

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
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PROCLAMATION • PROKLAMASIE

PROCLAMATION 107 OF 2019

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 4006T

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Bergtuin Extension 4, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 4006T.

(CPD 9/1/1/1-BGTx4 054 (4006T))
(CPD 9/2/4/2-4006T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ SEPTEMBER 2019
(Notice 126/2019)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF BERGTUIN EXTENSION 4 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 Bergtuin Extension 4 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-BGTx4 054 (4006T))
(CPD 9/2/4/2-4006T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CURRO HOLDINGS LTD, 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 711 (A PORTION OF PORTION 256) OF THE FARM DERDEPOORT 326JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Bergtuin Extension 4.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 1598/2015.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane by and at the expense of the township owner:

Parks (public open space): Erf 106

1.4 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF ROADS AND TRANSPORT

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport has granted consent for the development.

1.5 ACCESS

Ingress from Moloto Street and Baviaanspoort Road to the township and egress to Road Moloto Street and Baviaanspoort Road from the township shall be restricted to the left in and left out on Baviaanspoort Road.

The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Roads and Transport.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Baviaanspoort Road and Moloto Street and he shall receive and dispose of the storm water running off or being diverted from the road.

The stormwater plan for this township 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, cul-de-sac's and lower lying erven must be drained to the satisfaction of the Municipality.

1.7 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/ Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along Baviaanspoort Road and Moloto Street, if and when the need arises to erect such screening.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.9 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.

1.10 REMOVAL OF LITTER

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

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

1.11 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.

1.12 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.

1.13 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.

1.14 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF BAVIAANSPOORT ROAD AND MOLOTO STREET

1.14.1 Provision shall be made for pedestrian movement along the northern side of Baviaanspoort Road and along the western side of Moloto Street to the satisfaction of the City of Tshwane.

1.14.2 The sidewalk and entrances along Baviaanspoort Road and Moloto Street shall be landscaped and planted with trees to the satisfaction of the City of Tshwane.

1.15 RESTRICTION 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 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. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE**2.1 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 township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 THE DEVELOPER'S OBLIGATIONS**2.2.1 PROVISION OF ENGINEERING DRAWINGS**

The developer must submit to the City of Tshwane 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 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 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 an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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 council 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.

All internal and external water-and sanitation infrastructure will be maintained by the Municipality and not by the non profit Company. The developer must furnish the City of Tshwane with a 10% guarantee of the estimate contract cost with regard to the water and sewerage services, issued by a recognized financial institution before the commence date of the contract and proof of this must be submitted to the City of Tshwane.

A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever is the latter.

2.2.4 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane must be notified of this without delay.

2.2.5 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the City of Tshwane in respect of every erf, in accordance with the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the City of Tshwane.

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.

2.2.6 PROOF OF DEED OF SALE AND FINANCING

The developer must submit proof that there is a valid and enforceable deed of sale between the developer and the buyer with regard to the sale of the relevant erf and the development of the erf by the developer in accordance with the approved plan. The developer must also provide proof that a loan for the proposed development has been approved in respect of each erf. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

3.1 Including the following servitude which affects Erf 106 in the township only:

- A. Kragtens Notariele Akte Nr 202/64-S gedateer 17 February 1964 is aan die Stadsraad van Pretoria die reg verleen om elekrisiteit oor die hiermee getransporteerde eiendom te vervoer tesame met bykomstige regte langs die lyn a b soos aangedui op Kaart SG Nr A 5477/65 daarby aangeheg soos meer ten volle sal blyk uit die gemelde Notariele Akte.

4. CONDITIONS OF TITLE

4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE 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 Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality 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 2m from thereof.

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

4.1.2 ERF 105

4.1.2.1 The erf shall be subject to a servitude for road purposes, 948m², in favour of the City of Tshwane, as indicated on the general plan. Upon submission of a certificate by the City of Tshwane to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.

4.1.2.2 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 thereof.

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

4.1.2.4 The erf shall be subject to a right of way servitude, 16.00 metres wide, in favour of the City of Tshwane, as indicated on the General Plan.

4.1.2.5 The erf shall be subject to a stormwater servitude, 5.00 metres wide, in favour of the City of Tshwane, as indicated on the General Plan.