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PROCLAMATION • PROKLAMASIE

PROCLAMATION 135 OF 2018**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 3795T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****WATERKLOOF RIDGE EXTENSION 12**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Waterkloof Ridge Extension 12, is an approved township, subject to the conditions as set out in the schedules hereto.

It is hereby notified in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Waterkloof Ridge Extension 12, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme **3795T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-3795T (Item 25221))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ OCTOBER 2018
(Notice 183 of 2018)

CITY OF TSHWANE**DECLARATION OF WATERKLOOF RIDGE EXTENSION 12 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Waterkloof Ridge Extension 12 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-3795T (Item 25221))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WATERKLOOF MARINA RETIREMENT DEVELOPMENT COMPANY (PTY) LTD, REGISTRATION NUMBER 2016/374952/07, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 7 OF THE FARM WATERKLOOF 428JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Waterkloof Ridge Extension 12.

1.2 DESIGN

The township consists of erven, a private road and private open space as indicated on General Plan No SG 1519/2017.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The Township Owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-Law and in accordance with Section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 PRECAUTIONARY MEASURES (APPLICABLE TO DOLOMITIC AREAS)

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

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

1.4.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly backfilled with suitable materials in layers not thicker than 150mm, and compacted as specified by the Engineer to the satisfaction of the Municipality.

1.4.3 the township owner and its successors in title including the owner of any erven or units within the township shall comply with the conditions imposed by the Council for Geoscience and shall comply with the geotechnical or dolomite stability or similar report aimed at managing the development in so far as it is located on dolomite.

1.5 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road(s) and all stormwater running off or being diverted from the road(s) and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.6 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including (if applicable) those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 in terms of Section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.7 ACCESS CONDITIONS

Access to or egress from the township shall be provided to the satisfaction of the Municipality.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 1 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 REFUSE REMOVAL

2.1.1 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 City of Tshwane Metropolitan Municipality.

2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for the removal of all refuse.

2.2 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, TELKOM and/or ESKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its (or his or her) own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the Municipality, when requested thereto by the Municipality or where buildings/structures are dilapidated.

2.4 GEOLOGY

2.4.1 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 D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

2.4.2 A Dolomite Risk Management Plan, specific to the development must be compiled. The legal transfer of the responsibility for the management of the Risk Management Plan to a representative NPC or similar as applicable must be included.

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

2.5 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered Title in the name of the owner; prior to the Municipality certifying to the Registrar of Deeds that:

2.5.1 all engineering services have been designed and constructed to the satisfaction of the Municipality, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;

2.5.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;

2.5.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;

2.5.4 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;

2.5.5 it is in a position to consider a final building plan; and all the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.5.6 Private Open Space Erf forming part of a Sectional Title Development - Erf 2001 shall be transferred only to the NPC, which legal entity shall have full responsibility for the functioning and proper maintenance of Erf 2001 and the engineering services within the said erf.

2.6 RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN CONTEMPLATED IN SECTION 16(11) READ WITH SECTION 34 AND SCHEDULE 19 OF THE BY-LAW TO A NON PROFIT COMPANY

2.6.1 Erf 2001 shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to the NPC which organization shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the said erf).

2.6.2 Erf 2001 may not be transferred thereafter by the non-profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

2.6.3 The township owner shall comply with the provisions of section 34 read with Schedule 19 of the By-law in the establishing of a Non Profit Company.

2.7 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

In terms of Section 47(7) of the By-Law the township owner has agreed to provide an area of 79600m² for purposes of open space and parks (Erf 2001) in lieu of payment of an endowment. Erf 2001 shall be transferred to the NPC prior to or simultaneous with the transfer or registration of any other erven or units in the township.

2.8 ESTABLISHMENT OF A NON PROFIT COMPANY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his/her own cost establish a Non Profit Company ("NPC") in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the Company being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such a Company has been duly registered, before a section 16(10) Certificate shall be issued in terms of the By-Law.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

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

3.1 excluding the following entitlements/rights which will not be passed on to the erven in the township:

Condition 1 - By virtue of Notarial Deed No 443/57S dated 23 February 1957, the within mentioned property is entitled to a servitude of pipe line over Portion 45 of the said farm measuring 9,4753(NINE COMMA FOUR SEVEN FIVE THREE) Hectares held under T35152/1955 as will more fully appear from the said Notarial Deed.

3.2 Including the following servitude(s) that affects all erven in the township:

Condition 3 – By virtue of Notarial Deed No 2796/1999S the within mentioned property is subject to the Notarial Deed of Restrictive Conditions in favour of Remaining Extent of Erf 1469, Portion 1 and Portion 2 of Erf 1469 Monumentpark contained in the said Notarial Deed as will more fully appear from reference to the said Notarial Deed, a copy whereof is hereunto annexed.

3.3 Including the following servitudes that affect Erf 2000 in the township only:

3.3.1 By virtue of Notarial Deed of Servitude No K 6180/2017S the within mentioned property is subject to a Right of Way servitude and a servitude for Municipal purposes in favour of the City of Tshwane Metropolitan Municipality as indicated by figures A B C D E F G H on diagram SG 2922/2017.

3.3.2 By virtue of Notarial Deed of Servitude No K 6181/2017S the within mentioned property is subject to a Right of Way servitude and a servitude for Municipal purposes in favour of the City of Tshwane Metropolitan Municipality as indicated by figures A B C D E F G H J K L M N P on diagram SG 2923/2017.

- 3.3.3 By virtue of Notarial Deed of Servitude No K 6182/2017S the within mentioned property is subject to a Right of Way servitude and a servitude for Municipal purposes in favour of the City of Tshwane Metropolitan Municipality as indicated by figures A B C D E F G H J K L M N P Q R S T U V W X on diagram SG 2924/2017.

4. CONDITIONS OF TITLE

- 4.1 Conditions of Title imposed in favour of the Municipality in terms of the section 16(4)(g) of the By-Law.

4.1.1 ALL ERVEN (EXCEPT ERF 2001)

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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.

4.1.1.3 The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 and other works being made good by the Municipality.

4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1.1, 4.1.1.2 and 4.1.1.3 above, the under mentioned erven shall be subject to the conditions as indicated;

- 4.1.2.1 Special Conditions imposed by the City of Tshwane Metropolitan Municipality;

4.1.2.1.1 ERF 2001

4.1.2.1.1.1 The whole of Erf 2001 is subject to a servitude for protection of private open space, a right of way servitude as well as a servitude for engineering services in favour of the Municipality as indicated on the General Plan.

4.1.2.1.1.2 The whole of Erf 2001 is subject to a servitude for protection of private open space and a right of way and engineering services in favour of all the erven and units and/or unit within the township, as indicated on the General Plan.

4.1.2.1.1.3 Erf 2001 shall not be alienated or transferred into the name of any purchaser other than the NPC without the written consent of the Municipality first having been obtained.

4.1.2.1.1.4 Erf 2001 is entitled to a servitude for access purposes over Erf 2000, the locality thereof to be registered to the satisfaction of the Municipality. Should a Sectional title scheme be registered over Erf 2000 the erf shall be entitled to access over any roadway that forms part of the common property of the Sectional Title Scheme.

4.1.2.1.2 ERF 2000

4.1.2.1.2.1 Erf 2000 is subject to a servitude for access purposes in favour of Erf 2001, the locality thereof to be registered to the satisfaction of the Municipality. Should a sectional title scheme be registered over Erf 2000, Erf 2001 shall be entitled to access over any roadway that forms part of a common property of the Sectional Title Scheme.

4.1.2.1.2.2 All erven and units and/or unit within the township are entitled to a servitude over Erf 2001, for protection of private open space and right of way and engineering services, as indicated on the General Plan.

4.2 Conditions of Title imposed in favour of third parties to be registered/created on the first registration of the erven concerned.

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

4.2.1 Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of NPC and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the NPC.

- 4.2.2 (i) Any owner of an erf, or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall automatically become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or interest therein, or any unit thereon, shall be transferred to any person who has not bound himself to the satisfaction of the HOME OWNERS ASSOCIATION, to become a member of the HOME OWNERS ASSOCIATION.
- (ii) The owner of the erf or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision or any interest therein, or unit thereon, without a clearance certificate from the HOME OWNERS ASSOCIATION that all monies owing have been paid.
- (iii) the term HOME OWNERS ASSOCIATION in above context shall refer to the WATERKLOOF MARINA RETIREMENT ESTATE (RF) NPC – Registration Number: 2017/481943/08.

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