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GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 144 OF 2018**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 3822T**

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 181, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 3822T.

(CPD 9/1/1/1-IRNx181 301)
(13/2/Irene x181 (3822T))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

18 OCTOBER 2018
(Notice 206/2018)

CITY OF TSHWANE**DECLARATION OF IRENE EXTENSION 181 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 hereby declares the township of Irene Extension 181 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-IRNx181 301)
(13/2/Irene x181 (3822T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY IRENE LAND CORPORATION (PTY) LTD REGISTRATION NUMBER 1997/019751/07, UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 896 (A PORTION OF PORTION 539) OF THE FARM DOORKLOOF 391JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Irene Extension 181.

1.2 DESIGN

The township shall consist of erven as indicated on approved General Plan SG No 1686/2016.

1.3 ACCESS

No ingress from the PWV 6 and no egress to the PWV 6 from the township shall be allowed.

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 erf sizes, risk classification and D designation for each erf within the development area 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 body as may be relevant must be included, where relevant.

1.4.2 The Applicant shall at own expense, make arrangements with the Municipality, in order to ensure that-

1.4.2.1 water will not dam up, that the entire surface of the township is drained properly and that public and private streets are sealed effectively with tar, cement or bitumen; and

1.4.2.2 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.

1.5 RECEIPT AND DISPOSAL OF STORMWATER

The applicant shall cause the stormwater plan for the township to be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The applicant shall cause the low points in roads and the accumulation of stormwater in crescents, culs-de sac and lower lying erven to be drained to the satisfaction of the Municipality.

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 applicant.

1.7 DEMOLITION OF BUILDINGS AND STRUCTURES

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

1.9 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, 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.

1.10 NOTARIAL TIE OF ERVEN

The Township owner shall, at its own costs, after proclamation of the township but prior to the approval of building plans have Erf 4660 of Irene Extension 181 notarially tied to Erf 4661 Irene Extension 181 for purposes of securing that one property may not be transferred separately to the other property and that both erven will remain registered in the name of the township owner.

Provided that Erf 4661 shall not be sold and or transferred nor shall any registration transactions be registered until and unless the properties have been notarially tied as contemplated above.

1.11 NOTARIAL TIE

Erven 4660 and 4661 in Irene Extension 181 shall be notarially tied with consolidated Erf 4305, Irene Extension 60 and with consolidated Erf 4306 Irene Extension 86 to the satisfaction of the Municipality before the submission of building plans. On registration of the notarial tie there will be no building lines or building restriction areas applicable along common boundaries separating the erven and, in terms of an approved site development plan, such common boundaries will not be deemed to exist in physical terms and will not affect the siting or configuration of buildings on the combined site area of the erven forming the subject of the notarial tie. The Municipality shall be party to the notarial tie agreement. The erven which form the subject of the notarial tie shall not be sold separately without the written consent of the Municipality.

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

2.1 RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/LAND

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane Municipality has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

2.2 THE DEVELOPER'S OBLIGATIONS

2.2.1 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 detail design 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.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

The Developer must obtain a way-leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.2.2 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 City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan 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 Public Works and Infrastructure Development Department.

2.2.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the Municipality has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity), and the road and stormwater have been completed.

A maintenance guarantee must be issued for the said period 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 issued in favour of the non profit Company for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, before the commence date of the contract and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

A retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the local authority for an amount that is equal to 10% of the contract cost, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject and, where relevant, entitled to existing conditions and servitudes, if any, but excluding:

A. Excluding the following which do not affect the township due to its geographic location:

(a) B. The former remaining extent of portion 5 of the said farm, measuring 929,255 hectares, portion whereof is held hereunder:

- (1) is by Notarial Deed K2702/76A 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 K2703/76S subject to a servitude of pipeline, 16 metres wide, as indicated by the figure s26 s22 s23 s24 s25 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.

(b) 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 K.1087/85 subject in favour of the CITY COUNCIL OF CENTURION to a right of way 1410 square metres in extent, indicated by the figure G S17 S18 S19 F on Diagram S.G. No. 5724/1998 annexed hereto and as will more fully appear from reference thereto.
- (2) By Notarial Deed of Servitude K.1414/90S 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 S.G. No. 5724/1998 annexed hereto in favour of the CITY COUNCIL OF CENTURION, together with ancillary rights, as will more fully appear from reference to the said notarial deed.

(c) E. Die Resterende Gedeelte van Gedeelte 5 van die plaas DOORKLOOF 391, Registrasie Afdeling J.R., Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) is onderhewig aan Ontheieningskenningsgewing Ex 347/98.

(d) F. By virtue of 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 to the said Notarial Deed.

(e) G. The former Remaining Extent of Portion 539 (a portion of portion 335) of the Farm Doornkloof 391, Registration Division JR, Province of Gauteng, measuring 29,2978 Hectares, a portion of which is held hereunder is:

- (1) By virtue of Notarial Deed of Servitude K721/2018S dated 30 November 2017 the within mentioned property is subject to a sewer servitude in favour of CITY OF TSHWANE METROPOLITAN MUNICIPALITY 2 metres wide indicated by the figures ABCD and EFGH on diagram SG No 1683/2016 as will more fully appear from the said Notarial Deed.

- (2) By virtue of Notarial Deed of Servitude K718/2018S dated 30 November 2017 the within mentioned property is subject to a storm water servitude in favour of CITY OF TSHWANE METROPOLITAN MUNICIPALITY 998 square metres and 353 square metres in extent indicated by the figures ABCDEFGA and HJKLH on diagram SG No 1682/2016 as will more fully appear from the said Notarial Deed.
- (3) By virtue of Notarial Deed of Servitude K719/2018S dated 30 November 2017 the within mentioned property is subject to a right of way servitude in favour of CITY OF TSHWANE METROPOLITAN MUNICIPALITY 426 square metres in extent indicated by the figures ABCDA on diagram SG No 1684/2016 as will more fully appear from the said Notarial Deed.
- (4) By virtue of Notarial Deed of Servitude K720/2018S dated 30 November 2017 the within mentioned property is subject to a road widening and municipal services servitude in favour of CITY OF TSHWANE METROPOLITAN MUNICIPALITY 684 square metres in extent indicated by the figures ABCDEFGHJKLA on diagram SG No 1685/2016 as will more fully appear from the said Notarial Deed.
- (f) H. The former Remaining Extent of Portion 539 (a portion of portion 335) of the Farm Doornkloof 391, Registration Division JR, Province of Gauteng, measuring 9,6214 Hectares, a portion of which is held hereunder is:
- (1) By Notarial Deed of Servitude K about to be registered the within-mentioned property is subject to a sewer and storm water servitude 640 square metres in extent, indicated by the figure A B C D E F A on Diagram SG No 1681/2016 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.
- (2) By Notarial Deed of Servitude K_____ about to be registered the within-mentioned property is subject to a right of way and municipal services servitude 270 square metres in extent, indicated by the figure A B C D A on Diagram SG No 679/2018 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.
- B. Including the following which do affect the township and shall be made applicable to the individual erven in the township:
- K. A. The Remaining Extent of Portion 5 of the said farm, measuring 1046,8662 hectares, a 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.
- L. C. The former remaining extent of portion 5 of said farm measuring 953,9285 hectares, a portion of which is held hereunder, is subject to an Order of the Supreme Court of SOUTH AFRICA, made on the 3rd July 1979 in Case No M.1722/79. The said Order and Agreement, is filed under BC9566/83.

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 PROVISION OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986).

4.1.1 ALL ERVEN

- 4.1.1.1 The erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other engineering services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal services, 1m 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 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 area any material as may be excavated by them during the course of the construction, maintenance or removal of such 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 works being made good by the Municipality.

4.1.1.4 The owner/ tenant of each erf must be made 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 risk responsibility.

4.1.2 ERVEN 4661

4.1.2.1 The servitude area for a road turning circle, measuring approximately 605m² in extent, as indicated on the General Plan.

4.1.2.2 The sewer servitude 2 meters wide as indicated on the General Plan.

4.1.2.3 A stormwater servitude 6 meters wide on north-western corner of the erf as indicated on the General Plan.

4.1.2.4 A stormwater servitude 6 meters wide on north-eastern corner of the erf as indicated on the General Plan.

4.1.2.5 A proposed right of way servitude for purposes of a turning circle, measuring approximately 452m² in extent as indicated on the General Plan.

4.1.2.6 A sewer and stormwater servitude 5 meters wide, along the southern boundary of the township, as indicated on the General Plan.

4.1.2.7 A sewer servitude along part of the northern boundary as indicated on the General Plan.

4.1.3 ERVEN 4660 AND 4661

The erf is subject to a servitude of varying width for, road widening and municipal purposes along the southern boundary of the erven, measuring approximately 759 m² as indicated on the General Plan.

4.1.4 ERF 4660

The erf in its entire extent will be subject to a right of way servitude in favour of the Municipality and the General Public.

4.2 ALL ERVEN SUBJECT TO THE FOLLOWING NEWLY IMPOSED CONDITIONS IN FAVOUR OF CITY OF TSHWANE METROPOLITAN MUNICIPALITY:-

The owner or any successor in title may not effect any development on the subject property, prior to complying with the geological conditions as imposed by the City of Tshwane Metropolitan Municipality.

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