

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 140 OF 2018

CITY OF TSHWANE

PERI-URBAN AREAS AMENDMENT SCHEME 708PU

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 Boardwalk Extension 20, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

Map 3 and the scheme clauses of this amendment scheme are filed with the Group Head: Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Peri-Urban Amendment Scheme 708PU.

(CPD 9/1/1/1-BRWx20 0782)
(CPD 9/2/4/2-708PU)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ OCTOBER 2018
(Notice 205/2018)

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CITY OF TSHWANE

DECLARATION OF BOARDWALK EXTENSION 20 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane Metropolitan Municipality hereby declares the township of Boardwalk Extension 20 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-BRWx20 0782)
(CPD 9/2/4/2-708PU)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY RIO RIDGE 1180 BK, IN TERMS OF THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 196 (A PORTION OF PORTION 3) OF THE FARM TWEEFONTEIN 372JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Boardwalk Extension 20.

1.2 DESIGN

The township shall consist of erven and streets as indicated on the General Plan SG No 14062/2007.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals-

1.3.1 Including the following condition which shall be passed on to all the erven in the township;

"B. Portion 3 (a portion of portion A) of the farm Tweefontein No 372 (formerly No.423), Registration Division JR, situated in the district of Pretoria (of which the Holding hereby transferred forms a portion) is SUBJECT to the following:

An order of the Water Court (Supreme Court) North district 21, dated Pretoria, 22 November 1948, and 27 June 1949, as will appear from Servitude 620A/1949S.

1.3.2 Excluding the following servitudes which only affects Erf 203 in the township;

“D. ONDERHEWIG aan ‘n serwituut van reg van weg, ses (6) meter wyd langs die noordwestelike grens, soos voorgestel deur lyn DA op Kaart LG Nr A 10012/1994, van die eiendom ten gunste van Gedeelte 1, 2 en 3 van Hoewe 79, Olympus Landbouhoewes, Registrasie Afdeling JR, Transvaal.”

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay to the City of Tshwane Metropolitan Municipality an endowment, if required, which amount shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

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).

1.5 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.

1.6 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.

1.7 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.

1.8 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development has granted the applicant exemption from compliance with regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

1.9 RESTRICTIONS ON THE ALIENATION OF LAND

In terms of Section 82(1)(b)(ii)(cc) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred, until the City of Tshwane Metropolitan Municipality has certified that the township owner has complied with his obligations in terms of the conditions of establishment.

In terms of Section 42 read with Section 43(2) of the Spatial Planning and Land Use Management Act, 16 of 2013, no Certificate of Registered Title shall be taken out in terms of Section 43 nor any transfer of any portion or township in terms of Section 47 of the Deeds Registry Act, 47 of 1937, shall be done until and unless the Municipality certifies that the developer has complied with the provisions of condition 1.10.1 to 1.10.5 inclusive below.

1.10 THE DEVELOPER'S OBLIGATIONS

1.10.1 ASSOCIATION AND STATUTES

The developer must register a Non Profit Company (“NPC”) in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) (homeowner's association). A copy of the registered Deed of Association (CM 4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowner's association is the maintenance of the internal engineering services of the development (ie water, sewerage, electricity, roads and storm water sewers). The developer is deemed to be a member of the Non Profit Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.10.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

1.10.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Municipality may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the Municipality with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.10.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity and the road and storm water sewers) have been completed. The developer must furnish the Non Profit Company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

1.10.5 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the City of Tshwane Metropolitan Municipality, in respect of Erf 203, if a guard house is to be provided.

No building plans will be approved before the services are completed and (if applicable) taken over by the division of the Service Delivery Department.

1.11 TRANSFER OF LAND TO THE NON PROFIT COMPANY (HOME OWNERS' ASSOCIATION)

Erf 203 shall be transferred to the Non Profit Company by and at the expense of the township owner, prior to any other erven may be transferred.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION 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)

2.1 Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

2.1.1 ALL ERVEN

2.1.1.1 The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm water) (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, 2m 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.

2.1.1.2 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 2m from it.

2.1.1.3 The City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 ERF 203

2.1.2.1 The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes in favour of the Municipality.

2.1.2.2 The erf is also subject to a servitude of right of way in favour of the Municipality as indicated on the General Plan Servitude Note 4.

2.1.2.3 The entire erf as indicated on the General Plan, is subject to a servitude for engineering services purposes in favour of Erven 188 to 202 and Erven 188 to 202 in turn shall be entitled to a servitude for engineering service purposes over Erf 203

2.1.2.4 The erf is also subject to a servitude of right of way in favour of Erven of the owners of Erven 188 to 202, shall in turn be entitled to a servitude of right of way over Erf 203.

2.1.3 ERF 193

2.1.3.1 No gate or physical structure shall be erected on the common boundary of Erf 193 and Erf 203 or within a distance of 12m from the common boundaries of the mentioned erven on Erf 193.

2.1.3.2 The erf is also subject to a servitude of right of way in favour of Erven 194 and 195 as indicated on the General Plan Servitude Note 8 and Erven 194 and 195 in turn shall be entitled to a servitude for right of way over Erf 193.

2.1.4 ERF 189

The erf is subject to a servitude of right of way in favour of Erf 190 as indicated on the General Plan Servitude Note 7 and Erf 190 in turn is entitled to a servitude of right of way over Erf 189.

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

2.2.1 ERVEN 192, 198 TO 202

The erf shall be subject to a servitude, 2 m wide, for engineering services (sewer) in favour of the Non Profit Company as indicated on the General Plan.

2.2.2 ERVEN 188 TO 202 INCLUSIVE

Upon transfer, the owner of the erf shall automatically become a member of the Non Profit Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

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