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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 24 OF 2022****PROCLAMATION 21 OF 2022****LOCAL AUTHORITY NOTICE CD 21/2022**

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
PROCLAMATION OF APPROVED TOWNSHIP IN TERMS OF SECTION 44 OF THE CITY
OF EKURHULENI METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND
USE MANAGEMENT BY-LAW, 2019 FOR AN APPROVED TOWNSHIP
NORTON PARK EXTENSION 26**

It is hereby declared in terms of the provisions of section 44 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019 that **Norton Park Extension 26** is an approved township, subject to the conditions as set out in the schedules hereto.

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY DHS PROJECTS (PTY) LTD: 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 PORTION 461 (PORTION OF PORTION 45) VLAKFONTEIN 30-IR HAS BEEN GRANTED.

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

The name of the township shall be **Norton Park Extension 26**.

(2) DESIGN.

The township shall consist of erven and streets as indicated on the plan SG 5456/2015.

(3) EXISTING CONDITIONS OF TITLE.

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

(4) STORM WATER 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 property 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 THE 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 storm water 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 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).

A new valuation must be obtained after the township establishment is finalised and the parks endowment calculated accordingly.

(9) SPECIAL CONDITIONS

- (a) The township owner shall ensure that a legal entity, albeit a Home Owners Association and/or Body Corporate, is established.
- (b) This township as well as proposed townships Norton Park Extensions 16 and 25 will have independent body corporates and a single overseeing legal entity, and the owners of all units in these townships will be members thereof.
- (c) The said legal entities 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.
- (d) The township owner (Norton Park Extensions 16, 25 and 26) shall ensure 24 hours unhindered access for the maintenance purposes and emergency services (water, electricity, Telkom, public safety etc.).
- (e) A copy of the legal entities and its constitutions shall be submitted to the Local Authority (City of Development Department), prior to the issuing of a Clearance Certificate for the transfer of any erven.
- (f) The Township Owner must accept the conditions regarding the establishment of a legal entities, in writing. This written acceptance shall include an undertaking that all buyers will be notified of all the conditions stipulated by the Local Authority, in writing.
- (g) The roads and storm water infrastructure and landscaping of sidewalks will not be taken over by the Local Authority and the construction and cost thereof, shall be the responsibility of the township owner, where after the maintenance of these services and the pavement shall become the responsibility of the legal entity.

- (h) The private road (if applicable) shall be the responsibility of the legal entities and the legal entities shall manage and maintain all common property, including the refuse collection areas.
- (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, 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.
- (j) Buildings adjacent to Kirschner Road shall be 2 storeys in height.
- (k) The township owner shall register the internal private road 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 the property in the township shall be a member of such legal entities by virtue of such ownership.
- (l) 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 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.
- (m) The legal entities may erect and man the facility referred to in (l) above, all costs in this regard to be borne by the legal entity.
- (n) Should such facility conflict with any services of the Local Authority or Eskom or Telkom within the servitude area, the Local Authority have the sole discretion to inform the legal entities by registered letter that the security control facility has been discontinued, whereupon the facility shall be removed by the legal entities at its own cost.

(10) DEMOLITION OF BUILDING 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.

The recommendations as prescribed in the Traffic Impact Study must be fully complied with by the township owner, in consultation with the Executive Director: Roads, Transport and Civil Works.

(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.

(15) CONSOLIDATION

Proposed Erven 264 and 265 shall be consolidated.

2. 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.

(2) ERF 264

The Erf is subject to 3m X 6m servitude for an electrical substation in favour of the municipality as indicated on the general plan.

(3) Conditions of Title imposed in favour of third parties to be registered/ created on the first registration of the erven concerned:

- (a) Every owner of the property or of any subdivided portion thereof or any person who has an interest therein shall become and shall remain a member of the legal entities and be subject to its constitution until he/she ceases to be an owner of the aforesaid. Neither the property 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 legal entities to become a member of the legal entities have been complied with.
- (b) The owner of the property or of any subdivided portion thereof or any person who has an interest therein, shall not be entitled to transfer the property or any subdivided portion thereof or any interest therein without the Clearance Certificate from the legal entities have been complied with.

NOTICE OF APPROVAL
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
CITY OF EKURHULENI AMENDMENT SCHEME B0864C
NORTON PARK EXTENSION 26

It is hereby notified in terms of the provisions of Section 44 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019 that the City of Ekurhuleni Metropolitan Municipality has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of **NORTON PARK EXTENSION 26** being an amendment of the City of Ekurhuleni Land Use Scheme, 2021.

The approved Amendment Scheme documents will lie for inspection at the offices of the Manager: Town Planning Benoni Sub Section during normal office hours.

This amendment scheme was previously known as Ekurhuleni Amendment Scheme **B0236**, and is now known as City of Ekurhuleni Amendment Scheme **B0864C** and shall come into operation on the date of publication of the notice.

(Reference number: CD21/2022)

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

April 2022

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