

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 87 OF 2017****EKURHULENI METROPOLITAN MUNICIPALITY  
EKURHULENI TOWN PLANNING SCHEME, 2014****NOTICE OF BENONI AMENDMENT SCHEME B0425**

The Ekurhuleni Metropolitan Municipality (Benoni Customer Care Area) 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, 1/1947, comprising the same land as included in the township of **NORTON PARK EXTENSION 32**.

The amendment scheme documents will lie for inspection during normal office hours at the office of the Area Manager: City Planning, Ekurhuleni Metropolitan Municipality (Benoni Customer Care Area), Treasury Building, Corner Tom Jones Street and Elston Avenue, Benoni

This amendment is known as Benoni Amendment Scheme B0425 and shall come into operation on the date of this publication.

Dr Imogen Mashazi  
City Manager  
Civic Centre, Cross Street,  
Germiston

**NOTICE NO CD27/2017**

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**LOCAL AUTHORITY NOTICE CD27/2017  
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 Norton Park Extension 32 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 DHS PROJECTS PROPRIETARY LIMITED REGISTRATION NUMBER 2000/030793/07, (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 THE REMAINDER OF PORTION 269 (A PORTION OF PORTION 45) OF THE FARM VLAKFONTEIN 30 I.R., REGISTRATION DIVISION IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED**

**A. CONDITIONS OF ESTABLISHMENT****(1) NAME**

The name of the township shall be NORTON PARK EXTENSION 32.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on the approved General Plan S.G. No. 1285/2013

(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 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 Township Planning and Township Ordinance, 15 of 1986, pay a lump sum endowment to the Local Authority for the provision of land for parks (public open space). An amount of **R222 900** (VAT incl.).

**(9) SPECIAL CONDITIONS**

- (a) The Stanton Village Home Owner Association ("the Association") was formed in terms of the township establishment conditions of Norton Park Extension 17. In terms of the said township conditions every person and future owner of property Norton Park Extension 32 shall be a member of the Association.
- (b) Every owner of property in Norton Park Extension 32 or any unit thereon or any subdivided portion thereof shall on transfer automatically become and shall remain a member of the Association and shall be subject to its constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association.
- (c) The Association shall 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.
- (d) The township owner shall ensure that a servitude of right of way, for municipal services, is registered over the private road in favour of the Local Authority.
- (e) In the event that the development of any erf within the township shall constitute a development within the ambit of the Sectional Titles Act, 95 of 1986, then and in such an event, the conditions contained herein and in conflict with the provisions of the Sectional Titles Act, 95 of 1986, shall be read as pro-non-scripto.
- (f) The internal private road on the erf shall be constructed and maintained by the registered owner to the satisfaction of the Local Authority.
- (g) The township owner shall register the internal private road in the name of the Association, and every present and future owner of property in the township shall be a member of the Association by virtue of such ownership.
- (h) A security control facility which may include a guardhouse, stop sign, a chain, a boom, 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.
- (i) The Association referred to in (a) above may erect and man the facility referred to in (g) above, all costs in this regard will be borne by the Association.
- (j) 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 discounted, whereupon the facility shall be removed by the legal entity at its own costs.

- (k) The Association shall indemnify Council against any and all claims regarding:
- (i) The maintenance and the provision of any roads and storm water services in the development. The provision of engineering services under paved areas is 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.
- (l) The township owner shall ensure that the proposed Erven 348 and 349 of this township and Norton Park Extension 17 will have the same Association mentioned in (a) above and will function as one township.

(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.

(13) **ACCESS**

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

(14) **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 cost thereof will be borne by the township owners.

**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, 15 of 1986:
- (a) The property is subject to a servitude, 2,00 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, 2,00 metres 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 2,00 metres 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.

(2) **CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN OR UNITS THEREON:-**

No erf in the township or any unit thereon may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:-

Each and every owner of an erf in the township or any unit thereon shall on transfer automatically become a member of the Stanton Village Home Owners Association (herein referred to as the "Association") and the township owner shall procure that each unit be made subject to the following conditions in favour of the Association:-

Every owner of an erf in the township or any unit thereon or any sub-divided portion thereof shall on transfer automatically become and shall remain a member of the Association and shall be subject to its constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association.

**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 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.

**(2) "SPECIAL" FOR RESIDENTIAL 3.**

Erf 349

- (a) The properties shall be zoned "Special" for Residential 3.
- (b) The properties and buildings erected thereon or to be erected thereon shall be used solely for residential dwelling units.
- (c) The height of buildings shall not exceed 3 storeys. Only 2 storey buildings will be allowed on the boundary with Kirschner Road according to LSDF 34.
- (d) The total coverage of buildings shall not exceed 50% of the property.
- (e) The floor area ratio shall not exceed 1,2.
- (f) The density will not exceed 60 units per hectare.
- (g) 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 space per unit
  - (ii) One uncovered parking space per unit (3 or more habitable rooms)
  - (iii) One uncovered parking space per three units for visitors.
- (h) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 5m from any 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
- (i) 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 sitting, height, coverage and where applicable, the floor area ratio of all buildings and structures.
  - (ii) Vehicular entrances and exits to and from the property, to any existing or proposed public street.
  - (iii) Entrances to buildings and parking areas.
  - (iv) Building restriction areas (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.
- (3) **“SPECIAL FOR RESIDENTIAL 3**
- Erf 348
- (a) The properties shall be zoned “Special” for Residential 3.
  - (b) The properties and the building erected thereon or to be erected thereon shall be used solely for the residential dwelling units.
  - (c) The height of buildings shall not exceed 2 storeys.
  - (d) The total coverage of buildings shall not exceed 50% of the property.
  - (e) The floor area ratio shall not exceed 1,0
  - (f) The density will not exceed 50 units per hectare.
  - (g) Effective, paved parking spaces, together the necessary manoeuvring area, shall be provided on the property to the satisfaction of the Local Authority in the following ratio:

- (i) Two or less bedrooms: one covered parking space per unit and one uncovered parking space per units for visitors.
  - (ii) Three or more bedrooms: one covered and one uncovered parking space per unit and one uncovered parking space per 3 units for visitors.
- (h) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 5m from any 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.
- (i) 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 sitting, height, coverage and where applicable, the floor area ratio of all buildings and structures.
  - (ii) Vehicular entrances and exits to and from the property, to any existing or proposed public street.
  - (iii) Entrances to buildings and parking areas.
  - (iv) Building restriction areas (if any)
  - (v) Parking areas and where required by the Local Authority, vehicular and pedestrian traffic systems.
  - (v) The elevation treatment of all buildings and structures.



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