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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 721

#### 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 Rynfield Extension 59 Township, to be an approved township, subject to the conditions as set out in the schedule hereto.

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY EBOTSE GOLF AND COUNTRY ESTATE (PTY) LTD (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 340 (A PORTION OF PORTION 37) OF THE FARM VLAKFONTEIN 69-IR, REGISTRATION DIVISION IR, PROVINCE OF GAUTENG; PORTION 341 (A PORTION OF PORTION 37) OF THE FARM VLAKFONTEIN 69-IR, REGISTRATION DIVISION IR, PROVINCE OF GAUTENG and PORTION 342 (A PORTION OF PORTION 37) OF THE FARM VLAKFONTEIN 69-IR, REGISTRATION DIVISION IR, PROVINCE OF GAUTENG HAS BEEN GRANTED.**

#### **A. CONDITIONS OF ESTABLISHMENT**

**(1) NAME**

The name of the township shall be Rynfield Extension 59.

**(2) DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 1164/2009

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

All erven shall be made subject to existing conditions and servitudes, if any.

**(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 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 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 determined, 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 the land for parks (public open spaces)

**(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 owner(s) and/or future owners of Erven 3973, 3974 and 3975 shall become members of the Ebotse Golf and Country Estate Home Owners Association (Registration Number 2005/001710/08)
- (b) The said Home Owners 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
- (c) The township owner shall ensure that a servitude of right of way for municipal purposes is registered in favour of the local authority.
- (d) 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.

**(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 other 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.

**CONDITIONS OF TITLE**

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.

**(1) ERVEN 3973, 3974 and 3975**

- (i) The erven are subject to a servitude, 2,00 metres wide, in favour of the Local Authority, for sewerage and other municipal services, along any two boundaries other than a street boundary and in 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.
- (ii) 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.
- (iii) 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.

Conditions of title in favour of third parties to be registered/created on first registration of erven concerned: No erf in the township may be transferred unless the following requirements have been complied with and the following conditions registered:

- (iv) Every owner of the erf, 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 erf 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.
- (v) The owner of the erf or of any subdivided portion thereof, or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate form the Home Owners Association that the provisions of the Articles of Association of the Home Owners Association have been complied with.
- (vi) The term "Home Owners Association" in the aforesaid conditions of Title shall mean Ebotse Golf and Country Estate Home Owners Association (2005/001710/08) an Association incorporated in terms of Section 21 of the Companies Act, 1973 (Act 61 of 1973 as amended).

**(2) ERF 3973**

- (i) The erf is subject to a sewer line servitude, 3m wide, in favour of the Local Authority
- (ii) The erf is subject to a stormwater servitude, 7m wide, in favour of 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) 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 therefrom;

- (ii) sink any wells or boreholes thereon or abstract any subterranean water therefrom; 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 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 3**

Erven 3973, 3974 and 3975 shall be subject to the following conditions:-

- (a) The property shall be zoned "Special" for Residential 3 purposes.
- (b) The property and the buildings erected thereon or to be erected thereon shall be used solely for the purposes of dwelling units
- (c) The density requirement for the property shall be 50 dwelling units per hectare.
- (d) The coverage of buildings shall not exceed 50% of the area of the property.
- (e) The F A R (floor area ratio) shall be 1.0
- (f) The height of the buildings shall not exceed 2 (two) storeys
- (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) 1 covered parking space to 1 dwelling unit; and
  - (ii) 1 uncovered parking space to 1 dwelling unit; and

- (iii) 1 uncovered parking space to every 3 (three) dwelling units for visitors parking.
- (h) Buildings, including outbuildings, hereafter erected on the property, shall be located not less than 5,00 metres from any public/external 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.
- (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 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 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

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**LOCAL AUTHORITY NOTICE 722****EKURHULENI METROPOLITAN MUNICIPALITY  
(BENONI CUSTOMER CARE CENTRE)****NOTICE OF BENONI AMENDMENT SCHEME NO 1/1597**

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, 1/1948, comprising the same land as included in the township of Rynfield Extension 59, 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, 6<sup>TH</sup> Floor, Elston Avenue, Benoni.

This amendment is known as Benoni Amendment Scheme 1/1597 and shall come into operation on the date of this publication.

**NOTICE NO CD7/2012**

**DATE: 2012/06/01**

**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**

