

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 14

**PRETORIA, 18 JULY
JULIE 2008**

No. 192

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 1628

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 CLOVERDENE EXTENSION 12 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 POLEY VAN WYK PROPERTIES CC (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 296 (A PORTION OF PORTION 295) OF THE FARM VLAKFONTIEN 69-IR HAS BEEN GRANTED.

A. CONDITIONS OF ESTABLISHMENT.

(1) NAME.

The name of the township shall be Cloverdene Extension 12.

(2) DESIGN.

The township shall consist of erven and streets as indicated on General Plan No. 10164/2006.

(3) DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions of title and servitudes, 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 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 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 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 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) **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).

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

The township owner shall arrange for the drainage of the township to fit in with that adjacent public roads, for all storm water 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) **SPECIAL CONDITIONS.**

(a) The township owner shall ensure that a Home Owners Association is established.

(b) The said home Owners Association 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.

(c) Erven 1534 and 1535 is subject to a servitude for municipal purposes.

(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 oven 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) **TRANSFER OF ERVEN**

Erf 1542 shall at the cost of the township owner, be transferred to the Body Corporate prior to or simultaneously with the first transfer of any unit.

B. CONDITIONS OF TITLE.

(1) **ERVEN 1514 TO 1541**

The 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 properties are 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. 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) No building or other structure shall be erected within 3m from any private road.

(d) 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.

- (e) Every owner of the erf 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 erf or 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.
- (f) The owner of the erf or any person, who has an interest therein, shall not be entitled to transfer the unit or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners Association that the provisions of the Articles of Association of the Home Owners Association have been complied with.
- (g) The term "Home Owners Association" in the aforesaid conditions of Title shall mean Cloverdene Extension 12 Home Owners Association (an Association incorporated in terms of Section 21 of the Companies Act, 1973 (Act 61 of 1973) as amended).

(2) Erf 1542

- (a) The internal road shall be constructed and maintained by the registered owner to the satisfaction of the local authority.
- (b) The township owner shall register Erf 1542 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 property in the township shall be a member of such Body Corporate by virtue of such ownership.
- (c) A security control facility, which may include a guardhouse, a stop sign, a chain, a boom gate, irrespective of whether same is manned or automated, may be erected on the internal private road for purposes of shopping and identifying vehicles and their occupants entering or leaving the township. 24-hour access shall be available at all times for municipal and emergency purposes.
- (d) The Association referred to in (ii) above may erect and maintain the facility referred to in (iii) above, all costs in this regard to be borne by the Association.
- (e) Should such facility 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.

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) RESIDENTIAL 2

Erven 1514-1541 zoned "Residential 2" 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 erf.
- (d) The density will be 20 units per hectare
- (e) 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.

LOCAL AUTHORITY NOTICE 1629

EKURHULENI METROPOLITAN MUNICIPALITY
(BENONI CUSTOMER CARE CENTRE)

NOTICE OF BENONI AMENDMENT SCHEME NO 1/1555

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, 1/1555, comprising the same land as included in the Township of Cloverdene Extension 12, Benoni.

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, 6TH Floor, Elston Avenue, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1555 and shall come into operation on the date of this publication.

NOTICE NO 27/2008

2008/07/15

P P FLUSK

City Manager, Ekurhuleni Metropolitan Municipality

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