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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 1522

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

#### NOTICE OF BENONI AMENDMENT SCHEME 1/1850

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 (Ordinance 15 of 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 The Stewards Extension 16 Township.

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

This amendment is known as Benoni Amendment Scheme 1/1850 and shall come into operation on the date of the date of this publication.

P.P. Flusk, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Office Building, corner Cross and Rose Streets, Germiston, Private Bag X1069, GERMISTON, 1400

2 July 2008

Notice No: 30/2008

### LOCAL AUTHORITY NOTICE 1523

#### 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 15 of 1986), the Ekurhuleni Metropolitan Municipality (Benoni Customer Care Centre) hereby declares that The Stewards Extension 16 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 THE TRUSTEES OF THE STACEY SALONER TRUST, BRETT SALONER TRUST AND CRAIG SALONER TRUST (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 483 OF THE FARM KLEINFONTEIN 67 I.R. HAS BEEN GRANTED.

#### A. CONDITIONS OF ESTABLISHMENT

1. NAME  
The name of the township shall be The Stewards Extension 16.
2. DESIGN  
The township shall consist of erven and streets as indicated on the General Plan No. S.G. No. 10786/2006.
3. DISPOSAL OF EXISTING CONDITIONS OF TITLE.  
All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding the following servitudes:
  - (a) By Notarial Deed No. 1371/64S dated 27 February 1964 and registered on 12 November 1964 as amended by Notarial Deed of Cancellation of Servitude No. K1208/84 dated 1 March 1984 and registered on 3 April 1984 subject to a right in perpetuity for municipal purposes and for leading stormwater in favour of the City Council of Benoni as will more fully appear from

reference to the said Notarial Deed.

- (b) By Notarial Deed No. 905/66S dated 19 January 1966 and registered on 26 July 1966 subject to servitudes for municipal and sewerage purposes and the laying of water mains in favour of the City Council of Benoni (vide diagrams S.G. No. A1427/64, A1428/64 and A1429/64) as will more fully appear from the reference to the said Notarial Deed.

**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 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 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, fulfill its 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. BULK WATER METER.**

A bulk water meter for the entire development, is to be installed by the applicant at a location determined by the Local Authority. All cost relating to the purchase and installation thereof, will be for the applicant's account.

**7. ACCEPTANCE AND DISPOSAL OF STORMWATER.**

The township owner shall arrange for the drainage of the township to fit in with that of Road K106 (Main Reef Road) or adjacent public roads and for all stormwater running off, or being diverted from the roads, to be received and disposed of.

**8. 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.

**9. REMOVAL OF LITTER.**

The Township Owner shall at its own expense have all litter within the township removed to the satisfaction of the Local Authority, when required to do so by the said Local Authority.

**10. PROPERTY OWNER'S ASSOCIATION**

- 10.1 The township owner shall establish a Property Owner's Association ("POA") to be incorporated as an association not for gain in terms of Section 21 of the Companies Act, 1973, to the satisfaction of the Local Authority before the commencement of registration of ownership of individual erven in the township.
- 10.2 The registered owner of an erf in the township shall automatically become a member of the POA, and shall be bound by its Articles of Association, and any rules issued in terms thereof, as well as its Memorandum of Association.
- 10.3 **TRANSFER OF LAND TO THE SECTION 21 COMPANY (POA)**
  - 10.3.1 Erf 441, which erf shall be transferred to the Section 21 Company (POA) at the expense of the Township Owner, shall be developed and maintained by the said Company (POA) as an erf for access and access control.

- 10.3.2 Erven 442 and 443, which erf shall be transferred to the Section 21 Company (POA) at the expense of the Township Owner, shall be developed and maintained by the said Company (POA) as an internal access road.

**10.4 FURTHER RESPONSIBILITY OF SECTION 21 COMPANY (POA)**

Subject to the responsibilities of the POA as set out above, the POA shall also be responsible for the following:

- 10.4.1 All matters of common interest to its members.  
 10.4.2 All matters specified in the Articles of Association.
- 10.5 A copy of the registered Memorandum of Association and Statutes of the Company shall be submitted to the Local Authority who shall verify compliance with 10.3 above.
- 10.6 The POA shall be entitled to levy periodical contributions from its members, excluding the township owner or its successors in township title, for the fulfillment of its obligations in the manner prescribed in the Articles of Association.
- 10.7 In respect of any transfer of Erven 387 to 440, or any subdivision or consolidation thereof subsequent to the initial transfer thereof from the applicant or its successor in township title, shall be subject to the following:  
 The Registrar of Deeds shall not register the transfer of Erven 387 to 440, or any subdivisions or consolidations thereof, and the owner thereof shall not be entitled to procure such transfer before and unless the POA has certified that all levies or other amounts owing to it by the owner, have been paid in full.

**11. OPEN SPACE ENDOWMENT**

The township owner shall not pay any contribution towards the provision of parks and public open space.

**12. BUILDING STANDARDS**

The building standards emanating from the National Building Regulations and Building Standards Act, 103 of 1977, shall apply in respect of the township, read with the local by-laws of the Local Authority.

**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 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.
  - (d) The registered owner of an erf shall, by virtue of such ownership, be a member of an Association, incorporated in terms of Section 21 of the Companies Act, 1973, in accordance with the conditions of establishment for The Stewards Extension 16 Township, should the property be developed with a security gate and private internal road.
  - (e) All erven shall be made subject to existing conditions and servitudes including the rights to minerals.
  - (f) All erven shall be made subject to servitudes as shown on the General Plan.
2. **ERVEN 441, 442 and 443**  
 The erven, which shall be registered in the name of the Section 21 Company (POA) mentioned in clause A(10) above, shall be subject to a servitude of right of way, as well as a servitude for engineering services, in favour of all the erven in the township, as well as all the erven in the township of The



Stewards 17, and the Remaining Extent of Portion 14 of the farm Kleinfontein 67 I.R.

3. ERVEN 410, 413, 414, 415, 418, 420, 421 and 423 to 425  
The erven are subject to a servitude of right of way as indicated on the General Plan.
4. ERVEN 390 to 392, 427, 428, 435 to 437 and 441  
The erven are subject to a sewer servitude in favour of the Local Authority as shown on the General Plan.
5. ERF 401  
The erf is subject to a stormwater servitude 3,00m wide in favour of the Local Authority as shown on the General Plan.

**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 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.

**2. SPECIAL (RESIDENTIAL PURPOSES).**

Erven 387 to 440, (inclusive) 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 houses and no consent shall be granted by Local Authority, for places of public worship, social halls, institutions, places of instruction, special-uses.
- (b) The height of buildings shall not exceed 2 storeys.
- (c) Not more than 20 dwelling units per hectare, with the necessary outbuildings, shall be erected on the property.

- (d) The total coverage of buildings shall not exceed 60% of the erven created within the township.
- (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:
  - (i) 1 covered parking space to 1 dwelling unit; and
  - (ii) 2 uncovered parking spaces to 1 dwelling unit, if so required by the Local Authority
- (f) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 3m from any private 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.
- (g) To ensure adequate parking for visitors, a 5m building line pertaining to garages 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 prior to the submission of any building plans. No building shall be erected on the property before such a 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 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 (ACCESS AND ACCESS CONTROL)

Erf 441 is subject to the following conditions:

- (a) The property shall be used solely for purposes of access and access control or for such other purposes as may be permitted by the Local Authority.
- (b) The township owner shall register the erf in the name of an Association incorporated in terms of Section 21 of the Companies Act, 1973, and every present or future owner of property in the township shall be a member of such Association by virtue of such ownership.
- (c) The access and access control facility on the property shall be constructed by the township owner and be maintained by the Association mentioned in (b) above.
- (d) 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 erf for purposes of stopping and identifying vehicles and their occupants entering or leaving the township. Twenty-four hour access shall be available at all times for municipal and emergency purposes.
- (e) The Association referred to in (b) above may erect and man the facility referred to in (d) above, all costs in this regard to be borne by the Association.
- (f) Should such conflict with any services of the Local Authority or Eskom or Telkom within the servitude area, the Local Authority shall 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.

### 4. SPECIAL (INTERNAL ACCESS ROAD)

Erven 442 and 443 are subject to the following conditions:

- (a) The property shall be used solely for purposes of a private road or such other purposes as may be permitted by the Local Authority.
- (b) The township owner shall register Erven 442 and 443 in the name of an Association incorporated in terms of Section 21 of the Companies Act, 1973, and every present or

- future owner of property in the township shall be a member of such Association by virtue of such ownership.
- (c) The private road on the erf shall be constructed by the township owner and be maintained by the Association mentioned in (b) above, at its cost.
  - (d) Twenty – four hour access shall be available at all times for municipal and emergency purposes.

5. **DEFINITIONS**

In addition to the definitions contained in the Town Planning Scheme, the following words and phrases shall have the meanings described below:

**“Access control”** means an erf and associated infrastructure that provides (or manages) access to the erven by means of any motorized vehicles, cycles or pedestrian movement which area shall be designed to the satisfaction of the Local Authority and include sufficient space for the installation and conducting of essential engineering services such as water, electricity, sewerage and stormwater drainage associated with the erven in the Land Development Area.

**“Internal access road”** means an erf and associated infrastructure set aside for the sole purpose of providing access to individual erven by means of any motorized vehicles, cycles or pedestrian movement which area shall be designed to the satisfaction of the Local Authority and include sufficient space for the installation and conducting of essential engineering services such as water, electricity, sewerage and stormwater drainage associated with the adjacent erven.

**“Property Owners Association (“POA”)** means an Association incorporated as an Association not for gain in terms of Section 21 of the Companies Act, 6 of 1973

**P.P. Flusk, City Manager, Ekurhuleni Metropolitan Municipality, 2<sup>nd</sup> Floor, Head Office Building, corner Cross and Rose Streets, Germiston, Private Bag X1069, GERMISTON, 1400**

**2 July 2008**

**Notice No: 30/2008**

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