

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 154 OF 2017

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 4033T

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane has approved an amendment scheme with regard to the land in the township of Irene Extension 193, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Group Head: Group Legal and Secretariat Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 4033T.

(13/2/Irene x193 (4033T))
__OCTOBER 2017

GROUP LEGAL AND SECRETARIAT SERVICES
(Notice 258/2017)

PROKLAMASIE 154 VAN 2017

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 4033T

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Irene Uitbreiding 193, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigningskema word deur die Groep hoof: Groep Regs- en Sekretariaatdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 4033T.

(13/2/Irene x193 (4033T))
__OKTOBER 2017

GROEP REGS- EN SEKRETARIAATDIENSTE
(Kennisgewing 258/2017)

CITY OF TSHWANE

DECLARATION OF IRENE EXTENSION 193 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Tshwane hereby declares the township of Irene Extension 193 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Irene x 193 (4033T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD, 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 918 (A PORTION OF PORTION 906) OF THE FARM DOORNKLOOF 391JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Irene Extension 193.

1.2 DESIGN

The township shall consist of erven and parks as indicated on General Plan SG No 5854/2016.

1.3 LAND FOR MUNICIPAL PURPOSES

None

1.4 PRECAUTIONARY MEASURES

1.4.1 The township owner shall appoint a competent person(s) to compile:-

1.4.1.1 A CONSTRUCTION REPORT, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

1.4.1.2 A DOLOMITE RISK MANAGEMENT PLAN, specific to the development. The legal transfer of the responsibility for the management of the Risk Management Plan, to a representative Body Corporate or similar as applicable must be included.

1.4.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.

1.4.3 The township owner shall at its own expense make arrangements with the Municipality, in order to ensure that-

1.4.3.1 water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and

1.4.3.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Municipality.

1.5 RECEIVING AND DISPOSAL OF STORMWATER

The stormwater plan for the development area must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas.

The low points in roads and the accumulation of stormwater in crescents, cull-de sacs and lower lying erven must be drained to the satisfaction of the local authority.

1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.7 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.8 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the Municipality.

1.9 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.10 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.11 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development including, if applicable, those by which exemption has been granted from compliance with Regulations No 1182 and 1183, promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.12 NATIONAL HERITAGE RESOURCE ACT:

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999.

1.13 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local Authority may determine fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be alienated or transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

1.14 CONSOLIDATION OF ERVEN

The township owner shall at his / her own expense cost, after proclamation of the township but prior to the development of any erf / unit in the township, consolidate Erf 4759 and 4760 to the satisfaction of the Municipality.

The Local Authority hereby grants its consent for the consolidation of Erf 4759 and 4760 in terms of Section 92(1)(b) of Ordinance 15 of 1986, which consolidation shall only come into operation on proclamation of the township and subject to the Section 82 certificate being issued by the Local Authority.

1.15 PROVISION OF OPEN SPACE AND/OR ENDOWMENT

The township owner has agreed to the provision of an open space area in lieu of open space provision for the township, which shall be indicated on the Site Development Plan.

If at any time, the area is not available for open space purposes, the developer or the successor in title shall pay in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-planning and Townships Regulations an endowment amount to the City of Tshwane Metropolitan Municipality. The said endowment amount shall be payable in accordance with the provisions of Section 81 of the town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTERABLE

INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of section 82 of the Town-planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The Applicant shall install the internal and external engineering services and shall provide any necessary financial guarantees for the provision of services and shall pay the external services contributions to the Municipality and other services providers in respect of the applicable Extension as contained in the Services Agreement and/or any addenda thereto. The Applicant shall procure written confirmation of compliance in this regard from the Municipality and other services providers and file such with the Municipality.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

- 3.1 Excluding the following conditions in Title Deed T17138/2017, which do not affect the township due to location:
- B The former remaining extent of portion 5 of the said farm, measuring 959,2555 hectares, portion whereof is held hereunder:
- (1) Is by Notarial Deed K2702/1976S subject to a servitude of pipeline as indicated by the figure S20 S21 S22 S26 on diagram S.G. No. 5724/1998 hereto annexed, in favour of the RAND WATER BOARD, which servitude includes ancillary rights as will more fully appear from reference to the said Notarial Deed;
- (2) Is by Notarial Deed K2703/1976S subject to a servitude of pipeline, 16 meters wide, as indicated by the figure S26 S22 S23 S24 S25 on diagram SG No. 5724/1998 hereto annexed in favour of the RAND WATER BOARD, which servitude includes ancillary rights as will more fully appear from reference to the said Notarial Deed.
- D. The former remaining extent of portion 5 of the said farm measuring 953,9285 hectares, portion whereof is held hereunder is:
- (2) By Notarial Deed K1414/90S subject to a perpetual servitude of right of way 5,0491 hectares in extent, indicated by the figure A S1 S2 S3 S4 S5 S6 S7 S8 S9 S10 S11 S12 S13 S14 S15 S16 Y Z a b c d e f g h j k l m on Diagram 5724/1998 annexed hereto, in favour of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY together with ancillary rights, as will more fully appear from reference to the said Notarial Deed.
- E. Die Resterende Gedeelte van Gedeelte 5 van die plaas DOORNKLOOF 391, Registrasie Afdeling J.R., Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) is onderhewig aan Ontheeningskennisgewing Ex 347/1998.
- F. By virtue of the Notarial Deed of servitude K6146/2014S dated 18 August 2014 the within mentioned property is subject to a perpetual praedial servitude for motor vehicle parking purposes which servitude is indicated by the figure ABCDEFGHJKLMNPQA on servitude diagram SG No. 1954/2012 in favour of ERF 3039 IRENE EXTENSION 60, township, measuring 10,0132 Hectares as will more fully appear from reference the said Notarial Deed.
- 3.2 Including the following conditions in Deed of Transfer T17138/2017 which affects all erven in the township:
- A. The former remaining extent of portion 5 of the said farm, measuring 1046,8662 hectares, portion whereof is held hereunder is subject and entitled to the following servitudes and conditions, namely:
- SUBJECT to the terms of an Order of the Water Court true copy marked "B" of which is annexed to Deed of Transfer No 10851/1920.
- C. The former remaining extent of portion 5 of the said farm measuring 953,9285 hectares, a portion of which is held hereunder is subject to an Order of the High Court of South Africa, made on the 3rd of July 1979 in Case Number M1722/1979. The said Order and agreement, is filed under BC9566/1983.
- G. SUBJECT TO THE FOLLOWING NEWLY IMPOSED CONDITIONS IN FAVOUR OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY: -
- The owner or any successor in title may not affect any development on the subject property, prior to complying with the geological conditions as imposed by the City of Tshwane Metropolitan Municipality.
- 3.3 Excluding the following condition in Title Deed T17138/2017, which affects Erf 4760 in the township only:
- D. The former remaining extent of portion 5 of the said farm measuring 953,9285 hectares, portion whereof is held hereunder is:

- (1) By Notarial Deed K1087/85 subject in favour of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY to a right of way 1410 square meters in extent, indicated by the figure G S17 S18 S19 F on diagram SG No. 5724/1998 annexed hereto as will more fully appear from reference thereto.

4. CONDITIONS OF TITLE

- 4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

4.1.1 ALL ERVEN

4.1.1.1 The erf shall be subject to a servitude, 3 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3 m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.

4.1.1.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m thereof.

4.1.1.3 The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.1.4 As these erven form part of the area that is underlain by dolomite, the owner/developer shall make any prospective buyer/tenant aware of the risk involved in developing on dolomite. The developer may make use of literature at the disposal of the investigator, together with a list of precautionary measures and monitoring schedules in order to ensure that the prospective buyer/tenant understands how to manage dolomite stability risk responsibly.

4.1.2 Erven 4759 and 4760

The erven are subject to a 6-meter servitude for municipal purposes (water) in favour of the Municipality, as indicated on the General Plan.

4.1.3 Erf 4760

The erf is subject to a servitude of varying width for municipal purposes (stormwater) in favour of the Municipality as indicated on the General Plan.

4.1.4 Erf 4760

The erf is subject to a 6 x 3 meter servitude for municipal purposes (electricity) in favour of the Municipality, as indicated on the General Plan.

4.1.5 Erf 4760

The erf is subject to a servitude of varying width for municipal purposes (sewer) in favour of the Municipality as indicated on the General Plan.

4.1.6 Erf 4760

The erf is subject to a servitude of varying width for municipal purposes (water) in favour of the Municipality as indicated on the General Plan.