local Authority to do so.

**(13) 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 geotechnical report are complied with and, when required, engineering certificates for the foundations of the structure are submitted.

**(14) 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.

**(15) SPECIAL CONDITIONS**

- (a) The township owner shall ensure that a legal body, albeit a "Home Owners Association" or Body Corporate, is established.
- (b) The said Home Owners Association/ Body Corporate 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 relating to the property.
- (c) In the event of a Sectional Title development, the following shall be included:
  - i) 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.

**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 Township Ordinance, 1986,
  - (a) The erven are subject to a servitude, 2,00m wide, in favour of the local authority, for sewerage and other municipal services, along any two boundaries other than a street boundary, 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) 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 construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**D. 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**

**(1.1) 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 purposes whatsoever, any bricks, tiles or earthenware pipes or other articles or 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 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 are 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.

**(1.2) ERF 5780 IS SUBJECT TO THE FOLLOWING CONDITIONS****“ SPECIAL ” FOR PRIVATE OPEN SPACE / PARKING.**

- (a) The township owner shall register Erf 5780 in the name of an Association incorporated in terms of the Section 21 of the Companies Act, Act 61 of 1973, and every present or future owner of property in the township shall be a member of such Association by virtue of such ownership.

**(1.3) ERF 5781 IS 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) A maximum density of 50 units per hectare will be permitted.
- (c) The height of buildings shall not exceed 2 storeys.
- (d) Floor Area ration (F.A.R): Shall not exceed 1,0
- (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:-

2 habitable rooms	:	1 covered parking bay per unit
		1 uncovered parking per three units (for visitors)
3 or more habitable rooms	:	1 covered parking bay per unit
		1 uncovered parking bay per unit
		1 uncovered parking per three units (for visitors)

- (f) Buildings, including outbuildings, hereafter erected on the property, shall be Located not less than 5,00m from any public street boundary and 3,00m on any internal 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.
- (g) To ensure parking for visitors, a 5,00m building line applicable to garages within the complex shall apply on all internal roads.
- (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 with 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 Proposed public street.
- (iv) Entrance to buildings and parking areas.

- (v) Building restrictions (if any)
  - (vi) Parking areas and, where required by the Local Authority, vehicular and pedestrian traffic systems.
  - (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.
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**LOCAL AUTHORITY NOTICE 1558**

**NOTICE NO CD31/2014**

**LOCAL AUTHORITY NOTICE**

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

**NOTICE OF BENONI AMENDMENT SCHEME No. 1/1975**

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 the same land as included in the township of Crystal Park Extension 28.

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, Corner Tom Jones Street and Elston Avenue, Benoni

This amendment is known as Benoni Amendment Scheme 1/1975 and shall come into operation on the date of this publication.

**KHAYA NGEMA, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Office Building, corner Cross & Rose Streets, Germiston, Private Bag X1069, Germiston, 1400**

**NOTICE NO CD31/2014  
DATE: 22 October 2014**

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